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FEDERAL REGISTER

Vol. 85 Wednesday,
No. 107 June 3, 2020

Pages 34085–34352

OFFICE OF THE FEDERAL REGISTER

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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

Office of the Secretary

7 CFR Part 1

[Docket No. USDA–2020–0006]

RIN 0503–AA64

Review and Issuance of Agency Guidance Documents

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the U.S. Department of Agriculture's administrative regulations by adding procedural regulations for the review and issuance of agency guidance documents.

DATES: July 6, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen O'Neill, Office of Budget and Program Analysis, USDA, 1400 Independence Avenue SW, Washington, DC 20250–1400, (202) 720–0038.

SUPPLEMENTARY INFORMATION:

I. Background

On October 9, 2019, the President signed Executive Order 13891, ''Promoting the Rule of Law Through Improved Agency Guidance Documents.'' Section 4 of the order directs that, ''[w]ithin 300 days of the date on which [the Office of Management and Budget] issues an implementing memorandum under section 6 of this order, each agency shall, consistent with applicable law, finalize regulations, or amend existing regulations as necessary, to set forth processes and procedures for issuing guidance documents.''

In accordance with that direction, the United States Department of Agriculture (USDA) is amending its administrative regulations in 7 CFR part 1 to add a new Subpart Q, ''Review and Issuance of Agency Guidance Documents.'' These new regulations codify the process, review, and other requirements set forth in section 4 of the executive order.

II. Notice and Comment Not Required

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553(a)(2), notice of proposed rulemaking and opportunity to comment are not required.

III. Procedural Requirements

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this regulatory action does not meet the criteria for significant regulatory action pursuant to Executive Order 12866, Regulatory Planning and Review. 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.

The regulations added by this rule are intended to improve the internal management of USDA. As such, it is for the use of USDA personnel only and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies or other entities, its officers or employees, or any other person. Accordingly, we expect the economic impact of this rule, if any, to be minimal.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because USDA was not required to publish notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

This final rule imposes no new reporting or recordkeeping requirements necessitating clearance by OMB.

List of Subjects in 7 CFR Part 1

Administrative practice and procedure, Antitrust, Claims, Cooperatives, Courts, Equal access to justice, Fraud, Freedom of information, Government employees, Indemnity payments, Lawyers, Motion pictures, Penalties, Privacy.

Accordingly, we are amending 7 CFR part 1 as follows:

PART 1—ADMINISTRATIVE REGULATIONS

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

Authority: 5 U.S.C. 301, unless otherwise noted.

■ 2. Add Subpart Q, consisting of §§ 1.900 through 1.911, to read as follows:

Subpart Q—REVIEW AND ISSUANCE OF AGENCY GUIDANCE DOCUMENTS

Sec.
1.900 General.
1.901 Requirements for clearance.
1.902 Public access to effective guidance documents.
1.903 Good faith cost estimates.
1.904 Procedures for guidance documents identified as ''significant'' or ''otherwise of importance to the Department's interests.''
1.905 Designation procedures.
1.906 Notice-and-comment procedures.
1.907 Petitions for guidance.
1.908 Rescinded guidance.
1.909 Exigent circumstances.
1.910 Reports to Congress and GAO.
1.911 No judicial review or enforceable rights.

§ 1.900 General.

(a) This subpart governs all United States Department of Agriculture (USDA) employees and contractors involved with all phases of issuing USDA guidance documents.

(b) These procedures apply to all newly issued guidance documents and, in certain respects, guidance documents already in effect.

(c)(1) For purposes of this subpart, the term ''guidance document'' is defined as in Executive Order 13891 and means an agency statement of general applicability, intended to have future effect on the behavior of regulated parties, that sets forth a policy on a statutory, regulatory, or technical issue, or an interpretation of a statute or regulation.

(2) The term is not confined to formal written documents; guidance documents may come in a variety of forms, including (but not limited to) letters, memoranda, circulars, bulletins, advisories, and may include video, audio, and Web-based formats. See Office of Management and Budget's (OMB) Bulletin 07–02, ''Agency Good Guidance Practices,'' 72 FR 3432, 3434,

3439 (January 25, 2007) (''OMB Good Guidance Bulletin'')

(d) ''Guidance document'' does not include the following:

(1) Rules promulgated pursuant to notice and comment under 5 U.S.C. 553 or similar statutory provisions;

(2) Rules exempt from rulemaking requirements under 5 U.S.C. 553(a);

(3) Rules of agency organization, procedure, or practice;

(4) Decisions of agency adjudications under 5 U.S.C. 554 or similar statutory provisions;

(5) Internal guidance directed to the issuing agency or other agencies that is not intended to have substantial future effect on the behavior of regulated parties;

(6) Internal executive branch legal advice or legal opinions addressed to executive branch officials;

(7) Agency statements of specific applicability, including advisory or legal opinions directed to particular parties about circumstance-specific questions (*e.g.,* case or investigatory letters responding to complaints, warning letters), notices regarding particular locations or facilities (*e.g.,* guidance pertaining to the use, operation, or control of a government facility or property), and correspondence with individual persons or entities (*e.g.,* congressional correspondence), except documents ostensibly directed to a particular party but designed to guide the conduct of the broader regulated public;

(8) Agency statements that do not set forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statute or regulation, including speeches and presentations, editorials, media interviews, press materials, or congressional testimony that do not set forth for the first time a new policy or interpretation;

(9) Grant solicitations and awards; or

(10) Contract solicitations and awards.

(e) The term ''significant guidance document'' means a guidance document that may reasonably be anticipated to:

(1) Lead to an annual effect on the economy of $100 million or more or adversely affect in a material way the U.S. economy, a sector of the U.S. economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles of E.O. 12866.

(f) The term ''significant guidance document'' does not include the categories of documents excluded in writing by OMB's Office of Information and Regulatory Affairs (OIRA).

(g) Significant guidance documents must be reviewed by OIRA before issuance and must demonstrate compliance with the applicable requirements for regulations or rules, including significant regulatory actions, set forth in Executive Orders 12866, 13563, 13609, 13771, and 13777.

§ 1.901 Requirements for clearance.

Each USDA agency that issues a guidance document shall ensure that the guidance document satisfies the following requirements:

(a) The guidance document complies with all applicable statutes and regulations;

(b) The guidance document identifies or includes:

(1) The term ''guidance'' or its functional equivalent;

(2) The issuing agency and agency component, as applicable;

(3) A unique identifier, including, at a minimum, the date of issuance and title of the document and its Z–RIN, if applicable;

(4) The activity or entities to which the guidance document applies;

(5) Citations to applicable statutes and regulations;

(6) A statement noting whether the guidance document is intended to revise or replace any previously issued guidance and, if so, sufficient information to identify the previously issued guidance; and

(7) A short summary of the subject matter covered in the guidance document at the top of the document.

(c) The guidance document does not use mandatory language, such as ''shall,'' ''must,'' ''required,'' or ''requirement,'' unless the language is describing an established statutory or regulatory requirement or is addressed to USDA employees or contractors and does not foreclose the Department's consideration of positions advanced by non-Federal entities.

(d) The guidance document is written in plain and understandable English;

(e) All guidance documents include a clear and prominent statement declaring that the contents of the document do not have the force and effect of law and are not meant to bind the public in any way, and the document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

§ 1.902 Public access to effective guidance documents.

Each USDA agency that issues guidance documents shall:

(a) Ensure all guidance documents in effect are on its website in a single, searchable, indexed database, and available to the public. Guidance documents that do not appear on the website are considered rescinded.

(b) Note on its website that guidance documents lack the force and effect of law, except as authorized by law or as incorporated into a contract.

(c) Maintain and advertise on its website a means for the public to comment electronically on any guidance documents that are subject to the notice-and comment procedures of this subpart and to submit requests electronically for issuance, reconsideration, modification, or rescission of guidance documents in accordance with this subpart.

(d) Designate an office to receive and address complaints from the public that a USDA agency is not following the requirements of OMB's Good Guidance Bulletin or is improperly treating a guidance document as a binding requirement.

§ 1.903 Good faith cost estimates.

(a) Each USDA agency that issues a guidance document shall, to the extent practicable, make a good faith effort to estimate the likely economic impact of the guidance document to determine whether the document might be significant.

(b) When a USDA agency is assessing or explaining whether it believes a guidance document is a ''significant guidance document,'' it shall, at a minimum, provide the same level of analysis that would be required for a determination of major/not major under the Congressional Review Act. When an agency determines that a guidance document will be significant, the agency shall conduct and publish an assessment of the potential costs and benefits of the regulatory action (which may entail a regulatory impact analysis) of the sort that would accompany a significant rulemaking, to the extent reasonably possible.

§ 1.904 Procedures for guidance documents identified as ''significant'' or ''otherwise of importance to the Department's interests.''

(a) For guidance documents proposed to be issued by an agency, if there is a reasonable possibility the guidance document may be considered ''significant'' or ''otherwise of importance to the Department's interests,'' or if the agency is uncertain whether the guidance document may

qualify as such, the agency shall email a copy of the proposed guidance document (or a summary of it) to the Office of Budget and Program Analysis (OBPA) for review and further direction before issuance. Each proposed guidance document determined to be significant or otherwise of importance to the Department's interests must be approved by the Mission Area Under Secretary before issuance. In such instances, OBPA shall obtain a Z–RIN and coordinate submission of the proposed guidance document to departmental reviewers as deemed necessary. For purposes of this rule, even if not ''significant,'' a guidance document shall be considered ''otherwise of importance to the Department's interests'' if it may reasonably be anticipated to:

(1) Relate to a major program, policy, or activity of the Department or a high-profile issue pending for decision before the Department;

(2) Involve one of the Secretary's top policy priorities;

(3) Garner significant press or congressional attention; or

(4) Raise significant questions or concerns from constituencies of importance to the Department, such as Committees of Congress, States or Indian tribes, the White House or other departments of the Executive Branch, courts, consumer or public interest groups, or leading representatives of industry.

(b) USDA shall submit significant guidance documents to OMB for coordinated review. In addition, USDA may determine that it is appropriate to coordinate with OMB in the review of guidance documents that are otherwise of importance to the Department's interests.

(c) If the guidance document is determined by the proposing agency or OBPA to be not significant, the proposing agency shall issue the guidance document through its standard process.

§ 1.905 Designation procedures.

(a) To obtain a designation from OIRA, USDA agencies shall prepare and submit to OBPA a designation request for guidance documents. Designation requests must include the following information:

(1) A summary of the guidance document; and

(2) The agency's recommended designation of ''not significant,'' or ''significant,'' as well as a justification for that designation.

(b) OBPA shall seek a significance determination from OIRA for guidance documents, as appropriate, in the same manner as for rulemakings. Prior to publishing a guidance document, and with sufficient time to allow OIRA to review the document in the event that it is designated ''significant,'' USDA shall provide OIRA with an opportunity to review the designation request or the guidance document, if requested, to determine if it meets the definition of ''significant'' under Executive Order 13891.

§ 1.906 Notice-and-comment procedures.

(a) Except as provided in paragraph (b) of this section, a proposed USDA guidance document determined to be a ''significant guidance document'' shall be subject to the following informal notice-and-comment procedures. The issuing agency shall publish a notice in the **Federal Register** announcing that a draft of the proposed guidance document is publicly available, shall post the draft guidance document on its website, shall invite public comment on the draft document for a minimum of 30 days, make the public comments available for public review on its website, and shall prepare and post a public response to major concerns raised in the comments, as appropriate, on its website, either before or when the guidance document is finalized and issued.

(b) The requirements of paragraph (a) of this section will not apply to any significant guidance document or categories of significant guidance documents for which OBPA finds, in consultation with OIRA, the proposing agency, and the Office of the Secretary, good cause that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest (and incorporates the finding of good cause and a brief statement of reasons therefor in the guidance document issued).

(c) Where appropriate, the proposing agency may recommend to OBPA that a particular guidance document that is otherwise of importance to the Department's interests shall also be subject to the informal notice-and-comment procedures described in paragraph (a) of this section.

§ 1.907 Petitions for guidance.

Any person may petition a USDA agency to withdraw or modify a particular guidance document. Petitions may be submitted by postal mail to: Guidance Officer, Office of Budget and Program Analysis, USDA, 1400 Independence Avenue SW, Washington, DC 20250–1400. Email petitions may be sent to *guidance.inquiries@usda.gov.* The agency shall respond to all requests in a timely manner, but no later than 90 days after receipt of the request.

§ 1.908 Rescinded guidance.

No USDA agency may cite, use, or rely on guidance documents that are rescinded, except to establish historical facts.

§ 1.909 Exigent circumstances.

In emergency situations or when the issuing agency is required by statutory deadline or court order to issue guidance documents more quickly than this subpart's review procedures allow, the issuing agency shall coordinate with OBPA to notify OIRA as soon as possible and, to the extent practicable, shall comply with the requirements of this subpart at the earliest opportunity. Wherever practicable, the issuing agency shall schedule its proceedings to permit sufficient time to comply with the procedures set forth in this subpart.

§ 1.910 Reports to Congress and GAO.

Unless otherwise determined in writing, it is the policy of USDA that upon issuing a guidance document determined to be ''significant,'' the issuing agency shall submit a report to Congress and the Government Accountability Office in accordance with the procedures described in 5 U.S.C. 801 (the Congressional Review Act).

§ 1.911 No judicial review or enforceable rights.

This subpart is intended to improve the internal management of USDA. As such, it is for the use of USDA personnel only and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies or other entities, its officers or employees, or any other person.

Stephen L. Censky,

Deputy Secretary, U.S. Department of Agriculture.

[FR Doc. 2020–09886 Filed 6–2–20; 8:45 am]

BILLING CODE 3410–90–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2016–0082]

RIN 3150–AJ74

American Society of Mechanical Engineers 2015–2017 Code Editions Incorporation by Reference; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a rule that was published in the **Federal Register** on May 4, 2020, regarding its regulations to incorporate by reference the 2015 and 2017 Editions of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and the 2015 and 2017 Editions of the American Society of Mechanical Engineers Operation and Maintenance of Nuclear Power Plants, Division 1: OM Code: Section IST, for nuclear power plants. This action is necessary to correct a code case reference and an amendatory instruction.

DATES: Effective June 3, 2020.

ADDRESSES: Please refer to Docket ID NRC–2016–0082 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2016–0082. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.*
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- *Attention:* The Public Document Room (PDR), where you may examine and order copies of public documents is currently closed. You may submit your request to the PDR via email at *PDR.Resource@nrc.gov* or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jill Shepherd, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1230; email: *Jill.Shepherd@nrc.gov.*

SUPPLEMENTARY INFORMATION: In FR Doc. 2020–08855 appearing on page 26576 in the **Federal Register** of Monday, May 4, 2020, the following corrections are made:

§ 50.55a [Corrected]

■ 1. On page 26576, in the first column, instruction 2.j. is corrected to read ''Revise paragraphs (a)(1)(iv)(C)(*1*) through (*3*);'';

■ 2. On page 26580, in the first column, in paragraph (g)(6)(ii)(D)(*3*) the phrase ''ASME BPV Code Case N–729–4'' is corrected to read ''ASME BPV Code Case N–729–6''.

Dated May 13, 2020.

For the Nuclear Regulatory Commission.

Cindy K. Bladey,

Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2020–10716 Filed 6–2–20; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0547; Project Identifier MCAI–2020–00270–E; Amendment 39–21138; AD 2020–12–03]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (Type Certificate Previously Held by Rolls-Royce plc) Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Rolls-Royce Deutschland Ltd & Co KG Trent XWB–97 model turbofan engines. This AD requires updating electronic engine control (EEC) software. This AD was prompted by the manufacturer's finding that a P30 (air pressure) sense line could become partially blocked with a mixture of ice and water, which would cause a time-lag in the P30 signal, interfering with the fuel flow limit calculations. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 18, 2020.

The FAA must receive comments on this AD by July 20, 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 service information identified in this final rule, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, 15827 Blankenfelde-Mahlow, Germany; phone: +49 (0) 33 708 6 0; email: *https://www.rolls-royce.com/contact-us.aspx.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0547.

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–2020–0547; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), 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: Stephen Elwin, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7236; fax: 781–238–7199; email: *stephen.l.elwin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2020–0035, dated February 26, 2020 (referred to after this as ''the MCAI''), to address an unsafe condition for the specified products. The MCAI states:

> During ground tests, it was found that a P30 (air pressure) sense line could become partially blocked with a mixture of ice and water, which would cause a time-lag in the

P30 signal, interfering with the fuel flow limit calculations.

This condition, if not corrected, could lead to loss of thrust control, possibly resulting in reduced control of the aeroplane.

To address these potential unsafe conditions, Rolls-Royce defined a new EEC SW, XWB_97–7.0, P/N RRY23XWB0001024, which corrects these issues.

For the reasons described above, this [EASA] AD requires updating the EEC SW. This [EASA] AD also prohibits installation of affected SW on any engine.

You may obtain further information by examining the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0547.

Related Service Information

The FAA reviewed Rolls-Royce plc Alert Service Bulletin (ASB) Trent XWB 73–AK304, dated November 8, 2019. The ASB describes procedures for updating the EEC software.

FAA's Determination

This product has been approved by EASA and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI. The FAA is issuing this AD because it evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires updating the EEC software with EEC software that is eligible for installation within 365 days after the effective date of this AD.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C.) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking. Similarly, Section 553(d) of the APA authorizes agencies to make rules effective in less than 30 days, upon a finding of good cause.

The FAA has found the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because no domestic operators use this product. It is unlikely that the FAA will receive any adverse comments or useful information about this AD from U.S. operators. Therefore, the FAA finds good cause that notice and opportunity for prior public comment are unnecessary. In addition, for this same reason, 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 was not preceded by notice and an opportunity for public comment. However, the FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2020–0547 and Project Identifier MCAI–2020–00270–E at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this final rule contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this final rule, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Stephen Elwin, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 0 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install EEC software	1 work-hour × $85 per hour = $85	$0	$85	$0

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of

that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed above, I certify 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):

2020–12–03 Rolls-Royce Deutschland Ltd & Co KG (Type Certificate previously held by Rolls-Royce plc): Amendment 39–21138; Docket No. FAA–2020–0547; Project Identifier MCAI–2020–00270–E.

(a) Effective Date

This AD is effective June 18, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce Deutschland Ltd. & Co KG (Type Certificate previously held by Rolls-Royce plc) Trent XWB–97 model turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7200, Engine (Turbine/Turboprop).

(e) Unsafe Condition

This AD was prompted by the manufacturer's finding that a P30 (air pressure) sense line could become partially blocked with a mixture of ice and water, which would cause a time-lag in the P30 signal, interfering with the fuel flow limit calculations. The FAA is issuing this AD to prevent interference with the fuel flow limit calculations within the engine control system. The unsafe condition, if not addressed, could result in loss of thrust control and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

Within 365 days after the effective date of this AD, update the electronic engine control (EEC) software with EEC software that is eligible for installation.

(h) Definition

For the purpose of this AD, EEC software eligible for installation is EEC software XWB_97–7.0, part number RRY23XWB0001024, or later.

(i) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Related Information

(1) For more information about this AD, contact Stephen Elwin, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7236; fax: 781–238–7199; email: *stephen.l.elwin@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2020–0035, dated February 26, 2020, for more information. You may examine the EASA AD in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating it in Docket No. FAA–2020–0547.

(k) Material Incorporated by Reference

None.

Issued on May 29, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–11983 Filed 6–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0461; Product Identifier 2020–NM–065–AD; Amendment 39–19915; AD 2020–11–11]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 777 airplanes. This AD requires a repetitive check of the fuel quantity indicating system (FQIS) fuel quantity calculation for the center wing tank (CWT) fuel quantity, developing a process to provide documentation to the flight crew that this check was done, and revising the existing airplane flight manual (AFM) to incorporate verification procedures and flight crew awareness. This AD was prompted by reports of discrepancies between the FQIS fuel quantity and the refueling truck uploaded fuel amount, followed by certain engine-indicating and crew-alerting system (EICAS) messages. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 18, 2020.

The FAA must receive comments on this AD by July 20, 2020.

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

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

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0461; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday

through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

Kevin Nguyen, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3555; email: *kevin.nguyen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA has received reports involving discrepancies between the airplane FQIS, specifically the CWT fuel quantity, and the refueling truck uploaded fuel amount, followed by a FUEL DISAGREE EICAS message at an early stage of flight (*e.g.,* within 3 hours after take off), and/or with an INSUFFICIENT FUEL EICAS message. There have been at least 25 in-service events reported by operators. In at least 16 of these events, the airplanes continued with the mission; of those, 6 landed at the destination airport, and 10 had to land at a diversion airport. Insufficient fuel in the CWT as a result of this discrepancy is due to a design flaw in the FQIS in which the FQIS calibrates incorrect velocity of sound in the jet fuel during center tank fueling, which leads to an improper fuel density calculation, and results in the FQIS showing a different fuel amount from the actual fuel quantity in the CWT. In almost all of the events, the FQIS showed more fuel than the actual fuel quantity in the CWT, resulting in less fuel on the airplane than the required fuel load for the mission. Alternatively, the FQIS could show less fuel than the actual fuel quantity in the CWT, resulting in more fuel on the airplane than the required fuel load for the mission. This issue affects only the CWT and not the main tanks.

There are practical difficulties in comparing the fuel quantity uploaded by the refueling truck or hydrant. The fueling system relies on the airplane FQIS to report the mass (kilograms or pounds) of fuel onboard and stops the fueling process when the requested fuel for the next flight is onboard. The refueling trucks then report the volume (liters or gallons) of fuel that was uploaded because fuel is paid for by a volume measurement. Comparing the fuel volume upload with the final fuel load mass, which also accounts for the remaining fuel in the tanks from previous flight, is not an easy calculation and is prone to significant inaccuracies. The existing airplane maintenance manual and operator fueling procedures require verification that the correct fuel amount required for the current mission has been loaded onto the airplane. The FAA has received reports that verification tasks are either not accomplished or done incorrectly. As a result, the flight crew may be unaware of insufficient fuel loaded in the CWT and the airplane is dispatched for the mission. The airplane onboard fuel management system typically reports fuel quantity anomalies within the first three hours of flight resulting in a FUEL DISAGREE EICAS message and/or an INSUFFICIENT FUEL EICAS message that necessitates fuel check (*e.g.,* leak check) and fuel quantity monitoring. These messages may require the flight crew to take action, such as performing an air turn back or a diversion.

Discrepancies in the CWT FQIS fuel quantity and the refueling truck uploaded fuel amount could result in an airplane dispatched with insufficient fuel loaded in the CWT and with the flight crew unaware of the insufficient fuel prior to departure. This condition, coupled with continued flight to the destination airport after receiving the EICAS messages while en route to the destination, could result in fuel exhaustion and subsequent power loss of all engines. Thereby, resulting in the inability to land at the destination airport or at a diversion airport, possibly leading to uncontrolled flight into terrain.

FAA's Determination

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

AD Requirements

This AD requires a repetitive check of the FQIS fuel quantity calculation and display of the CWT fuel quantity through a new procedure, Refueling Station Door Cycling Procedure, developing a process to provide documentation to the flight crew that this check was done, and revising the existing AFM to incorporate verification procedures for flight crew awareness.

Interim Action

The FAA considers this AD interim action. The FAA has been coordinating with Boeing in the development of a modification that will address the unsafe condition identified in this AD. However, due to the urgency of the unsafe condition and due to additional time needed for Boeing to develop the modification, the FAA has determined that interim action is necessary. Once the modification is developed, approved, and available, the FAA might consider additional rulemaking.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because discrepancies in the CWT FQIS fuel quantity and the refueling truck uploaded fuel amount could result in an airplane dispatched with insufficient fuel loaded in the CWT and with the flight crew unaware of the insufficient fuel prior to departure. This condition, coupled with continued flight to the destination airport after receiving the EICAS messages while en route to the destination, could result in fuel exhaustion and subsequent power loss of all engines. Thereby, resulting in the inability to land at the destination airport or at a diversion airport, possibly leading to uncontrolled flight into terrain. Additionally, the compliance time for the required action is shorter than the time necessary for the public to comment and for publication of the final rule. Therefore, the FAA finds good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons 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 was not preceded by notice and an opportunity for public comment. However, the FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2020–0461 and Product Identifier 2020–NM–065–AD at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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 final rule.

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.

Costs of Compliance

The FAA estimates that this AD affects 255 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Refueling Station Door Cycling Procedure.	1 work-hour × $85 per hour = $85 per check.	$0	$85 per check	$21,675 per check.
AFM revision	1 work-hour × $85 per hour = $85	0	$85	$21,675.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–11–11 The Boeing Company: Amendment 39–19915; Docket No. FAA–2020–0461; Product Identifier 2020–NM–065–AD.

(a) Effective Date

This AD is effective June 18, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 777–200, –200LR, –300, –300ER, and 777F series airplanes, certificated in any category, equipped with a Center Wing Tank (CWT) having a capacity of 26,100 U.S. gallons or greater.

(d) Subject

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

(e) Unsafe Condition

The FAA is issuing this AD to address discrepancies in the CWT fuel quantity indicating system (FQIS) fuel quantity and the refueling truck uploaded fuel amount, which could result in an airplane dispatched with insufficient fuel loaded in the CWT and with the flight crew unaware of the insufficient fuel prior to departure. This condition, coupled with continued flight to the destination airport after receiving engine-indicating and crew-alerting system (EICAS) messages while en route to the destination, could result in fuel exhaustion and subsequent power loss of all engines. Thereby, resulting in the inability to land at the destination airport or at a diversion airport, possibly leading to uncontrolled flight into terrain.

(f) Compliance

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

(g) CWT Fuel Quantity Check—''Refueling Station Door Cycling Procedure''

Within 30 days after the effective date of this AD: Check the fuel quantity of the CWT by doing the ''Refueling Station Door Cycling Procedure'' as specified in paragraphs (g)(1) through (6) of this AD. Thereafter, check the fuel quantity of the CWT as specified in paragraphs (g)(1) through (6) of this AD before further flight after any center tank fueling (adding or removing fuel).

(1) Get access to the refueling station door and integrated refuel panel on the left wing.

(2) Close and latch the refueling station door on the left wing for a minimum of five (5) seconds. If installed, make sure the right wing refueling station door is closed.

(3) Re-open the refueling station door and wait for the fuel quantity display to reset.

(4) Make sure that the center or total fuel tank quantities still remain within fuel load sheet requirements. If the fuel quantity is incorrect then accomplish actions specified in paragraphs (g)(4)(i) and (ii) of this AD.

(i) Adjust fuel loading as applicable for fuel upload parameters. Refer to operator's refuel procedures for adjusting the fuel load.

(ii) Repeat the ''Refueling Station Door Cycling Procedure,'' starting at paragraph (g)(2) of this AD.

(5) Close the refueling station door.

(6) Notify the operator after the ''Refueling Station Door Cycling Procedure'' has been done, and correct fuel load verified.

(h) Process To Provide Documentation to the Flight Crew

Within 30 days after the effective date of this AD, submit a process to the FAA (Flight Standards) for approval that describes at the end of the fueling process and before each flight how documentation is provided to the flight crew that the CWT fuel quantity check using the ''Refueling Station Door Cycling Procedure'' specified in paragraph (g) of this AD was done.

(i) Airplane Flight Manual (AFM) Revision Requiring Flight Crew Verification

(1) Within 30 days after the effective date of this AD: Revise the ''Certificate Limitations: Fuel Quantity Indication System

(FQIS)'' section of the operator's existing AFM by incorporating the information specified in figure 1 to paragraph (i)(1) of this AD.

Figure 1 to paragraph (i)(1) - *Certificate Limitations: Center Wing Tank Fuel Quantity Check*

Certificate Limitations: Fuel Quantity Indication System (FQIS) (Required by AD 2020-11-11)

Operating limitation requiring flight crew verification that the aircraft refueling station door was cycled.

When fuel is added to or removed from the center fuel tank, the Flight Crew must acknowledge they have received notification that the aircraft refueling station door has been cycled in accordance with the Normal Procedures Section procedure titled: Fuel Quantity Indication System (FQIS) *Refueling Station Door Cycling Procedure*

(2) Within 30 days after the effective date of this AD: Revise the ''Normal Procedures: Fuel Quantity Indication System (FQIS)—Refueling Station Door Cycling Procedure'' section of the operator's existing AFM by incorporating the information specified in figure 2 to paragraph (i)(2) of this AD.

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Figure 2 to paragraph (i)(2) - *Normal Procedures: Center Wing Tank Fuel Quantity Check*

Normal Procedures: Fuel Quantity Indication System (FQIS) ***Refueling Station Door Cycling Procedure (*****Required by AD 2020-11-11)**

Note: The flight crew is not expected to complete this procedure but is required to acknowledge that the procedure has been completed.

A fault has been discovered in the fuel quantity indication system (FQIS) where the calculated and displayed fuel quantity can be significantly different from the actual fuel load onboard.

To correct the inaccurate fuel load indication, perform the following after every CWT fueling (adding or removing fuel) and before further flight:
a) Get access to the refueling station door and integrated refuel panel on the left wing.

b) Close and latch the refueling station door on the left wing for a minimum of five (5) seconds. If installed, make sure the right wing refueling station door is closed.

c) Re-open the refueling station door and wait for the fuel quantity display to reset.

d) Make sure that the center or total fuel tank quantities still remain within fuel load sheet requirements. If the fuel quantity is incorrect then accomplish the following actions:

1) Adjust fuel loading as applicable for fuel upload requirements per the operator's refuel procedures.

2) Repeat the "Refueling Station Door Cycling Procedure," starting at step b).

e) Close the refueling station door.

f) Notify the operator after the "Refueling Station Door Cycling Procedure" has been done, and correct fuel load verified.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/ certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(k) Related Information

For more information about this AD, contact Kevin Nguyen, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3555; email: *kevin.nguyen@faa.gov.*

(l) Material Incorporated by Reference

None.

Issued on May 28, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–11993 Filed 5–29–20; 4:15 pm]

BILLING CODE 4910–13–C

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2019–0003; T.D. TTB–160; Ref: Notice No. 181]

RIN 1513–AC52

Establishment of the Tualatin Hills and Laurelwood District Viticultural Areas

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the approximately 144,000-acre ''Tualatin Hills'' viticultural area in portions of Multnomah and Washington Counties, Oregon, and the approximately 33,600-acre ''Laurelwood District'' viticultural area in portions of Washington and Yamhill Counties, Oregon. TTB is establishing both viticultural areas in the same document because a small portion of their boundaries is contiguous. The two viticultural areas lie entirely within the established Willamette Valley viticultural area. The Laurelwood District viticultural area is also entirely within the established Chehalem Mountains viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: This final rule is effective July 6, 2020.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury 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. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Order 120–01, dated December 10, 2013 (superseding Treasury Order 120–01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of these laws.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission to TTB of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA boundary;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon;
- An explanation showing the proposed AVA is sufficiently distinct from an existing AVA so as to warrant separate recognition, if the proposed AVA is to be established within, or overlapping, an existing AVA; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Tualatin Hills Petition

TTB received a petition from Rudolf Marchesi, president of Montinore Estate, Alfredo Apolloni, owner and winemaker of Apolloni Vineyards, and Mike Kuenz, general manager of David Hill Vineyard and Winery, on behalf of themselves and other local grape growers and vintners, proposing the establishment of the ''Tualatin Hills'' AVA in portions of Multnomah and Washington Counties.

The proposed Tualatin Hills AVA is located in Oregon, lies entirely within the established Willamette Valley AVA (27 CFR 9.90), and covers approximately 144,000 acres. There are 33 commercially-producing vineyards covering a total of approximately 860.5 acres, as well as 21 wineries, within the proposed AVA. According to the petition, the distinguishing features of the proposed Tualatin Hills AVA are its soils, elevation, and climate.

The soils of the proposed AVA are described as primarily Laurelwood soils and similar associated types, such as Kinton and Cornelius soils, with almost no exposed volcanic or marine sedimentary soil types. The Laurelwood soils are derived from weathered basalt and loess and are fine, silty soils with no rocks. The soils generally have low levels of organic material and a high clay content, making them moderately fertile without promoting overly vigorous vine growth. The soils reach depths of up to 100 feet which, when combined with the high clay content, reduces the need for irrigation in most vineyards within the proposed AVA.

The petition describes Laurelwood soils as unique to the northwestern portion of the established Willamette Valley AVA, which includes the proposed Tualatin Hills AVA. According to the petition, the only place outside the proposed AVA where Laurelwood soils occur is on the northeast-facing slopes of the

established Chehalem Mountains AVA, within the proposed Laurelwood District AVA. However, the petition notes that the Laurelwood soils within the Chehalem Mountains AVA are frequently mixed with volcanic, sedimentary, and alluvial soils. To the north of the proposed Tualatin Hills AVA, the soils formed primarily from volcanic material from eruptions near the Oregon-Washington-Idaho border between 6 and 17 million years ago and contain very little loess and no Laurelwood series soils. West of the proposed AVA, the soils are primarily Coastal sediment soils originating from volcanic soils and marine uplifted soils that formed 50 million years ago. To the south of the proposed AVA within the established Chehalem Mountains AVA, the soils are also formed primarily from marine sediments, although the soils are sometimes striated with older decomposing basalt and volcanic materials. To the east of the proposed AVA, the soils are primarily formed from Columbia River basalt and sedimentary materials.

The proposed Tualatin Hills AVA is located in the upland hills of the Tualatin River watershed and encompasses elevations between 200 and 1,000 feet, which is generally considered the upper limit for growing commercial wine grapes in this region of Oregon. Furthermore, the petition states that elevations below 200 feet were excluded because the lower elevations are relatively flat and more susceptible to frost. The proposed AVA is surrounded to the north and west by the higher elevations of the Coastal Range, which typically exceed 1,000 feet. To the east of the proposed AVA is the broad, flat plain of the Tualatin River Valley, where elevations are generally below 200 feet. The petition notes that there is a small region between the northeast corner and the southeast corner of the proposed AVA that has similar elevations to the proposed AVA. However, this region was not included in the proposed AVA because it is within the urban development zone of metro Portland and is currently used for commercial and residential buildings and public parks; there is no commercial viticulture in this area. To the south and southeast of the proposed AVA are the Chehalem Mountains, which includes elevations of over 1,000 feet and, according to the petition, are considered to be a separate, distinct landform from the uplands within the proposed Tualatin Hills AVA.

The climate of the proposed Tualatin Hills AVA is characterized by average annual rainfall amounts of 43.67 inches, which is lower than annual rainfall amounts in the regions to the west and north, and higher than amounts in the regions to the east and south. The moderate rainfall amounts discourage the growth of mold and mildew in vineyards within the AVA. Differences between daytime high temperatures and nighttime low temperatures, referred to as diurnal temperature variations, are greater in the proposed AVA than in the all the surrounding regions except the region to the south. Greater diurnal variations slow the development of sugars and reduce acid loss in grapes, allowing grape varietals that require a long growing season to fully develop their flavor and aroma compounds.

Laurelwood District Petition

TTB received a petition from Luisa Ponzi, president of Ponzi Vineyards, Maria Ponzi, winemaker of Ponzi Vineyards, and Kevin Johnson, winemaker of Dion Vineyards, on behalf of themselves and other local grape growers and vintners, proposing the establishment of the ''Laurelwood'' AVA. However, at the request of TTB, the petitioners agreed to add the word ''District'' to the proposed name, in order to avoid a potential impact on current label holders who are using ''Laurelwood'' as a brand name or fanciful name on their wine labels. The proposed Laurelwood District AVA is located west of the city of Portland and lies entirely within the established Willamette Valley AVA and the established Chehalem Mountains AVA. The proposed Laurelwood District AVA covers approximately 33,600 acres and contains 25 wineries and approximately 70 commercially-producing vineyards that cover a total of approximately 975 acres.

According to the petition, the distinguishing feature of the proposed Laurelwood District AVA is the predominance of the Laurelwood soil series. Although Laurelwood soil exists outside the proposed Laurelwood District AVA, specifically within the proposed Tualatin Hills AVA to the northwest, the petition states that there are differences between the Laurelwood soil of the proposed Laurelwood District AVA and the Laurelwood soil of the proposed Tualatin Hills AVA. For instance, the Laurelwood soil of the proposed Laurelwood District AVA consists of loess combined with basalt that is older than the basalt found in the Laurelwood soil of the proposed Tualatin Hills AVA. However, the petition states that the primary distinction between the soils of the two proposed AVAs is the contiguity of Laurelwood soil within the proposed Laurelwood District AVA. Within the proposed Tualatin Hills AVA, large concentrations of Laurelwood soil are dispersed throughout, separated by regions without Laurelwood soils. By contrast, within the proposed Laurelwood District AVA, Laurelwood soil covers the entirety of the proposed AVA. Additionally, within the proposed Tualatin Hills AVA, Laurelwood soil is often mixed with related soil series, particularly Kinton and Cornelius soils. Within the proposed Laurelwood District AVA, Kinton and Cornelius soils exist only in small, isolated pockets along the eastern edge.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 181 in the **Federal Register** on June 19, 2019 (84 FR 28442), proposing to establish the Tualatin Hills and Laurelwood District AVAs. In the notice, TTB summarized the evidence from the two petitions regarding the name, boundary, and distinguishing features for the proposed AVAs. The notice also compared the distinguishing features of the proposed AVAs to the surrounding areas. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVAs, and for a detailed comparison of the distinguishing features of the proposed AVAs to the surrounding areas, see Notice No. 181.

In Notice No. 181, TTB solicited comments on the accuracy of the name, boundary, and other required information submitted in support of the petition. In addition, given the proposed Tualatin Hills and Laurelwood District AVA's location within the Willamette Valley AVA, TTB solicited comments on whether the evidence submitted in the petition regarding the distinguishing features of the two proposed AVAs sufficiently differentiates them from the Willamette Valley AVA. TTB also requested comments on whether the geographic features of the proposed AVAs are so distinguishable from the Willamette Valley AVA that the proposed AVAs should no longer be part of the established AVA. TTB solicited comments on whether distinguishing features of the proposed Laurelwood District sufficiently differentiate it from the established Chehalem Mountains AVA, and if the features of the proposed AVA are so distinctive that it should no longer be part of the established Chehalem Mountains AVA. Finally, TTB also solicited comments on whether the distinguishing features of the proposed Laurelwood District AVA sufficiently differentiate it from the proposed

neighboring Tualatin Hills AVA, and on whether the distinguishing features of the proposed Tualatin Hills AVA sufficiently differentiate it from the proposed Laurelwood District AVA. The comment period closed August 19, 2019.

Comments Received on the Proposed Tualatin Hills and Laurelwood District AVAs

In response to Notice No. 181, TTB received a total of nine comments. Of the nine comments, only one comment (comment 3) specifically mentioned the proposed Tualatin Hills AVA. That comment, submitted by a local wine industry member with vineyards in both of the proposed AVAs, supported the establishment of the proposed Tualatin Hills AVA as a way to inform consumers of the region's characteristics, which he believes are unique from the surrounding regions, including the proposed Laurelwood District AVA. None of the comments opposed the establishment of the proposed Tualatin Hills AVA or its inclusion within the established Willamette Valley AVA.

All nine of the comments TTB received mentioned the proposed Laurelwood District AVA. Three of the comments, comments 1, 4, and 5, did not oppose establishing this AVA, but expressed opposition to the proposed Laurelwood District AVA name. The opposing comments generally state the belief that naming an AVA after a soil type would be misleading, as it would imply that the soil is found only within that AVA, when in fact there are vineyards outside the proposed AVA that are planted entirely on Laurelwood soil. As a result, consumers would be confused by wines made outside the proposed Laurelwood District AVA that claim that the grapes were grown in Laurelwood soils. Comment 4 stated that allowing an AVA to be named after a soil type would ''set a dangerous precedent'' and could lead to the creation of other AVAs that treat the name of a soil type as if it were ''solely proprietary.'' Comment 4 was the only comment to suggest alternative names for the proposed AVA, including ''North Slope,'' ''Laurel,'' ''Mountainside,'' ''Fern Hill, ''Spring Hill,'' ''Midway,'' and ''Mountain Home.'' Comment 4 appeared to favor the name ''North Slope,'' noting that 91 percent of the wine wholesalers the commenter surveyed in his work as a director of wine sales for a local winery preferred that name to ''Laurelwood District.'' Comment 4 also claimed that the website of Ponzi Vineyards, one of the petitioners for the proposed Laurelwood District AVA, uses the phrase ''North Slope'' to refer to the vineyard's location.

Six of the comments support the establishment of the Laurelwood District AVA as proposed. The supporting comments all came from self-identified local wine industry members. The comments generally support the proposed Laurelwood District AVA due to the prevalence of the Laurelwood soil, and believe that the establishment of the proposed AVA would provide consumers with more information about the origin of the grapes in the wine, rather than cause confusion. Comment 6 also stated the belief that there is ample evidence that the region of the proposed AVA is known as ''Laurelwood,'' but did not provide any additional examples.

TTB Response to Opposing Comments

TTB believes that the commenters who oppose the proposed ''Laurelwood District'' AVA name may misunderstand the rationale for the proposed name and what limitations its establishment would place on the use of the Laurelwood soil name on a wine label or in advertising. Although the prominent soil series in both the proposed Tualatin Hills and Laurelwood District AVAs is called ''Laurelwood,'' the proposed Laurelwood District AVA does not derive its name from the soil but from the community of Laurelwood, which, according to the petition, was named after a school built in the area in 1904. The soil series was first formally identified by the USDA in 1974,[1] on Iowa Hill within the proposed AVA. Establishment of the proposed Laurelwood District AVA would not set a precedent of naming AVAs after a soil series because § 9.12(a)(1) of the TTB regulations requires a petitioner to provide evidence that the region is referred to by the proposed name. If the proposed name refers only to a soil series, the name would not meet the regulatory requirements. TTB has determined that the petition provided sufficient evidence to demonstrate that the name ''Laurelwood'' applies to the larger region surrounding the community of Laurelwood, including the region of the proposed AVA, and that the name does not apply solely to the soil series.

Furthermore, TTB notes that at least 20 established AVAs share their names with soils or soil series. For example, Comment 8, submitted in response to the proposed rulemaking, mentions The Rocks District of Milton-Freewater AVA (27 CFR 9.249), which shares its name with the Freewater soil series,[2] a soil series found within and outside of the AVA.[3] The Loess Hills District AVA (27 CFR 9.255) includes the word ''loess,'' which is the predominant type of soil found within the AVA but also exists elsewhere.[4] The Arroyo Seco AVA (27 CFR 9.59) shares its name with the Arroyo Seco soil series,[5] which is found within the AVA and elsewhere in Monterey County, California.[6] The establishment of these AVAs does not prohibit winemakers from mentioning the presence of the soil series in their vineyards, nor does it prohibit any other AVAs from containing these soils. Further, when established, no commenters expressed concern or opposition that these AVAs share names with a soil series found within and outside their boundaries.

Additionally, although the distinguishing feature of the proposed Laurelwood District AVA is the Laurelwood soil series, it is not merely the presence of this soil that defines the proposed AVA. The Laurelwood soil series does have a very narrow range, but it is found in some of the regions surrounding the proposed Laurelwood District AVA, including the proposed Tualatin Hills AVA. What primarily distinguishes the proposed Laurelwood District AVA from other regions that contain Laurelwood soil is the near-uniformity of the soil within the proposed boundaries. Soil maps included as Exhibit A–1 of the Tualatin Hills AVA petition and Figure 1 of the Laurelwood District AVA show that the soils of the proposed Laurelwood AVA consist almost entirely of Laurelwood series, whereas the proposed Tualatin Hills AVA has large patches of Laurelwood soils separated by expanses of soils from other series, including Kinton and Cornelius soils.[7] Because Exhibit A–1 was too large to include in the online public docket, TTB has placed a similar image of the entire extent of the Laurelwood soil series

[1] *https://soilseries.sc.egov.usda.gov/OSD_Docs/L/LAURELWOOD.html.*

[2] *https://soilseries.sc.egov.usda.gov/OSD_Docs/F/FREEWATER.html.*

[3] ''Petition to establish The Rocks District of Milton-Freewater American Viticultural Area, Oregon,'' Page 3, within Docket No. TTB–2014–0003 at *https://www.regulations.gov.*

[4] 80 FR 34857, 34858–34859, ''Notice of Proposed Rulemaking—Proposed Establishment of the Loess Hills District Viticultural Area.''

[5] *https://soilseries.sc.egov.usda.gov/OSD_Docs/A/ARROYO_SECO.html.*

[6] See Figure 5.8–1 of the Environmental Impact Report of the Rancho San Juan Specific Plan and HYH Property Project, *https://www.co.monterey.ca.us/home/showdocument?id=36998.*

[7] See Exhibits A–1 and Figure 1 in the docket number TTB–2019–0003 at *www.regulations.gov.*

obtained from the University of California–Davis Soil Series Extent Explorer [8] in the docket. Establishment of the AVA would not mean that TTB does not recognize the presence of Laurelwood soil in other regions or AVAs, only that TTB recognizes the ubiquity of the soil within the proposed AVA as the feature that distinguishes it from the surrounding regions.

TTB is proposing to make only the full name of the proposed Laurelwood District AVA a term of viticultural significance. Additionally, current label holders who use the word ''Laurelwood'' in a brand name would not be affected by the establishment of the Laurelwood District AVA.

Finally, although comment 4 provided some alternative names for the proposed Laurelwood District AVA, the comment only noted that the names were names of features or communities within the proposed AVA. The comment did not include evidence that the entire region of the proposed AVA is known by any of these alternative names, as required by § 9.12(a)(1). The link to the Ponzi Vineyards website included in the comment [9] does note that the family's vineyards are ''situated on the North slope (sic)'' of the Chehalem Mountains AVA, but it is unclear if this statement uses the phrase ''North slope'' more to describe the geographic orientation of the vineyards, rather than as the name of the entire region. Therefore, TTB cannot determine that ''North Slope'' or any of the other suggested names would be more appropriate for the proposed AVA than ''Laurelwood District.''

TTB Determination

After careful review of the petition and the comments received in response to Notice No. 181, TTB finds that the evidence provided by the petitioners supports the establishment of the Tualatin Hills and Laurelwood District AVAs. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and part 4 of the TTB regulations, TTB establishes the ''Tualatin Hills'' AVA in portions of Multnomah and Washington Counties, Oregon, and the ''Laurelwood District'' AVA in portions of Washington and Yamhill Counties, Oregon, effective 30 days from the publication date of this document.

TTB has also determined that the Tualatin Hills AVA will remain part of the established Willamette Valley AVA. As discussed in Notice No. 181, the Tualatin Hills AVA shares some broad characteristics with the Willamette Valley AVA. For example, elevations within both AVAs are generally below 1,000 feet, and the soils are primarily silty loams and clay loams. However, the Tualatin Hills AVA is comprised mainly of rolling hills and lacks the major valley floors that are a primary feature of the Willamette Valley AVA. Additionally, annual rainfall amounts are slightly higher for the Tualatin Hills AVA than for the Willamette Valley AVA in general.

TTB has also determined that the Laurelwood District AVA will remain part of both the established Willamette Valley AVA and the established Chehalem Mountains AVA. As discussed in Notice No. 181, the Laurelwood District AVA shares some broad characteristics with both established AVAs. For example, both the Willamette Valley AVA and the Laurelwood District AVA are in the rain shadow of the Cascade Mountains and, therefore, share similar annual rainfall amounts and growing degree day accumulations. Like the Chehalem Mountains AVA, the Laurelwood District AVA consists of hilly-to-mountainous terrain with vineyards planted at elevations between 200 and 1,000 feet. However, the Laurelwood District AVA differs from both the Willamette Valley and Chehalem Mountains AVAs because its primary soil is the Laurelwood series, whereas the other two AVAs have a much wider diversity of soils.

Boundary Description

See the narrative description of the boundary of the Tualatin Hills AVA and the Laurelwood District AVA in the regulatory text published at the end of this final rule.

Maps

The petitioners provided the required maps, and they are listed below in the regulatory text. The boundaries of the Tualatin Hills and Laurelwood District AVAs may also be viewed on the AVA Map Explorer on the TTB website, at *https://www.ttb.gov/wine/ava-map-explorer.*

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

With the establishment of these two AVAs, their names, ''Tualatin Hills'' and ''Laurelwood District,'' will be recognized as names of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the regulations clarifies this point. Consequently, wine bottlers using the name ''Tualatin Hills'' or ''Laurelwood District'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin. TTB is not designating the phrase ''Laurelwood'' as a term of viticultural significance, in order to avoid a potential negative effect on current labels that use ''Laurelwood'' as part of a brand name or as a truthful description of vineyard soils on wine labels. Therefore, the phrase ''Laurelwood'' (without the word ''district'') may be used as a brand name, part of a brand name, or a truthful description of vineyard soils on wine labels without having to meet the appellation of origin eligibility requirements for the Laurelwood District AVA.

The establishment of the Tualatin Hills and Laurelwood District AVAs will not affect any existing AVA, and any bottlers using ''Willamette Valley'' or ''Chehalem Mountains'' as an appellation of origin or in a brand name for wines made from grapes grown within the Willamette Valley AVA will not be affected by the establishment of these new AVAs. The establishment of the Tualatin Hills AVA will allow vintners to use ''Tualatin Hills'' and ''Willamette Valley'' as appellations of origin for wines made primarily from grapes grown within the Tualatin Hills AVA if the wines meet the eligibility requirements for the appellation. The establishment of the Laurelwood District AVA will allow vintners to use ''Laurelwood District,'' ''Willamette Valley,'' and ''Chehalem Mountains'' as appellations of origin for wines made

[8] *https://casoilresource.lawr.ucdavis.edu/see/#laurelwood.*

[9] *https://www.ponzivineyards.com/About-Us/Vineyards.*

primarily from grapes grown within the Laurelwood District AVA if the wines meet the eligibility requirements for the appellation.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.268 to read as follows:

§ 9.268 Tualatin Hills.

(a) *Name.* The name of the viticultural area described in this section is ''Tualatin Hills''. For purposes of part 4 of this chapter, ''Tualatin Hills'' is a term of viticultural significance.

(b) *Approved maps.* The 6 United States Geological Survey (USGS) 1:24,000 scale topographic maps and the single 1:250,000 scale topographic map used to determine the boundary of the Tualatin Hills viticultural area are titled:

(1) Vancouver, 1974 (1:250,000);

(2) Dixie Mountain, OR, 2014;

(3) Gaston, OR, 2014;

(4) Laurelwood, OR, 2014;

(5) Forest Grove, OR, 2014;

(6) Hillsboro, OR, 2014; and

(7) Linnton, OR, 2014.

(c) *Boundary.* The Tualatin Hills viticultural area is located in Clackamas, Multnomah and Washington Counties, in Oregon. The boundary of the Tualatin Hills viticultural area is as described below:

(1) The beginning point is on the Dixie Mountain map at the intersection of North West Skyline Boulevard and North West Moreland Road. From the beginning point, proceed southwesterly along North West Moreland Road for approximately 1.3 miles to road's intersection with the Multnomah–Washington County line; then

(2) Proceed south along the Multnomah–Washington County for approximately 1.2 miles to the county line's intersection with the 1,000-foot elevation contour; then

(3) Proceed northwesterly along the 1,000-foot elevation contour, crossing onto the Vancouver map and continuing generally southwesterly along the meandering 1,000-foot elevation contour to its intersection with the Washington–Yamhill County line; then

(4) Proceed east along the Washington–Yamhill County line, crossing onto the Gaston map, to the intersection of the county line with NW South Road; then

(5) Proceed northeast along NW South Road to its intersection with SW South Road; then

(6) Proceed northeasterly along SW South Road to its intersection with the 200-foot elevation contour; then

(7) Proceed easterly along the 200-foot elevation contour for approximately 1.9 miles to its intersection with East Main Street/SW Gaston Road in the village of Gaston; then

(8) Proceed south, then east along SW Gaston Road for approximately 0.9 mile, crossing onto the Laurelwood map, to the road's intersection with the 240-foot contour line just south of an unnamed road known locally as SW Dixon Mill Road; then

(9) Proceed north along the meandering 240-foot elevation contour for approximately 5 miles to its intersection with SW Sandstrom Road; then

(10) Proceed west along SW Sandstrom Road for approximately 0.15 mile to its third crossing of the 200-foot elevation contour; then

(11) Proceed northwesterly and then northeasterly along the meandering 200-foot contour line for approximately 2.9 miles to its intersection with an unnamed road known locally as SW Fern Hill Road, north of an unnamed road known locally as SW Blooming Fern Hill Road; then

(12) Proceed north along SW Fern Hill Road for approximately 1.2 miles, crossing onto the Forest Grove map, to the road's intersection with Oregon Highway 47; then

(13) Proceed northerly along Oregon Highway 47 for approximately 7.6 miles to its intersection with Oregon Highway 6/NW Wilson River Highway; then

(14) Proceed east along Oregon Highway 6/NW Wilson River Highway for approximately 2.5 miles to its intersection with Sunset Highway; then

(15) Proceed southeast along Sunset Highway for approximately 2.3 miles to its intersection with the railroad tracks; then

(16) Proceed east along the railroad tracks, crossing onto the Hillsboro map, to the intersection of the railroad tracks and an unnamed road known locally as NW Dick Road; then

(17) Proceed south along NW Dick Road for approximately 0.3 mile to its intersection with NW Phillips Road; then

(18) Proceed east along NW Phillips Road for approximately 1.2 miles, crossing onto the Linnton map, to the road's intersection with an unnamed road known locally as NW Old Cornelius Pass Road; then

(19) Proceed northeast along NW Old Cornelius Pass Road to its intersection with NW Skyline Boulevard Road; then

(20) Proceed north and west along NW Skyline Boulevard for approximately 10.5 miles, crossing over the northeast corner of the Hillsboro map and onto the Dixie Mountain map and then returning to the beginning point.

■ 3. Subpart C is amended by adding § 9.269 to read as follows:

§ 9.269 Laurelwood District.

(a) *Name.* The name of the viticultural area described in this section is ''Laurelwood District''. For purposes of part 4 of this chapter, ''Laurelwood District'' is a term of viticultural significance.

(b) *Approved maps.* The six United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Laurelwood District viticultural area are titled:

(1) Laurelwood, OR, 2014;

(2) Scholls, Oreg., 1961; photorevised 1985;

(3) Newberg, OR, 2014;

(4) Beaverton, Oreg., 1961; photorevised 1984;

(5) Sherwood, Oreg., 1961; photorevised 1985; and

(6) Dundee, Oreg., 1956; revised 1993.

(c) *Boundary.* The Laurelwood District viticultural area is located in

Washington and Yamhill Counties, in Oregon. The boundary of the Laurelwood District viticultural area is as described below:

(1) The beginning point is on the Laurelwood map at the intersection of Winters Road and Blooming Fern Hill Road in section 17, T1S/R3W. From the beginning point, proceed west then northwest along Blooming Fern Hill Road for approximately 0.4 mile to its intersection with the 200-foot elevation contour; then

(2) Proceed north then northeasterly along the 200-foot elevation contour for 1.5 miles to its intersection with SW La Follette Road; then

(3) Proceed south along SW La Follette Road for 0.25 mile to its intersection with the 240-foot elevation contour, north of Blooming Fern Hill Road; then

(4) Proceed easterly then southerly along the 240-foot elevation contour, crossing onto the Scholls map and back onto the Laurelwood map, for a total of 17 miles to the intersection of the elevation contour with SW Laurel Road; then

(5) Proceed east along SW Laurel Road for 0.15 mile to its intersection with the 200-foot elevation contour; then

(6) Proceed easterly along the 200-foot elevation contour, crossing over the Scholls map and onto the Newberg map, then crossing Heaton Creek and back onto the Scholls map for a total of 17.5 miles to the intersection of the elevation contour with Mountain Home Road east of Heaton Creek; then

(7) Proceed easterly then southerly along the 200-foot elevation contour, crossing over the Beaverton and Sherwood maps and back onto the Scholls map for a total of 8.9 miles to the intersection of the elevation contour with the middle tributary of an unnamed stream along the western boundary of section 24, T2S/R2W; then

(8) Proceed southeast along the 200-foot elevation contour, crossing over the northeast corner of the Newberg map and onto the Sherwood map, to the intersection of the elevation contour with Edy Road in section 25, T2S/R2W; then

(9) Proceed southwest along the 200-foot elevation contour, crossing onto the Newberg map and back onto the Sherwood map, to the intersection of the elevation contour with Elwert Road along the eastern boundary of section 25, T2S/R2W; then

(10) Proceed south along Elwert Road for 0.85 mile to its intersection with an unnamed highway known locally as Oregon Highway 99W, along the eastern boundary of section 36, T2S/R2W; then

(11) Proceed southwesterly along Oregon Highway 99W for 0.45 mile to its intersection with the 250-foot elevation contour immediately south of an unnamed tributary of Cedar Creek in section 36, T2S/R2W; then

(12) Proceed southerly along the 250-foot elevation contour for 1 mile to its intersection with Middleton Road in section 1, T2S/R2W; then

(13) Proceed southwesterly along Middleton Road, which becomes Rein Road, for 0.5 mile to the intersection of the road with the 200-foot elevation contour immediately south of Cedar Creek; then

(14) Proceed easterly along the 200-foot elevation contour for 1.6 miles to its intersection with an unnamed light-duty east-west road known locally as Brookman Road in the village of Middleton, section 6, T3S/R1W; then

(15) Proceed east on Brookman Road for 0.4 mile to its intersection with the shared Washington–Clackamas County line at the western corner of section 5, T3S/R1W; then

(16) Proceed south along the Washington–Clackamas County line for 1 mile to its intersection with Parrett Mountain Road along the eastern boundary of section 7, T3S/R1W; then

(17) Proceed southwesterly along Parrett Mountain Road, crossing onto the Newberg map, for a total of 2.6 miles, to the intersection with an unnamed local road known locally as NE Old Parrett Mountain Road; then

(18) Proceed west along NE Old Parrett Mountain Road for 1.7 mile to its intersection with NE Schaad Road; then

(19) Proceed west along NE Schaad Road for 0.5 mile to its intersection with an unnamed local road known locally as NE Corral Creek Road; then

(20) Proceed north along NE Corral Creek Road for 0.9 mile to its westernmost intersection with an unnamed local road known locally as NE Veritas Lane, south of Oregon Highway 99W; then

(21) Proceed north westerly in a straight line for approximately 0.05 mile to the intersection of Oregon Highway 99W and the 250-foot elevation contour; then

(22) Proceed northwesterly along the 250-foot elevation contour for 1 mile to its intersection with the second, westernmost intermittent stream that is an unnamed tributary of Spring Brook; then

(23) Proceed northerly along the unnamed stream, crossing the single-gauge railroad track, for 0.5 mile to the intersection of the stream with the 430-foot elevation contour; then

(24) Proceed west along the 430-foot elevation contour for 0.25 mile, crossing an unnamed road known locally as Owls Lane, to the intersection of the elevation contour with NE Kincaid Road; then

(25) Proceed northwesterly along NE Kincaid Road for 0.25 mile to its intersection with NE Springbrook Road; then

(26) Proceed northwesterly along NE Springbrook Road for 0.22 mile to its intersection with an unnamed road known locally as Bell Road; then

(27) Proceed east along Bell Road for 0.5 mile, making a sharp northwesterly turn, then continuing along the road for 0.2 mile to its intersection with Mountain Top Road; then

(28) Proceed northwesterly along Mountain Top Road for 1.9 miles to its intersection with SW Hillsboro Highway, also known as Highway 219; then

(29) Proceed north along SW Hillsboro Highway for 0.1 mile to its intersection with Mountain Top Road at the Washington–Yamhill County line; then

(30) Proceed northwest along Mountain Top Road for 3.1 miles, crossing onto the Dundee map, to the intersection of the road with Bald Peak Road in section 26, T2S/R3W; then

(31) Proceed northwest, then northeast, then north along Bald Peak Road, crossing onto the Laurelwood map, for a total of 4.8 miles, to the intersection of the road with SW Laurelwood Road; then

(32) Proceed southwest, then northwest, along SW Laurelwood Road for 0.8 mile to its intersection with the 700-foot elevation contour; then

(33) Proceed northeast, then northwest, then north along the 700-foot elevation contour for 5 miles, passing west of Iowa Hill and Spring Hill, to the intersection of the elevation contour and SW Winters Road; then

(34) Proceed north on SW Winters Road for 2 miles, returning to the beginning point.

Signed: January 28, 2020.

Mary G. Ryan,

Acting Administrator.

Approved: May 13, 2020.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2020–10919 Filed 6–2–20; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD–2018–HA–0062]

RIN 0720–AB75

TRICARE Pharmacy Benefits Program Reforms

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

ACTION: Final rule.

SUMMARY: This rule finalizes Department of Defense (DoD) implementation of Section 702 of the National Defense Authorization Act for Fiscal Year 2018 (NDAA FY18). The law made significant changes to the TRICARE Pharmacy Benefits Program; specifically it: Updated co-payment requirements; authorized a new process for encouraging use of pharmaceutical agents that provide the best clinical effectiveness by excluding coverage for particular pharmaceutical agents that provide very little or no clinical effectiveness relative to similar agents and for giving preferential status to agents that provide enhanced clinical effectiveness; and authorized special reimbursement methods, amounts, and procedures to encourage use of high-value products and discourage use of low-value products with respect to pharmaceutical agents provided as part of medical services from authorized providers. This rule finalizes the changes made to the TRICARE Pharmacy Benefit Program as stated in the interim final rule.

DATES: This final rule is effective July 6, 2020.

FOR FURTHER INFORMATION CONTACT: Col Markus Gmehlin, Acting, Chief, Pharmacy Operations, Defense Health Agency (DHA), telephone (703) 681–2890.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Public Comments and Responses

On December 11, 2018 (83 FR 63574–63578), the Department of Defense published an interim final rule titled ''TRICARE Pharmacy Benefits Program Reforms'' for a 60-day public comment period. The public comment period ended on February 11, 2019. Eight public comments were received. Two of the comments were written by students enrolled in college classes with an assignment involving commenting on **Federal Register** notices. Neither comment was relative to the rule. Two more comments received were not pertinent to this rule. This section responds to the remaining four public comments.

One comment was a general statement from an individual who admitted not knowing what TRICARE does and to not reading the entire rule but commended the Department for attempting to take care of its beneficiaries. The individual added that Congress and its agencies write laws that are too complicated. This final rule has been carefully reviewed to ensure it is as clear as possible to those affected by it and no changes have been made in that regard.

The remaining three comments represent the pharmaceutical industry, a biotechnology trade association, and an organization focused on patient-centeredness in healthcare. All three comments voiced concerns centering on accessibility of medicines, ensuring a robust process of evaluation of agents when being considered from a clinical benefit, incorporating patient-oriented outcomes that matter, and excluding newly approved drugs. In addition, all three commented on the portion of the rule pertaining to changes in the physician add-on payment rates for medications administered as part of a medical procedure or office visit. We appreciate these comments, which are summarized here, along with DoD's response.

The Department of Defense Pharmacy and Therapeutics (P&T) Committee will be engaging the authority granted by this rule to exclude agents in a judicious manner. Prior to this rule, the DoD was required to include all Food and Drug Administration-approved prescription medications on the DoD Uniform Formulary regardless of safety, effectiveness, or cost. This practice is divergent with current formulary management approaches as applied throughout the healthcare industry and is inconsistent with commercial practice standards. Not only is this practice counter to providing patients with the most clinically effective and safest treatment modalities, but also is imprudent use of tax payer money. The P&T Committee process for evaluating drugs for formulary status is outlined in 32 CFR 199.21(e)(1)(ii) and (iii) which describes the type of materials that may be included as part of the clinical effectiveness and safety conclusions for the drug. This robust process will continue to be the process for evaluating agents being considered for exclusion. In addition to clinical and safety data, patient-oriented outcome data relevant to the drugs being considered is a factor included in the evaluation process. The committee will be guided by specific criteria that will be used in identifying agents and selecting agents for consideration for exclusion from the benefit. These criteria will include but not be limited to ensuring the availability of alternative agents when an agent is excluded, considering agents for exclusion when safety concerns may outweigh the benefit of the drug, and when the drug is a formulation that includes a combination of drugs that are otherwise excluded. Further, in implementing this rule the committee will not only evaluate drugs for exclusion from coverage but will also include identifying branded drugs that may be moved to Tier 1 status with a lower copayment for beneficiaries. The intent of identifying agents in this manner as well as the new exclusion authority is to yield improved health, smarter spending and better patient outcomes.

As with all P&T recommendations, the Beneficiary Advisory Panel will be able to comment prior to the DHA Director making the final decision. Further, all decisions regarding the DoD Uniform Formulary are routinely monitored and updated to reflect changes in data, updated prescribing criteria, modifications in clinical usage patterns, and cost changes. Any decisions resulting from implementation of this rule will likewise be monitored and reassessed in line with this well-established DoD P&T practice.

In addition to concerns regarding formulary management, four comments representing the pharmaceutical industry and a biotechnology trade association, voiced overlapping concerns on the portion of the rule pertaining to changes in the physician add-on payment rates for medications administered as part of a medical procedure or office visit and are addressed below.

Both a pharmaceutical organization and a biotechnology trade association disagreed with DoD's assumption that the current approach of reimbursing physician administered drugs the Average Sales Price (ASP) plus a six percent add-on creates an incentive to use more expensive drugs. The commenters stated that physician prescribing habits are not driven by the ''cost of drugs'' or the ''payment-per-drug administration''; their views were supported by a report authored by Xcenda, a consulting firm owned by a drug wholesaler. These comments were made in response to a DoD proposal that a median add-on payment for a certain class or category of drugs might be used for all drugs in the group, rather than the current drug-specific six percent

add-on calculation. We recognize that providers' prescribing decisions depend on various factors, and that not all providers may be incentivized similarly or act based on the cost or profit margin of a particular drug. In some cases, there are not good alternatives or the price does not vary greatly among drugs within a particular category, in which case the potential proposed change to a median add-on amount for the group would not matter. However, published studies do support the idea that such incentives may affect prescribing pattern in some situations. A recently published article in a peer-reviewed journal reviewed 18 studies on the association between reimbursement incentives or changes in reimbursement policy and oncology care delivery and found that most studies reported an association consistent with financial incentives (Mitchell et al., Association Between Reimbursement Incentives and Physician Practice in Oncology, A Systematic Review, JAMA Oncol. 2019:5(6)). This systematic review found that profitability of systemic anticancer agents may affect physicians' choice of drug. Thus, we believe that financial incentives do affect prescribing patterns in some cases and that DoD's proposal may be appropriate to reduce the use of more expensive drugs within a class of drugs when there are appropriate alternatives.

A second comment raised by the pharmaceutical organization and the biotechnology trade association was that DoD's proposal would create a situation that ''incentivizes or requires'' the use of products that may not be the most appropriate in that situation and that this would lead to worse health outcomes. One commenter also stated that lowering the add-on payment for some drugs could affect the prescribing patterns of some physicians who would choose not to use certain drugs ''based on cost considerations alone.'' We disagree for three reasons: First, DoD's proposal would allow DoD to modify the add-on to the acquisition cost of the physician administered drug (which is currently six percent of the ASP). Nothing in this proposal would require the use of inappropriate products. Second, if DoD does modify the six percent add-on, it would only be done within classes of drugs recommended by the DoD's Pharmacy and Therapeutics Committee and with approval of the DHA Director, which will ensure that the classes of drugs which have modified add-on payments would be selected carefully. Third, because only the add-on payment, not the underlying payment for the drug would be modified, we do not believe that this proposal would provide large incentives for the use of particular drugs. Rather, we believe that it would remove the incentive to use drugs that have higher costs for no other reason than the higher add-on payment.

A third comment made by the biotechnology trade association is that modifications to the six percent add-on could limit patient access to necessary care and that this could affect patient outcomes. A particular concern raised by the commenter is that modifying the six percent add-on would exacerbate the current situation in which physicians cannot afford to purchase a drug for administration in their offices at an amount less than ASP plus the six percent add-on. We do not think that access will be adversely affected for two reasons. First, DoD is not eliminating the entire add-on; instead it may modify it so that it is set equal to the median add-on within a drug class. As a result, this approach may actually increase the add-on amounts paid for certain drugs. Second, physicians will decide which drugs are prescribed and in all cases these physicians would be reimbursed the Average Sales Price plus an add-on payment, which will be approximately equal to six percent within any drug class. As a result, DoD does not think that there will be access problems. However, DoD will monitor access carefully for any of the products that receive a modified add-on to ensure that there are not access problems for TRICARE beneficiaries.

A fourth comment made by the pharmaceutical organization stated that DoD was ''considering a significant potential change, but leaves important terms and standards vague and unclear.'' The commenter noted that DoD's changes to reimbursement amounts should be made through rulemaking rather than guidance. We have revised the final rule to specify that the Director should be able to adopt an add-on amount equal to six percent of the median amounts for products within a class of products. As a result, the TRICARE reimbursement amount for products within a class of products would be equal to the average sales price plus six percent of the median average sales price of products in that class.

Public comments received in response to DoD's interim final rule, resulted in a revision to the final rule to specify that the physician reimbursement add-on would be six percent of the median within a product class.

B. Purpose of the Final Rule

This rule finalizes Section 702 of the National Defense Authorization Act for Fiscal Year 2018 (NDAA FY18), which does three things: (1) It updates cost-sharing requirements for outpatient pharmaceutical prescriptions filled by retail pharmacies and the TRICARE mail order pharmacy program. (2) It authorizes a new Uniform Formulary process for encouraging use of pharmaceutical agents in the TRICARE Pharmacy Benefits Program that provide the best clinical effectiveness by excluding coverage for particular pharmaceutical agents that provide very little or no clinical effectiveness relative to similar agents and giving preferential status to agents that provide enhanced clinical effectiveness. (3) It authorizes special reimbursement methods, amounts, and procedures to encourage use of high-value products and discourage use of low-value products with respect to pharmaceutical agents provided as part of medical services from authorized providers. This rule finalizes each of these three statutory changes as implemented by the interim final rule.

C. Legal Authority for the Regulatory Action

This final rule is under the primary authority of 10 U.S.C. 1074g, 1079 and 1086, and Section 702 of NDAA FY18. Specifically, section 702(b)(3) of NDAA FY18 authorizes DoD to ''prescribe such changes to the regulations implementing the TRICARE program . . . by prescribing an interim final rule.'' TRICARE program regulations (32 CFR part 199) are issued under statutory authorities including 10 U.S.C. 1074g (the Pharmacy Benefits Program) and 10 U.S.C. 1079 and 1086 (TRICARE medical benefits). Section 702 of NDAA–18 amends both section 1074g and section 1079 (the section 1079 amendment being automatically applicable to section 1086).

D. Summary of Major Provisions of the Final Rule

This rule finalizes the following major provisions:

1. *Updating Cost-Sharing.* Under the authority of section 1074g(a)(6), as amended by Section 702(a) of NDAA FY18, we amended 32 CFR 199.21(i) to cross reference the statutory changes.

2. *Uniform Formulary Changes.* Based on section 1074g(a)(10), as added by Section 702(b)(1) of NDAA FY 18, we changed the Uniform Formulary process under 32 CFR 199.21(e) by authorizing the exclusion of any pharmaceutical agent that provides very little or no

clinical effectiveness relative to similar agents, and preferential status for pharmaceutical agents that have enhanced clinical effectiveness relative to similar agents.

3. *Pharmaceutical Agents as Part of Medical Services.* Based on 10 U.S.C. 1079(q), as added by Section 702(b)(2) of NDAA FY18, we changed provisions of 32 CFR 199.14 to authorize the adoption of special reimbursement methods, amounts and procedures to encourage the use of high value products and discourage the use of low value products—both relative to similar agents—in connection with pharmaceutical agents provided as part of outpatient medical services covered by TRICARE.

II. Provisions of Final Rule

As a result of one public comment noting that DoD's changes to reimbursement amounts should be made through rulemaking rather than guidance the final rule has been revised to specify that the Director should be able to adopt an add-on amount equal to six percent of the median amounts for products within a class of products. As a result, the TRICARE reimbursement amount for products within a class of products would be equal to the average sales price plus six percent of the median average sales price of products in that class.

III. Regulatory Procedures

Executive Order (E.O.) 13771, ''Reducing Regulation and Controlling Regulatory Costs''

E.O. 13771 seeks to control costs associated with the government imposition of private expenditures required to comply with Federal regulations and to reduce regulations that impose such costs. Consistent with the analysis of transfer payments under OMB Circular A–4, this final rule does not involve regulatory costs subject to E.O. 13771. Rather, this final rule affects only health care reimbursement payments under the TRICARE program. Aside from the ''housekeeping'' change to the regulation to incorporate the updated copayment amounts enacted by Congress, the final rule makes two changes to the program: A new authority under the Uniform Formulary process and revised payment authority for pharmaceutical agents as part of medical services.

Executive Order 12866, ''Regulatory Planning and Review,'' Executive Order 13563, ''Improving Regulation and Regulatory Review,'' and Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs''

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (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, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated as a ''not significant'' regulatory action, and not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget (OMB) under the requirements of these Executive Orders.

Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs) directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.'' This rule is not subject to the requirements of this Executive order because it is not significant under Executive Order 12866.

Additionally, the economic effect of these changes is limited to government reimbursements to health care providers/suppliers that under Circular A–4 are not considered as costs imposed on the economy. The expected reduction in government payments to pharmaceutical companies is based on some predicted increase in use of higher value medications and a corresponding decrease in the use of lower value medications in drug classes where different drugs have comparable clinical effect. The expected value of this shift in use of some medications—*i.e.,* the quantity of the transfer payments—is $30 million per year.

An initial analysis identified a sample group of candidate drugs that do not offer additional therapeutic benefit over other formulary items. By comparing the current costs to those of a lower-priced comparator and assuming similar utilization rates, the average cost avoidance was $1.5M/drug/year, with a more conservative cost avoidance of $1M/drug/year. When fully implemented, this new process could average 30 drugs per year at a conservative cost avoidance of $1M/drug/year.

Congressional Review Act, 5 U.S.C. 804(2)

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

Public Law 96–354, ''Regulatory Flexibility Act'' (RFA), (5 U.S.C. 601)

The RFA requires that each Federal agency analyze options for regulatory relief of small businesses if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. This final rule is not an economically significant regulatory action, and it will not have a significant impact on a substantial number of small entities. Therefore, this rule is not subject to the requirements of the RFA.

Public Law 104–4, Sec. 202, ''Unfunded Mandates Reform Act''

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any one year of $100M in 1995 dollars, updated annually for inflation. That threshold level is currently approximately $140M. This final rule will not mandate any requirements for state, local, or tribal governments or the private sector.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

This rulemaking does not contain a ''collection of information'' requirement, and will not impose additional information collection requirements on the public under Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. chapter 35).

Executive Order 13132, ''Federalism''

This final rule has been examined for its impact under E.O. 13132, and it does not contain policies that have federalism implications that would have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of powers and responsibilities among the various levels of Government. Therefore,

consultation with State and local officials is not required.

List of Subjects in 32 CFR Part 199

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

Accordingly, the interim final rule amending 32 CFR part 199 which published at 83 FR 63574–63578 on December 11, 2018, is adopted as final with the following changes:

PART 199—[AMENDED]

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

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

■ 2. Amend § 199.14 by revising paragraph (j)(1)(xi) to read as follows:

§ 199.14 Provider reimbursement methods.

* * * * *

(j) * * *

(1) * * *

(xi) *Pharmaceutical agents utilized as part of medically necessary medical services.* In general, the TRICARE-determined allowed amount shall be equal to an amount determined to be appropriate, to the extent practicable, in accordance with the same reimbursement rules as apply to payments for similar services under Medicare. Under the authority of 10 U.S.C. 1079(q), in the case of any pharmaceutical agent utilized as part of medically necessary medical services, the Director may adopt special reimbursement methods, amounts, and procedures to encourage the use of high-value products and discourage the use of low-value products, as determined by the Director. For this purpose, the Director may obtain recommendations from the Pharmaceutical and Therapeutics Committee under § 199.21 or other entities as the Director, DHA deems appropriate with respect to the relative value of products in a class of products subject to this paragraph (j)(1)(xi). Among the special reimbursement methods the Director may choose to adopt under this paragraph (j)(1)(xi) is to reimburse the average sales price of a product plus six percent of the median of the average sales prices of products in the product class or category. The Director shall issue guidance regarding the special reimbursement methods adopted and the appropriate reimbursement rates.

* * * * *

Dated: May 7, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–10215 Filed 6–2–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0283]

RIN 1625–AA00

Safety Zone; Pier 45 Fire Cleanup and Potential Marine Debris, San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of San Francisco Bay around Pier 45 due to emergency response and associated marine debris as a result of a fire on May 23, 2020. This safety zone is necessary to protect personnel, vessels, and the marine environment from potential hazards created by the presence of marine debris and the inability to mark the debris. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port San Francisco or a designated representative.

DATES: This temporary final rule is effective without actual notice from June 3, 2020 through June 30, 2020. For the purposes of enforcement, actual notice will be used from May 29, 2020 through June 3, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2020–0283 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Emily Rowan, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7443, email *SFWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port San Francisco
DHS Department of Homeland Security
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking with respect to this rule because it is impracticable. The Coast Guard received notice of the need for this safety zone on May 26, 2020. It is impracticable to go through the full rulemaking process, including providing a reasonable comment period and considering those comments, because the Coast Guard must establish this temporary safety zone by May 29, 2020.

The Coast Guard previously issued a temporary final rule for an emergency safety zone effective from May 23, 2020 until May 29, 2020 (Docket number USCG–2020–0007). The Port of San Francisco has indicated that emergency cleanup and the potential presence of associated marine debris from the fire at Pier 45 will continue beyond May 29, 2020.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to protect personnel, vessels, and the marine environment from potential hazards created by the emergency response and the presence of marine debris.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port San Francisco has determined that potential hazards associated with the emergency response and associated marine debris related to the May 23, 2020 fire and identified then as potentially dangerous, will be a safety concern for anyone within a 150-yard radius around Pier 45, San Francisco, CA. For this reason, this temporary safety zone is needed to protect personnel, vessels, and the marine environment in the navigable

waters surrounding the marine debris and ongoing response operations near Pier 45, San Francisco, CA.

IV. Discussion of the Rule

This rule establishes a temporary safety zone around Pier 45 in support of ongoing fire emergency response cleanup and associated marine debris from May 29, 2020 through June 30, 2020. The safety zone will encompass the navigable waters of San Francisco Bay, from surface to bottom, within a 150-yard radius around Pier 45, San Francisco, CA.

This regulation is needed to keep persons and vessels away from the immediate vicinity of the ongoing response efforts and marine debris to ensure the safety of personnel, vessels, and the marine environment. Except for persons or vessels authorized by the COTP or the COTP's designated representative, no person or vessel may enter or remain in the restricted area. A ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zone.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the limited duration and narrowly tailored geographic area of the safety zone. Although this rule restricts access to the water encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will be notified to ensure the safety zone will result in minimum impact. Additionally, the vessels desiring to transit through or around the temporary safety zone may do so upon express permission from the COTP or the COTP's designated representative.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone established to deal with an emergency situation that will prohibit entry to the area surrounding Pier 45, which is the site of ongoing emergency response and potential associated marine debris. It is categorically excluded from further review under

paragraph L60(a) in Table 3–1 of Department of Homeland Security Directive 023–01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–027 to read as follows:

§ 165.T11–027 Safety Zone; Pier 45 Fire Cleanup and Potential Marine Debris, San Francisco Bay, San Francisco, CA.

(a) *Location.* The following area is a safety zone: All navigable waters of San Francisco Bay, from surface to bottom, 150 yards surrounding Pier 45, San Francisco, CA.

(b) *Definitions.* As used in this section, ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the Captain of the Port San Francisco (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart B of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or the COTP's designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP's designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative. Persons and vessels may request permission to enter the safety zone on VHF–23A or through the 24-hour Command Center at telephone (415) 399–3547.

(d) *Enforcement period.* This section will be enforced from May 29, 2020 through June 30, 2020.

(e) *Information broadcasts.* The COTP or the COTP's designated representative will notify the maritime community of periods during which this zone will be enforced in accordance with 33 CFR 165.7.

Dated: May 28, 2020.

Marie B. Byrd,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco.

[FR Doc. 2020–12085 Filed 6–2–20; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2019–0211; FRL–10008–61–Region 6]

Air Plan Approval; Louisiana; Infrastructure for the 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving elements of two State Implementation Plan (SIP) submittals from Louisiana for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The submittals address how the existing SIP provides for the implementation, maintenance, and enforcement of the 2015 ozone NAAQS (infrastructure SIP or i-SIP). The i-SIP ensures that the Louisiana SIP is adequate to meet the state's responsibilities under the CAA for this NAAQS.

DATES: This rule is effective on July 6, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2019–0211. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Sherry Fuerst, EPA Region 6 Office, Infrastructure & Ozone Section, 214–665–6454, *fuerst.sherry@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office will be closed to the public to reduce the risk of transmitting COVID–19. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our February 28, 2020, proposal (85 FR 11931). In that action we proposed to approve the State's February 7, 2019, SIP submittal, and portions of the State's November 8, 2019, SIP submittal pursuant to the requirements of CAA sections 110(a)(1) and 110(a)(2)(A) through (C), and (H) through (M). We also proposed approving the Louisiana SIP for compliance with CAA sections 110(a)(2)(D)(i)(II), Interference with Prevention of Significant Deterioration and 110(a)(2)(D)(ii), Interstate Pollution Abatement (which refers to CAA section 126) and International Air Pollution (which refers to CAA section 115). We did not propose action on the remaining portions of the November 8, 2019, submittal addressing CAA section 110(a)(2)(D)(i)(I), and 110(a)(2)(D)(i)(II) (visibility protection portion), which will be addressed in separate, subsequent actions. We did not receive any comments regarding our proposal.

II. Final Action

The EPA is approving the February 7, 2019, SIP submittal, and portions of the November 8, 2019, SIP submittal for Louisiana pursuant to the requirements of CAA sections 110(a)(1) and 110(a)(2)(A) through (C), 110(a)(2)(D)(i)(II) (the Prevention of Significant Deterioration portion), 110(a)(2)(D)(ii), 110(a)(2)(E) through (H) and 110(a)(2)(J) through (M). The submission addressed how Louisiana's existing SIP provides for implementation, maintenance, and

enforcement of the 2015 Ozone NAAQS. This action is being taken under section 110 of the Act.

III. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 3, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone.

Dated: May 5, 2020.

Kenley McQueen,

Regional Administrator, Region 6.

For the reasons stated in the preamble, amend 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart T—Louisiana

■ 2. In § 52.970, in paragraph (e), amend the table titled ''EPA Approved Louisiana Provisions and Quasi-Regulatory Measures by adding an entry for ''Infrastructure for the 2015 Ozone NAAQS'' at the end of the table to read as follows:

§ 52.970 Identification of Plan.

* * * * *

(e) * * *

EPA APPROVED LOUISIANA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Comments
*	*	*	*	*
Infrastructure for the 2015 Ozone NAAQS.	Statewide	2/7/19, 11/8/19	6/3/2020, [Insert **Federal Register** citation].	Approval for 110(a)(2)(A), (B), (C), (D)(i)(I) (portion pertaining to PSD), D(ii), (E), (F), (G), (H), (J), (K), (L) and (M).

[FR Doc. 2020–10064 Filed 6–2–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2019–0496; FRL–10008–75–Region 6]

Air Plan Approval; Louisiana; Withdrawal of Stage II Vapor Recovery Systems Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving a revision to the Louisiana State Implementation Plan (SIP) submitted by the State of Louisiana (''State'') on May 30, 2019 that pertains to gasoline dispensing facilities (GDFs) in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, and Pointe Coupee (''the 6-Parish Area''). The SIP revision EPA is approving removes from the SIP the requirement to install Stage II vapor recovery systems and includes requirements for the decommissioning of existing Stage II equipment at GDFs in the 6-Parish Area.

DATES: This rule is effective on July 6, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2019–0496. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Wendy Jacques, EPA Region 6 Office, Infrastructure & Ozone Section, 214–665–7395, *jacques.wendy@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office will be closed to the public to reduce the risk of transmitting COVID–19. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our February 28, 2020 proposal (85 FR 11928). In that document, we proposed to approve the Louisiana SIP revisions submitted on May 30, 2019 by the State that (1) remove from the SIP the requirement to implement Stage II vapor recovery in the 6-Parish Area and (2) provide decommissioning procedures that existing GDFs in the 6-Parish Area shall complete within 18 months of the effective date of EPA's approval of this final rule. The removal of the Stage II requirements is possible because on-board vapor recovery is now in widespread use in the vehicle fleet. The revisions to the SIP also include a demonstration that the removal of Stage II equipment in the 6-Parish Area is consistent with section 110(l) of the Act which precludes approval of revisions to the SIP that contribute to nonattainment or interfere with maintenance of any National Ambient Air Quality Standard.

Our February 28, 2020 proposal provided a detailed description of the revisions and the rationale for EPA's proposed actions, together with a discussion of the opportunity to comment. The public comment period for these actions closed on March 30, 2020. We received a comment of support on our proposal from a private citizen, which is posted in the docket for this action. See the docket for this rulemaking and our proposal at 85 FR 11928 for more information.

We did not receive adverse comments regarding our proposal. Therefore, we are finalizing our action as proposed.

II. Final Action

We are approving revisions to the Louisiana SIP that control emissions of VOCs and pertain to the removal of Stage II vapor recovery equipment submitted on May 30, 2019. Specifically, we are approving the revisions at Title 33 of the Louisiana Air Code, Part III, Chapter 21 (denoted LAC 33:III.2132), subsections B–F and J that remove from the SIP the requirement to implement Stage II from Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge parishes and address the decommissioning of Stage II equipment. We are also approving related revisions to the Stage II SIP narrative that address the maintenance and removal of Stage II equipment, and demonstrate that the removal of, or failure to install Stage II equipment in the 6-Parish Area, meets section 110(l) of the Act.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference the revisions to the Louisiana regulations as described in the Final Action section above. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated in the next update to the SIP compilation.

IV. Statutory and Executive Order Reviews

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

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

safety risks subject to Executive Order 13045 (62 FR 19885 (April 23, 1997));

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355 (May 22, 2001));

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629 (February 16, 1994)).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249 (November 9, 2000)).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 3, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: May 5, 2020.

Kenley McQueen,

Regional Administrator, Region 6.

For the reasons stated in the preamble, amend 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart T—Louisiana

■ 2. In § 52.970:

■ a. In paragraph (c) amend the table by revising the entry for ''Section 2132''; and

■ b. In paragraph (e) amend the table titled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures'' by adding an entry for ''Stage II Vapor Recovery Program SIP'' at the end of the table.

The revision and addition read as follows:

§ 52.970 Identification of plan

* * * * *

(c) * * *

EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP

State citation	Title/subject	State approval date	EPA approval date	Comments
* *	*	*	*	*
Chapter 21—Control of Emissions of Organic Compounds				
* *	*	*	*	*
Subchapter F Gasoline Handling				
* *	*	*	*	*
Section 2132	Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities.	7/20/2018	6/3/2020, [Insert **Federal Register** citation].	
* *	*	*	*	*

* * * * *

(e) * * *

EPA APPROVED LOUISIANA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Explanation
* *	* *	*	* *	*
Stage II Vapor Recovery Decommissioning.	Statewide	5/30/2019	6/3/2020, [Insert **Federal Register** citation].	

[FR Doc. 2020–09948 Filed 6–2–20; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 85, No. 107
Wednesday, June 3, 2020

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

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2020–BT–TP–0011]

RIN 1904–AE62

Energy Conservation Program: Test Procedure for Electric Motors

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

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy is soliciting public comment to consider whether to amend DOE's test procedures for electric motors. To inform interested parties and to facilitate this process, this document identifies several issues concerning the current test procedures on which comment is sought and invites public comment on any relevant topic (including those that have not been specifically raised). While the issues outlined in this document focus on how to address recent industry testing standard updates and the potential clarification of definitions and test settings for electric motors, information and data regarding any additional topics relevant to potential test procedure amendments are also sought, including methods to reduce regulatory burden while ensuring the procedure's representativeness.

DATES: Written comments and information will be accepted on or before July 20, 2020.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2020–BT–TP–0011, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
2. *Email:* to *ElecMotors2020TP0011@ee.doe.gov.* Include docket number EERE–2020–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 III of this document.

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

The docket web page can be found at *http://www.regulations.gov/docket?D=EERE-2020-BT-TP-0011.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Dommu, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–9870. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC, 20585–0121. Telephone: (202) 586–8145. Email: *Michael.Kido@hq.doe.gov.*

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

SUPPLEMENTARY INFORMATION:

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I. Introduction

Electric motors are included in the list of ''covered equipment'' for which the Department of Energy (''DOE'') is authorized to establish and amend energy conservation standards and test procedures. (42 U.S.C. 6311(1)(A)) DOE's test procedures for electric motors are prescribed at Appendix B to Subpart B of 10 CFR part 431 (''Appendix B''). The following sections discuss DOE's authority to establish and amend test procedures for electric motors, as well as relevant background information regarding DOE's consideration of test procedures for this equipment.

A. Authority and Background

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Included within this authority are electric motors, the subject of this RFI. (42 U.S.C. 6311(1)(A))

The energy conservation program under EPCA consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement

[1] All references to EPCA in this document refer to the statute as amended through America's Water Infrastructure Act of 2018, Public Law 115–270 (October 23, 2018).

procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316(a) and 42 U.S.C. 6296).

Federal energy efficiency requirements for covered equipment established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6316(a) and (b); 42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6316(a))

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) Certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that equipment. (42 U.S.C. 6314(d)) Similarly, DOE must use these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA. (42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect energy efficiency, energy use or estimated annual operating cost of a given type of covered equipment during a representative average use cycle and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) If DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6314(b))

EPCA, pursuant to amendments made by the Energy Policy Act of 1992, Public Law 102–486 (October 24, 1992), specifies that the test procedures for electric motors subject to standards are those specified in National Electrical Manufacturers Association (''NEMA'') Standards Publication MG1–1987 and Institute of Electrical and Electronics Engineers (''IEEE'') Standard 112 Test Method B, as in effect on October 24, 1992. (42 U.S.C. 6314(a)(5)(A)). If these test procedures are amended, DOE must amend its test procedures to conform to such amended test procedure requirements, unless DOE determines by rule, published in the **Federal Register** and supported by clear and convincing evidence, that to do so would not meet the statutory requirements related to the test procedure representativeness and burden. (42 U.S.C. 6314(a)(5)(B)) As noted later in this document, these industry-based procedures have been revised a number of times and DOE has amended its regulations consistent with these changes.

EPCA also requires DOE to evaluate its test procedures at least once every 7 years for each type of covered equipment, including electric motors, to determine whether amended test procedures would more accurately or fully comply with the requirements that test procedures not be unduly burdensome to conduct but be reasonably designed to produce test results reflecting energy efficiency, energy use, and estimated operating costs during a representative average use cycle of the equipment at issue. (42 U.S.C. 6314(a)(1)) In addition, if the Secretary determines that a test procedure amendment is warranted, the Secretary must propose amended test procedures (published in the **Federal Register**) and afford interested persons an opportunity (of not less than 45 days' duration) to present oral and written data, views, and arguments on the proposed test procedures. (42 U.S.C. 6314(b)) If DOE determines that test procedure revisions are not appropriate, DOE must publish its determination not to amend the test procedures. (42 U.S.C. 6314(a)(1)(A)(ii))

DOE is publishing this RFI to collect data and information to inform its decision in satisfaction of its obligations under EPCA.

B. Rulemaking History

DOE established test procedures for electric motors that referenced NEMA MG1–1993 and IEEE 112–1996. 64 FR 54114 (October 5, 1999) (''October 1999 final rule''). The October 1999 final rule also incorporated by reference Canadian Standards Association (''CSA'') Standard C390–93, *Energy Efficiency Test Methods for Three-Phase Induction Motors,* which DOE found to be a widely recognized alternative that was consistent with IEEE 112–1996. *Id.*

On May 4, 2012, DOE amended the test procedures for electric motors consistent with its obligations under EPCA to incorporate the NEMA MG 1–2009 and the IEEE 112–2011 into its regulations. 77 FR 26608 (''May 2012 final rule''). The May 2012 final rule also updated the regulations to reference the most current version of CSA C390. *Id.*

On December 13, 2013, DOE again amended its electric motor test procedure by clarifying the test setup requirements for certain electric motors. 78 FR 75962 (''December 2013 final rule''). DOE explained that changes brought about by the Energy Independence and Security Act of 2007 (Pub. L. 110–140 (December 19, 2007)) and the American Energy Manufacturing Technical Corrections Act (Pub. L. 112–210, Sec. 10 (December 18, 2012)) enabled DOE to consider an expanded scope of electric motors for regulatory coverage. *Id.* at 78 FR 75965. DOE determined that the motors covered by the expanded scope could be tested using the testing methods provided in IEEE 112 (Test Method B) and CSA C390–10 (which were both part of DOE's test procedure regulations) to accurately measure their losses and determine their energy efficiency. *Id.* However, some of these motors required additional testing set-up instructions prior to testing, which DOE established in the December 2013 final rule.[2] *Id.*

DOE's test procedures for electric motors at 10 CFR part 431, subpart B, Appendix B (''Appendix B'') currently incorporate by reference NEMA MG 1–2009, IEEE 112–2004 Test Method B, and CSA Standard C390–10. Appendix B also includes additional specifications necessary for testing certain types of electric motors. 10 CFR part 431, subpart B, Appendix B, Sec. 4.

On March 1, 2017, NEMA published NEMA MG 1–2016, Motors and Generators. On February 14, 2018, IEEE published IEEE 112–2017, IEEE Standard Test Procedure for Polyphase Induction Motors and Generators. DOE subsequently proposed to amend the current test procedure regulations for small electric motors and electric motors, which included a full review of IEEE 112–2017. 84 FR 17004 (April 23, 2019) (''April 2019 NOPR''). The relevant updates to the industry test procedures (including NEMA MG 1–2016), in addition to potential clarification of definitions and test settings for electric motors, are discussed in the following section.

II. Request for Information

In the following sections, DOE has identified a variety of issues on which

[2] A 2011 version of NEMA MG 1 was released prior to the publication of the December 2013 final rule. The updates from the 2009 version, however, did not affect the sections of NEMA MG–1 incorporated by reference in the DOE regulations. Subsequently, DOE declined to incorporate by reference NEMA MG 1–2011. 78 FR 75962, 75963.

it seeks input on deciding whether amending its test procedures for electric motors would (1) more accurately or fully comply with the requirements in EPCA that test procedures be reasonably designed to produce test results which reflect energy use during a representative average use cycle, without being unduly burdensome to conduct (42 U.S.C. 6314(a)(2)); or (2) reduce testing burden. Specifically, DOE is requesting comment on any opportunities to streamline and simplify testing requirements for electric motors as well as information to help inform DOE's related technical and economic analyses.

Further, DOE recently issued an RFI to seek more broadly information on whether its test procedures are reasonably designed, as required by EPCA, to produce results that measure the energy use or efficiency of a product during a representative average use cycle or period of use. 84 FR 9721 (March 18, 2019). DOE seeks comment on this issue as it pertains to the test procedure for electric motors.

Additionally, DOE welcomes comments on other issues relevant to the conduct of this process. In particular, DOE notes that under Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' Executive Branch agencies such as DOE are directed to manage the costs associated with the imposition of expenditures required to comply with Federal regulations. See 82 FR 9339 (February 3, 2017). Consistent with that Executive Order, DOE encourages the public to provide input on measures DOE could take to lower the cost of its regulations applicable to electric motors consistent with the requirements of EPCA.

A. Scope and Definitions

The term ''electric motor'' is defined as ''a machine that converts electrical power into rotational mechanical power.'' 10 CFR 431.12. Manufacturers are required to test those electric motors subject to energy conservation standards according to the test procedure in Appendix B.[3] (See generally 42 U.S.C. 6314(a)(5)(A); see also the introductory paragraph to 10 CFR part 431, subpart B, Appendix B) Currently, energy conservation standards apply to a variety of categories of electric motors provided that they meet the criteria specified at 10 CFR 431.25(g). These categories of electric motors include NEMA Design A motors,[4] NEMA Design B motors,[5] NEMA Design C motors,[6] and fire pump electric motors.[7] See 10 CFR 431.25(h)–(j). The detailed criteria specified under 10 CFR 431.25(g) specify that the currently regulated motors:

(1) Are single-speed, induction motors;

(2) Are rated for continuous duty (MG 1) operation or for duty type S1 (IEC)

(3) Contain a squirrel-cage (MG 1) or cage (IEC) rotor;

(4) Operate on polyphase alternating current 60-hertz sinusoidal line power;

(5) Are rated 600 volts or less;

(6) Have a 2-, 4-, 6-, or 8-pole configuration;

(7) Are built in a three-digit or four-digit NEMA frame size (or IEC metric equivalent), including those designs between two consecutive NEMA frame sizes (or IEC metric equivalent), or an enclosed 56 NEMA frame size (or IEC metric equivalent);

(8) Produce at least one horsepower (0.746 kW) but not greater than 500 horsepower (373 kW), and

(9) Meet all of the performance requirements of one of the following motor types: A NEMA Design A, B, or C motor or an IEC Design N or H motor.

10 CFR 431.25(g).

DOE exempted certain categories of motors from having to satisfy any standards after determining that the referenced industry test procedures do not provide a standardized test method for determining the energy efficiency of these motor configurations.[8] 79 FR 30934 (May 29, 2014); see also, 78 FR 75962, 75974, 75987–75989). The currently exempted motor categories are:

- Air-over electric motors;
- Component sets of an electric motor;
- Liquid-cooled electric motors;
- Submersible electric motors; and
- Inverter-only electric motors.

10 CFR 431.25(l)

Definitions for terms related to the Federal test method for electric motors are provided at 10 CFR 431.12. A number of these definitions incorporate references to specific sections of NEMA MG 1–2009 to characterize the construction and operation of different categories of electric motors. DOE is considering revising these definitions to update its current NEMA MG 1 references to the most recent edition of that standard, NEMA MG 1–2016. These reference updates would align DOE's regulatory definitions with current industry practice and the revisions under consideration for the electric motors test procedure at Appendix B (see section II.B.1).

Twelve definitions at 10 CFR 431.12 reference the NEMA MG 1–2009 standard, of which the following five include references to sections of NEMA MG 1 that have not changed between the 2009 and 2016 publications of the standard: ''electric motor with encapsulated windings,'' ''electric motor with moisture resistant windings,'' ''electric motor with sealed windings,'' ''general purpose electric motor (subtype I),'' and ''general purpose electric motor (subtype II).''

Conversely, the definitions in 10 CFR 431.12 for ''definite purpose motor,'' ''definite purpose electric motor,'' ''general purpose electric motor,'' ''NEMA Design A motor,'' ''NEMA Design B motor,'' ''NEMA Design C motor,'' and ''nominal full-load efficiency'' reference provisions of NEMA MG 1 that have changed between the 2009 and 2016 versions. These changes are discussed in the following paragraphs.

The definitions for ''definite purpose motor,'' ''definite purpose electric motor,'' and ''general purpose electric motor'' at 10 CFR 431.12 reference

[3] This RFI does not address *small electric motors,* which are covered separately under 10 CFR part 431, subpart X. A *small electric motor* is ''a NEMA general purpose alternating current single-speed induction motor, built in a two-digit frame number series in accordance with NEMA Standards Publication MG1–1987, including IEC metric equivalent motors.'' 10 CFR 431.442.

[4] ''NEMA Design A'' motor means a squirrel-cage motor that: (1) Is designed to withstand full-voltage starting and developing locked-rotor torque as shown in NEMA MG 1–2009, paragraph 12.38.1 (incorporated by reference, see § 431.15); (2) Has pull-up torque not less than the values shown in NEMA MG 1–2009, paragraph 12.40.1; (3) Has breakdown torque not less than the values shown in NEMA MG 1–2009, paragraph 12.39.1; (4) Has a locked-rotor current higher than the values shown in NEMA MG 1–2009, paragraph 12.35.1 for 60 hertz and NEMA MG 1–2009, paragraph 12.35.2 for 50 hertz; and (5) Has a slip at rated load of less than 5 percent for motors with fewer than 10 poles. 10 CFR 430.12.

[5] ''NEMA Design B motor'' means a squirrel-cage motor that is: (1) Designed to withstand full-voltage starting; (2) Develops locked-rotor, breakdown, and pull-up torques adequate for general application as specified in sections 12.38, 12.39 and 12.40 of NEMA MG1–2009 (incorporated by reference, see § 431.15); (3) Draws locked-rotor current not to exceed the values shown in section 12.35.1 for 60 hertz and 12.35.2 for 50 hertz of NEMA MG1–2009; and (4) Has a slip at rated load of less than 5 percent for motors with fewer than 10 poles. *Id.*

[6] ''NEMA Design C'' motor means a squirrel-cage motor that: (1) Is Designed to withstand full-voltage starting and developing locked-rotor torque for high-torque applications up to the values shown in NEMA MG1–2009, paragraph 12.38.2 (incorporated by reference, see § 431.15); (2) Has pull-up torque not less than the values shown in NEMA MG1–2009, paragraph 12.40.2; (3) Has breakdown torque not less than the values shown in NEMA MG1–2009, paragraph 12.39.2; (4) Has a locked-rotor current not to exceed the values shown in NEMA MG1–2009, paragraphs 12.35.1 for 60 hertz and 12.35.2 for 50 hertz; and (5) Has a slip at rated load of less than 5 percent. *Id.*

[7] ''Fire pump electric motor'' means an electric motor, including any IEC-equivalent motor that meets the requirements of section 9.5 of NFPA 20. *Id.*

[8] DOE notes that, while these motor configurations are not currently subject to any energy conservation standards, they remain within the Department's scope of covered equipment.

paragraph 14.3, ''Unusual Service Conditions,'' of NEMA MG 1–2009. Paragraph 14.3 of NEMA MG 1 provides a list of service conditions that may affect the construction or operation of a motor. The NEMA MG 1–2016 standard adds two conditions to the NEMA MG 1–2009 standard: ''exposure to a coupling mass that is greater than 10% of rotor weight and/or has a center of gravity that is beyond the shaft extension'' and ''exposure to a coupling or coupling/coupling guard combination which could produce a negative pressure at the drive end seal.'' DOE notes that the regulatory definition for ''general purpose electric motor'' also references paragraph 14.2, ''Usual service conditions,'' of NEMA MG 1–2009, but unlike paragraph 14.3, section 14.2 remains unchanged in NEMA MG 1–2016. Prior to June 1, 2016, DOE's energy conservation standards for electric motors differentiated between general purpose electric motors (for which standards applied) and definite or special purpose electric motors (for which standards did not apply). 10 CFR 431.25(a)–(d) and (f). For electric motors manufactured on or after June 1, 2016, DOE's energy conservation standards no longer differentiated between these previous broad categories of general purpose and definite or special purpose. Consequently, DOE's standards are now differentiated according to the criteria listed at 10 CFR 431.25(g) and NEMA and IEC Design categories. 10 CFR 431.25(h)–(i). Therefore, the updates to these definitions are not expected to change the applicability of test procedures or energy conservation standards for electric motors manufactured on or after June 1, 2016.

The definitions for ''NEMA Design A motor,'' ''NEMA Design B motor,'' and ''NEMA Design C motor'' at 10 CFR 431.12 reference tables of locked-rotor current in sections 12.35.1 and 12.35.2 of NEMA MG 1–2009. NEMA MG 1–2016 revises these tables by adding a column for ''Locked-Rotor kVA Code'' and a footnote regarding a tolerance that may be applied to the locked-rotor current values based on the associated Locked-Rotor kVA Code.[9] Section 10.37 of NEMA MG 1–2016 provides the applicable range of kVA per horsepower for each locked-rotor kVA code that would be used to calculate the locked-rotor current tolerances. These definitions also reference other sections in NEMA MG 1–2009, each of which remains unchanged in the NEMA MG 1–2016 standard. The addition of the column for ''Locked-Rotor kVA Code'' is not expected to impact the applicability of test procedures or energy conservation standards for electric motors. Further, NEMA MG 1–2016's addition of the footnote regarding a tolerance that may be applied to the maximum locked-rotor current values is a clarification of the existing tolerance presented in section 10.37 of NEMA MG1–2009, which remains unchanged in NEMA MG1–2016, and would also not impact the scope of electric motors that are subject to energy conservation standards and test procedures.

The definition for ''nominal full-load efficiency'' at 10 CFR 431.12 references Table 12–10 of NEMA MG 1–2009, which provides a list of nominal efficiencies and associated minimum motor efficiencies based on a 20 percent loss difference. Table 12–10 in NEMA MG 1–2009 lists nominal efficiency ratings ranging from 50.5 to 99.0, while Table 12–10 in NEMA MG 1–2016 lists nominal efficiency ratings ranging from 34.5 to 99.0. The nominal efficiency ratings (and associated minimum efficiencies) in the range of 50.5 to 99.0 did not change between the NEMA MG1–2009 and NEMA MG1–2016 versions of the standard. The nominal full-load efficiency requirements specified by the energy conservation standards for electric motors at 10 CFR 431.25 are efficiency values ranging from 74.0 to 96.2; therefore, the addition of nominal efficiency ratings ranging from 34.5 to 50.5 in the NEMA MG 1–2016 version of Table 12–10 will not impact the applicability of test procedures or energy conservation standards for electric motors.

Issue 1: DOE requests comment on the 2016 updates to NEMA MG 1 that relate to the electric motor definitions in 10 CFR 431.12. Specifically, DOE requests information on how these revisions would impact the applicability of test procedures and energy conservation standards for electric motors.

Issue 2: DOE requests comment on whether any other definitions should be modified or added to 10 CFR 431.12 to provide additional detail or direction in the application of the test procedure for electric motors.

DOE also notes that IEC standard 60034–12, published on November 23, 2016, allows the use of a new nomenclature for certain electric motors that are already covered by DOE's current standards. As an example, IEC Design N and IEC Design H motors that meet a ''premium efficiency'' attribute are permitted to be designated with an ''E'' (*i.e.* ''NE'' and ''HE''). The ''premium efficiency'' attribute generally aligns with the current DOE standards prescribed at 10 CFR 431.25. In DOE's view, these ''NE'' and ''HE'' motors are already addressed by the definitions and standards that DOE currently has in place regarding ''N'' and ''H'' motors. *See* 10 CFR 431.12 (defining the terms ''IEC Design H motor'' and ''IEC Design N motors'') *and* 10 CFR 431.25(g)–(i) *and* (l) (establishing the efficiency standards related to Design N and H motors and their applicable scope). This view is also held by NEMA, which asserted in separate communications to DOE that ''E''-designated motors are drop-in replacements for their ''non-E''-designated counterparts. See Letter from NEMA to DOE (March 26, 2018) and Supplemental Letter from NEMA to DOE (August 23, 2019). (Both letters have been filed in the docket.) To ensure the accuracy of its understanding, DOE is seeking comment as to whether its understanding of the new nomenclature is correct.

Issue 3: DOE requests comment on whether a Design NE or Design HE motor is distinguishable in performance (aside from energy efficiency) from a Design N or Design H motor, respectively, such that the ''E''-designated motor merits treatment as a separate motor type. If so, why? If not, why not?

B. Test Procedure

1. Updates to Industry Standards

DOE has reviewed each of the industry standards that are currently incorporated by reference as test methods for determining the energy efficiency of electric motors. Since publication of the December 2013 final rule, IEEE 112–2004 and NEMA MG 1–2009 have been revised, and CSA C390–10 has been reaffirmed, as listed in Table II–1. The following is a review of the relevant revisions to IEEE 112–2004 and NEMA MG 1–2009.

[9] Locked-Rotor kVA Code is a letter which appears on the nameplate of an alternating-current motor to show its range of locked-rotor kilo-volt-ampere (kVA) per horsepower. The letter designations for locked rotor kVA per horsepower are given in Section 10.37 of NEMA MG 1–2016. For example, the letter ''N'' corresponds to a range of locked rotor kVA per horsepower between 11.2 and 12.5.

TABLE II–1—UPDATED INDUSTRY STANDARDS

Existing reference	Updated version	Type of update
IEEE 112–2004	IEEE 112–2017	Revision.
CSA 390–10	CSA 390–10 (R2015)	Reaffirmed.
NEMA MG 1–2009	NEMA MG 1–2016	Revision.

a. IEEE 112

In the April 2019 NOPR DOE proposed to incorporate by reference IEEE 112–2017 for both small electric motors and electric motors. 84 FR 17004. Specifically, for electric motors, DOE has proposed to incorporate IEEE 112–2017 Test Method B as an alternative to IEEE 112–2004 Test Method B, and requested comment on this proposal. 84 FR 17004, 17011–17012. DOE tentatively determined that this proposal would harmonize the permitted test methods under subpart B of 10 CFR part 431 and align measurement and instrumentation requirements with recent industry practice. 84 FR 17004, 17011–17012.

b. NEMA MG 1

The test procedure for electric motors specified at Appendix B requires that efficiency and losses be determined in accordance with NEMA MG 1–2009, paragraph 12.58.1, ''Determination of Motor Efficiency and Losses.'' The text of paragraph 12.58.1 was modified in the subsequent revisions to NEMA MG 1–2009. Notably, paragraph 12.58.1 in the 2016 revision of MG 1 specifies an additional industry standard, IEC 60034–2–1, for calculating the efficiency of horizontal polyphase squirrel-cage motors rated 1 to 500 horsepower. Further discussion on IEC 60034–2–1 is provided in the following section II.B.1.c of this RFI.

c. IEC 60034–2–1

In a November 2017 notice, DOE sought comment regarding petitions from NEMA and Underwriters Laboratory (''UL'') requesting that DOE incorporate IEC 60034–2–1:2014 Method 2–1–1B [10] as an additional alternative test method to those already referenced in DOE's regulations for determining the energy efficiency of certain electric motors and small electric motors. 82 FR 50844 (November 2, 2017). With regard to the electric motors test procedure, NEMA and UL's petition requested that DOE incorporate IEC 60034–2–1:2014 Method 2–1–1B as an alternative to IEEE 112–2004 Test Method B and CSA C390–10, which are currently referenced in Appendix B. (NEMA, Docket EERE–2017–BT–TP–0047,[11] No. 28.2 at p.1; UL, Docket EERE–2017–BT–TP–0047, No. 29.1 at p.1)

DOE reviewed Method 2–1–1B from the IEC 60034–2–1:2014 standard in the April 2019 NOPR and initially concluded that the standard would provide comparable energy efficiency results to the current required test standards (IEEE 112 and CSA C390). 84 FR 17004, 17013. Accordingly, in the April 2019 NOPR DOE proposed to incorporate by reference IEC 60034–2–1:2014 Method 2–1–1B as an alternative to the currently incorporated industry testing standards IEEE 112–2004 Test Method B and CSA C390–10, and requested comment on this proposal. *Id.*

2. Temperature Rise Measurement Location

The test method for measuring electric motor nominal full-load efficiency prescribed under Appendix B specifies that efficiency and losses are determined in accordance with paragraph 12.58.1 of NEMA MG1–2009, and either CSA C390–10 or IEEE 112–2004 Test Method B. *See* 10 CFR part 431, subpart B, Appendix B, Sec. 2. CSA 390–10 and IEEE 112–2004 both require the motor to be loaded to the rated full load and operated until thermal equilibrium is reached. *See* CSA C390–10, Sec. 7.1.3 *and* IEEE 112–2004, Sec. 5.8.4.4. This segment of the efficiency test is known as the ''heat-run test.''

Section 7.1.3 of CSA C390–10 provides the test instructions for the heat-run test, and states that the temperature used to establish thermal equilibrium is determined using the temperature measurement devices specified in section 7.1.2 of that standard. Section 7.1.2.2 of CSA C390–10 explicitly specifies the permissible locations for installing the temperature measurement devices when conducting the heat-run test.

Section 5.8.4.4 of IEEE 112–2004 specifies how to terminate the heat-run test. These instructions provide that the motor is operated until the temperature rises are constant, but unlike CSA C390–10, IEEE 112–2004 does not explicitly indicate the locations where these temperatures must be measured. Instead, Section 5.8.4.3 of IEEE 112–2004 provides a list of locations on the motor at which temperature measurement devices must be equipped, but does not specify which temperature measurement device must be used to establish the condition of thermal equilibrium in the heat-run test. The same requirements are provided in Section 5.9.4.4 of IEEE 112–2017, the latest version of the industry standard.

Issue 4: DOE requests comment on whether the test instructions in IEEE 112–2004 Test Method B and/or IEEE 112–2017 Test Method B provide sufficient detail regarding placement of temperature measurement devices for establishing thermal equilibrium in the heat-run test. Specifically, DOE seeks comment, including comment based on testing experience, regarding potential locations for measurement to establish thermal equilibrium. DOE is also interested in detailed information on any testing burden, including cost, associated with measuring at the various locations.

3. Rated Motor Horsepower

Nominal full-load efficiency, the metric for energy conservation standards for electric motors, is defined as a representative value of efficiency selected from the ''nominal efficiency'' column of Table 12–10 of NEMA MG 1–2009, that is not greater than the average full-load efficiency of a population of motors of the same design. *See* 10 CFR 431.12. ''Average full-load efficiency'' is defined as ''. . . the ratio (expressed as a percentage) of the motor's useful power output to its total power input when the motor is operated at its full rated load, rated voltage, and rated frequency.'' *Id.* Typically, a rated load represents a power output expected from the motor (*e.g.,* a horsepower value on the nameplate or a manufacturer declared rated motor horsepower). The industry testing standards discussed in section II.B.1 of this RFI do not provide a method to determine the full rated load of the tested unit. Rather, the standards rely on a manufacturer-specified output power, which is

[10] IEC 60034–2–1:2014 Method 2–1–1B (2014), ''Rotating Electrical Machines—Part 2–1: Standard methods for determining losses and efficiency from tests (excluding machines for traction vehicles),'' ''Summation of losses, additional load losses according to the method of residual loss.''

[11] Docket EERE–2017–BT–TP–0047 is available at *https://www.regulations.gov/docket?D=EERE-2017-BT-TP-0047.*

usually listed on a motor's nameplate in terms of horsepower (*i.e.,* the rated motor horsepower).

Rated motor horsepower is generally not an intrinsic, observable motor property, and motors are usually capable of operating both above and below the rated motor horsepower. For example, a motor that is rated at 1 hp is also capable of delivering 0.75 hp, but likely with a different speed, torque, and efficiency than those of when it is delivering at its rated 1 hp. The output power of the motor depends on the load and the design of the motor. Therefore, the load point (or horsepower) at which the motor must be tested is not an intrinsic parameter to the motor, but rather a parameter that must be defined or specified. The test's load point (or horsepower) is relevant to efficiency testing because the efficiency of an electric motor varies according to load.

While the ''nominal full-load efficiency definition'' relies on the definition of ''average full-load efficiency'' (and in turn, ''rated load''), DOE regulations do not explicitly address how to determine the rated load and rated motor horsepower of an electric motor. Accordingly, as part of the test procedure evaluation, DOE is considering whether to define the term ''rated motor horsepower'' and whether defining the term would provide for more accurate comparisons of similarly rated motors from different manufacturers. In addition, DOE is considering additional changes to address the relationship between the term ''rated motor horsepower'' to ''rated load,'' as discussed in section II.B.4.b of this RFI.

As with a recent proposed amendment to the test procedure for small electric motors, DOE is considering defining rated motor horsepower to be based on the breakdown torque of an electric motor, which is a directly measurable quantity. See 84 FR 17004, 17014–17015. Breakdown torque is defined in section 1.50 of NEMA MG 1–2016 as the maximum torque that the motor will develop with rated voltage and frequency applied without an abrupt drop in speed,[12] and is typically measured in accordance with Section 7, ''Other performance tests,'' of IEEE Standard 112–2017.

NEMA MG1–2016 requires that the rated horsepower be established by identifying the horsepower that corresponds to the appropriate value of breakdown torque, established in section 12.37 and section 12.39 of NEMA MG1–2016, for general-purpose polyphase 2-digit frame (*e.g.* 56-frame) size electric motors and Design A, B, and C polyphase 3- and 4-digit frame size electric motors, respectively (*e.g.* 215). While section 12.37 applies to general purpose polyphase 2-digit frame size electric motors as written, DOE is considering whether section 12.37 of NEMA MG 1–2016 could apply to all 2-digit frame size electric motors within the DOE scope (as detailed in section II.A of this RFI) such that DOE can define rated motor horsepower based on breakdown torque, as defined in NEMA MG 1–2016. DOE would need to consider how rated motor horsepower should be determined in the cases of special purpose and definite purpose 2-digit frame size electric motors within the DOE scope.

Issue 5: DOE requests comment on how industry currently determines rated motor horsepower of an electric motor. Specifically, DOE requests comment on whether the methods described in sections 12.37 and 12.39 of NEMA MG1–2016 reflect how industry currently determines rated motor horsepower of an electric motor.

Issue 6: DOE requests comment on the whether there is a need to define the term ''rated motor horsepower,'' and the feasibility of establishing such a definition. DOE requests comment and data regarding how rated motor horsepower determined as contemplated in the preceding discussion would compare to the rated motor horsepower currently declared by manufacturers. Additionally, DOE requests comment on how to determine the horsepower of a special or definite purpose motor with breakdown torque that is not expressly characterized by Table 10–5 of NEMA MG 1–2016. DOE also requests comment on any other method that may be used to verify the manufacturer declared horsepower of an electric motor. DOE is also interested in detailed information on any test burden, including cost, associated with the method as contemplated by DOE, or other methods as may be suggested.

4. Rated Values Specified for Testing

DOE is evaluating whether clarifying several other values used for testing electric motors is warranted. As noted previously, the definition of average full load efficiency at 10 CFR 431.12 specifies that the full load efficiency of a motor is determined when the motor operates at the rated frequency, rated load, and rated voltage. Additionally, industry standards refer to ''rated'' values, which are expected to be known or provided (*e.g.,* on the nameplate). However, ''rated frequency,'' ''rated load,'' and ''rated voltage'' are not defined in subpart B of 10 CFR part 431. Similar to proposed amendments to the test procedure for small electric motors, DOE is considering whether additional instruction regarding these terms could improve clarity and further ensure all motors of a given specification are tested using the same settings. *See* 84 FR 17004, 17017–17018.

a. Rated Frequency

''Rated frequency'' is a term commonly used by industry standards developed for testing electric motors (*e.g.,* section 6.1 in IEEE 112–2004, and section 6.1 in CSA C390–10). The test procedures and energy conservation standards established under EPCA apply to motors distributed in commerce within the United States. Within the United States, electricity is supplied at 60 hertz (''Hz''). However, electric motors could be designed to operate at frequencies in addition to 60 Hz (*e.g.,* motors designed to operate at either 60 or 50 Hz, which is used in other parts of the world).

Some electric motors subject to 10 CFR 431.16 are marketed as capable of operating at either of these two frequencies and could include in their marketing information data regarding motor performance at both frequencies (*e.g.,* 60 and 50 Hz). In this case, it could be unclear at which frequency the test should be performed. DOE is considering defining the term ''rated frequency'' as 60 Hz to expressly specify this test requirement.

b. Rated Load

The term ''rated load'' [13] is used in industry standards to specify a loading point at which to test a motor (*e.g.,* sections 5.6 and 6.1 in IEEE 112–2004, and section 6.1 in CSA C390–10). Typically, a rated load represents a power output expected from the motor (*e.g.,* a horsepower value on the nameplate or a manufacturer declared rated motor horsepower). The rated load

[12] In concept, breakdown torque describes the maximum torque the motor can develop without slowing down and stalling. The maximum torque over the entire speed range could occur at a different condition (*e.g.,* the motor start-up, zero speed condition) than the breakdown condition. Therefore, breakdown torque corresponds to a local maximum torque (on a plot of torque versus speed) that is nearest to the rated torque. NEMA MG 1–2016 does not quantify what would constitute ''an abrupt drop in speed,'' but the phrase corresponds to the expectation that the motor will slow down or stall if the load increases and indicates that minor reductions in speed observed due to measurement sensitivities are not considered.

[13] Also referred to as ''full rated load,'' ''rated full-load,'' or ''full-load.''

will have a corresponding rated speed and rated torque. DOE is considering defining the term ''rated load'' as ''the rated motor horsepower of an electric motor'' to clarify this test requirement.

c. Rated Voltage

The term ''rated voltage'' is used in industry standards to specify the voltage supplied to the motor under test (*e.g.,* section 6.1 in IEEE 112–2004, and section 6.1 in CSA C390–10). The test procedures referenced in Appendix B require a basic model to be tested at the rated voltage, without specifying what to do when a manufacturer includes multiple rated voltages on the nameplate and marketing materials. DOE is considering specifying the input voltage required for testing when motors are rated for use at multiple voltages. Options for this specification could include testing only at the lowest rated voltage, testing only at the highest rated voltage, or testing at all rated voltages. Alternatively, similar to what was proposed for small electric motors, DOE is considering allowing manufacturers to test and certify motors at any rated voltage, provided that the tested input voltage setting is listed on the certification report. See 84 FR 17004, 17018.

In addition, DOE has found that some motor nameplates are labeled with a voltage rating including a range of values, such as ''208–230/460 volts,'' or other qualifiers, such as ''230/460V, usable at 208V.'' DOE is considering how rated voltage for testing should be determined in these cases.

Issue 7: DOE requests comment on the potential definitions of ''rated frequency'' and ''rated load'' for electric motors. DOE requests comment and data regarding how the discussed definitions would impact the current test results. DOE also requests comment on the input voltage setting(s) that should be used during testing. Specifically, DOE requests test data that demonstrates how motor efficiency varies at different input voltage settings.

C. Use of an Amended Test Procedure

If required only for the evaluation and issuance of updated efficiency standards, use of a modified test procedure, were DOE to finalize such a change, typically would not be required until the implementation date of updated standards. Section 8(c) of appendix A 10 CFR part 430 subpart C. Moreover, were DOE to initiate a rulemaking to establish methodologies used to evaluate proposed energy conservation standards, such a rulemaking would be finalized at least 180 days prior to publication of a NOPR proposing new or amended energy conservation standards. See 10 CFR part 430, appendix A, subpart C, sec. 8(d)–(e).

D. Other Test Procedure Topics

In addition to the issues identified earlier in this document, DOE welcomes comment on any other aspect of the current test procedures for electric motors found at 10 CFR part 431, subpart B. As noted earlier, DOE recently issued an RFI to seek more information on whether its test procedures are reasonably designed to produce results that measure the energy use or efficiency of a product during a representative average use cycle or period of use. 84 FR 9721 (March 18, 2019).

Issue 8: DOE seeks comment on whether its test procedures for electric motors are reasonably designed, as required by EPCA, to produce results that measure the energy use or efficiency of a product during a representative average use cycle or period of use.

Issue 9: DOE requests comments on whether potential amendments based on the issues discussed would result in a test procedure that is unduly burdensome to conduct, particularly in light of any new products on the market that have appeared since the last test procedure update.

DOE's established practice is to adopt industry standards as DOE test procedures unless such methodology would be unduly burdensome to conduct or would not produce test results that reflect the energy efficiency, energy use, water use (as specified in EPCA) or estimated operating costs of that product during a representative average use cycle or period of use. Section 8(c) of appendix A 10 CFR part 430 subpart C. In cases where the industry standard does not meet EPCA statutory criteria for test procedures DOE will make modifications through the rulemaking process to these standards as the DOE test procedure. DOE recognizes that adopting industry standards with modifications imposes a burden on industry (*i.e.,* manufacturers face increased costs if the DOE modifications require different testing equipment or facilities).

Issue 10: To the extent that potential amendments based on the issues discussed in this document would result in a procedure that is, in fact, unduly burdensome to conduct, DOE seeks information on whether an existing private sector-developed test procedure would be more appropriate. DOE requests comment on the benefits and burdens of adopting any industry/voluntary consensus-based or other appropriate test procedure, without modification.

Issue 11: Additionally, DOE requests comment on whether the existing DOE test procedure limits a manufacturer's ability to provide consumers with additional features in the electric motors that they purchase. DOE particularly seeks information on how the DOE test procedures could be amended to reduce the cost of new or additional features and make it more likely that electric motors include such features while satisfying EPCA.

Issue 12: DOE also requests comments on any potential amendments to the existing test procedures that would address impacts on manufacturers, including small businesses.

Finally, DOE published an RFI on the emerging smart technology appliance and equipment market. 83 FR 46886 (September 17, 2018) (''September 2019 RFI''). In that RFI, DOE sought information to better understand market trends and issues in the emerging market for appliances and commercial equipment that incorporate smart technology. DOE's intent in issuing the RFI was to ensure that DOE did not inadvertently impede such innovation in fulfilling its statutory obligations in setting efficiency standards for covered products and equipment.

Issue 13: DOE seeks, as part of this RFI, comments, data and information on the issues presented in the September 2018 RFI as they may be applicable to electric motors.

III. Submission of Comments

DOE invites all interested parties to submit in writing by July 20, 2020, comments and information on matters addressed in this notice and on other matters relevant to DOE's consideration of amended test procedures for electric motors. These comments and information will aid in the development of a test procedure NOPR for electric motors if DOE determines that amended test procedures may be appropriate for this equipment.

Submitting comments via http://www.regulations.gov. The *http://www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE

cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing test procedures and energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on May 8, 2020, by Alexander N. Fitzsimmons, Deputy Assistant Secretary for Energy Efficiency, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on May 8, 2020.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2020–11764 Filed 6–2–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0513; Product Identifier 2019–SW–037–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2018–08–01 for Airbus Helicopters Model EC225LP helicopters. AD 2018–08–01 requires inspecting the control rod attachment yokes (yoke) of certain main rotor rotating swashplates (swashplate). Since the FAA issued AD 2018–08–01, Airbus Helicopters has identified additional swashplate serial numbers affected by the unsafe condition and has established a life limit for the swashplates. This proposed AD would retain the inspection requirements of AD 2018–08–01, expand the applicability, establish a life limit, and add a one-time inspection of stripped yokes. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by August 3, 2020.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *https://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0513; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Union Aviation Safety Agency (EASA) AD, any comments received and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.You* may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *Matthew.Fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to participate in this rulemaking by submitting written comments, data, or views. The FAA also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments received.

Discussion

The FAA issued AD 2018–08–01, Amendment 39–19254 (83 FR 17617, April 23, 2018) (''AD 2018–08–01'') for Airbus Helicopters Model EC225LP helicopters. AD 2018–08–01 requires, for certain serial-numbered swashplates part number (P/N) 332A31–3074–00 and P/N 332A31–3074–01, a repetitive visual inspection of the five yokes for a crack and replacing the swashplate if there is a crack in any of the yokes.

AD 2018–08–01 was prompted by EASA AD No. 2017–0191R2, dated December 15, 2017 (EASA AD 2017–0191R2), issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA advised of a finding by Airbus Helicopters that the yoke is susceptible to cracking due to strain aging of the metal. EASA advised that this condition, if not detected and corrected, could lead to structural failure of a yoke, possibly resulting in loss of control of the helicopter.

Actions Since AD 2018–08–01 Was Issued

Since the FAA issued AD 2018–08–01, Airbus Helicopters revised the related service information, Emergency Alert Service Bulletin (EASB) No. 05A051, Revision 1, dated November 16, 2017, to Revision 2, dated February 26, 2019 (EASB 05A051). EASB 05A051 establishes a life limit (also called a service life limit) of 12 years for the swashplate and adds a reporting requirement if there is a crack or corrosion in a yoke.

Thereafter, EASA superseded EASA AD 2017–0191R2 with EASA AD No. 2019–0074, dated March 28, 2019 (EASA AD 2019–0074). EASA advises that additional analysis determined that it is necessary to introduce a new life limit for the affected swashplates. Accordingly, EASA AD 2019–0074 retains the requirements of EASA AD 2017–0191R2 and adds the life limit and the reporting requirement.

Additionally, the FAA issued AD 2018–08–01 to address the unsafe condition of a crack in a swashplate yoke. However, AD 2018–08–01 did not require stripping certain yokes and performing a one-time inspection within 100 hours time-in-service (TIS) for corrosion and a crack as specified in EASA AD 2017–0191R2, as there is sufficient time to allow for notice and comment prior to this long-term AD requirement going into effect. The FAA has determined this inspection is needed to address this unsafe condition and has proposed to require, within 100 hours TIS and for certain yokes, removing the grease and stripping certain areas of the yokes and inspecting these areas for corrosion, pitting, loss of material, and a crack in this proposed AD.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that an unsafe condition is likely to exist or develop on other helicopters of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed one document that co-publishes two Airbus Helicopters EASB identification numbers: EASB 05A051 for Model EC225LP helicopters and EASB No. 05A046, Revision 2, dated February 26, 2019, for non-FAA type-certificated Model EC725AP helicopters. EASB 05A051 is proposed for incorporation by reference in this proposed AD. Airbus Helicopters EASB No. 05A046 is not proposed for incorporation by reference in this proposed AD.

This service information specifies inspections for swashplate P/N 332A31–3074–00 and P/N 332A31–3074–01. This service information specifies procedures for a repetitive inspection of the yokes for a crack and a one-time inspection of the stripped yokes for corrosion and a crack. If in doubt about whether there is a crack, this service information specifies performing a non-destructive inspection. This service information also specifies touching up the swashplate with varnish if there is corrosion, removing any damage within

allowable limits, and refinishing the yokes. If there is a crack in a yoke, this service information specifies replacing the swashplate. This service information also specifies a life limit of 12 years since the date of manufacture for the swashplates and reporting requirements if a crack or corrosion is discovered.

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

Other Related Service Information

The FAA reviewed one document that co-publishes two Airbus Helicopters EASB identification numbers: No. 05A051 for Model EC225LP helicopters and No. 05A046 for non-FAA type-certificated Model EC725AP helicopters, each Revision 1 and dated November 16, 2017. Revision 1 of this service information specifies the same inspections as Revision 2 of this service information. However, Revision 2 of this service information clarifies some of the inspection instructions and adds a life limit and a reporting requirement.

Proposed AD Requirements

This proposed AD would require, before further flight, reviewing Appendix 4.A. of EASB 05A051 to determine the date of manufacture of the swashplate and establishing a life limit of 12 years since the date of manufacture. This proposed AD would retain the repetitive visual inspections of AD 2018–08–01 to inspect each yoke for a crack at intervals not to exceed 15 hours time-in-service for swashplates that have accumulated less than 7 years since the date of manufacture. For a swashplate that has accumulated 7 or more years, but less than 12 years, since the date of manufacture, this proposed AD would require removing the grease and stripping certain areas of the yokes and inspecting these areas for corrosion, pitting, loss of material, and a crack. If there are no cracks, this AD would require performing a dye penetrant inspection of the yoke for a crack.

Depending on the results of this inspection, the proposed AD would require either repairing the surface of the swashplate or removing it from service.

Differences Between This Proposed AD and the EASA AD

The EASA AD requires performing a non-destructive inspection only if there is doubt whether there is a crack. Instead, this proposed AD requires a visual inspection and if there are no cracks, requires a non-destructive inspection. The EASA AD specifies instructions for reporting inspection reports; this proposed AD does not.

Costs of Compliance

The FAA estimates that this proposed AD affects 26 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at $85 per work-hour.

Determining the date of manufacture of the swashplate would take about 0.5 work-hour for an estimated cost of $43 per helicopter and $1,118 for the U.S. fleet.

Inspecting the yokes would take about 0.25 work-hour for an estimated cost of $21 per helicopter and $546 for the U.S. fleet per inspection cycle.

Removing grease, stripping the yokes, and inspecting the stripped yokes would take about 8 work-hours, for a total estimated cost of $680 per helicopter.

Dye-penetrant inspecting a yoke for a crack would take about 6 work-hours and parts would cost about $50, for an estimated cost of $560 per yoke.

Removing any corrosion or repairing damage within the allowable limit would take about 3 work-hours, for an estimated cost of $255 per yoke.

Replacing the swashplate would take about 6 work-hours, and parts would cost about $85,661 for an estimated cost of $86,171 per instance.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

2. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2018–08–01, Amendment 39–19254 (83 FR 17617, April 23, 2018), and adding the following new AD:

Airbus Helicopters: Docket No. FAA–2020–0513; Product Identifier 2019–SW–037–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model EC225LP helicopters, certificated in any category, with a main rotor (M/R) rotating swashplate (swashplate) part number (P/N) 332A31–3074–00 or P/N 332A31–3074–01 installed.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a swashplate control rod attachment yoke (yoke). This condition could result in failure of the yoke, loss of M/R control, and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD replaces AD 2018–08–01, Amendment 39–19254 (83 FR 17617, April 23, 2018).

(d) Comments Due Date

The FAA must receive comments by August 3, 2020.

(e) Compliance

You are responsible for performing each action required by this AD within the

specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

Before further flight, review Appendix 4.A. of Airbus Helicopters Emergency Alert Service Bulletin No. 05A051, Revision 2, dated February 26, 2019 (EASB 05A051) to determine the date of manufacture of the swashplate.

(1) If the swashplate has accumulated 12 or more years since the date of manufacture, remove from service the swashplate.

(2) If the swashplate has accumulated less than 12 years since the date of manufacture, create a component history card or equivalent record indicating a life limit of 12 years since the date of manufacture. Thereafter, continue to record the life limit of the swashplate on its component history card or equivalent record and remove from service any swashplate before accumulating 12 years since the date of manufacture.

(3) For each swashplate that has accumulated less than 7 years since the date of manufacture, within 15 hours time-in-service (TIS) and thereafter at intervals not to exceed 15 hours TIS, until the swashplate accumulates 7 years since the date of manufacture, visually inspect each yoke for a crack, paying particular attention to the areas shown in Details B, C, and D of Figure 1 of EASB 05A051.

(i) If there are no cracks, perform a dye penetrant inspection of the yoke for a crack.

(ii) If there is a crack on a yoke, before further flight, remove from service the swashplate.

(4) For each swashplate that has accumulated 7 or more years, but less than 12 years, since the date of manufacture, within 100 hours TIS:

(i) Remove the grease from areas (E), (F), (G), (H), (J), and (K) of each yoke as shown in Details B, C, and D of Figure 1 of EASB 05A051. Using a plastic spatula, strip areas (E), (F), (G), (H), (J), and (K) of each yoke as shown in Details B, C, and D of Figure 1 of EASB 05A051. Do not use a metal tool to strip any area of a yoke.

(ii) Inspect areas (E), (F), (G), (H), (J) and (K) of each yoke as shown in Details B, C, and D of Figure 1 of EASB 05A051 for corrosion, pitting, and loss of material.

(A) If there is any corrosion less than 0.0078 in. (0.2 mm), before further flight, remove the corrosion and apply varnish (Vernelec 43022 or equivalent) to the surface of areas (E), (F), (G), (H), (J) and (K).

(B) If there is any pitting or loss of material of less than 0.0078 in. (0.2 mm), before further flight, remove the damage by sanding with sandpaper 200/400 or 330.

(C) If there is any corrosion, pitting, or loss of material of 0.0078 in. (0.2 mm) or greater, before further flight, remove from service the swashplate.

(iii) Visually inspect each yoke for a crack, paying particular attention to the areas shown in Details B, C, and D of Figure 1 of EASB 05A051.

(A) If there are no cracks, perform a dye penetrant inspection of the yoke for a crack.

(B) If there is a crack on a yoke, before further flight, remove from service the swashplate.

(g) Credit for Previous Actions

If you performed the actions in paragraph (f)(4) before the effective date of this AD using Airbus Helicopters Emergency Alert Service Bulletin No. 05A051, Revision 1, dated November 16, 2017, you met the requirements of paragraph (f)(4) of this AD.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(i) Additional Information

The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD No. 2019–0074, dated March 28, 2019. You may view the EASA AD on the internet at *https://www.regulations.gov* in the AD Docket.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 6230, Main Rotor Mast/Swashplate.

Issued on May 27, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–11821 Filed 6–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–1046; Product Identifier 2018–CE–049–AD]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: The FAA is revising an earlier proposal for certain Piper Aircraft, Inc. (Piper) Models PA–28–140, PA–28–150, PA–28–151, PA–28–160, PA–28–161, PA–28–180, PA–28–181, PA–28–235, PA–28R–180, PA–28R–200, PA–28R–201, PA–28R–201T, PA–28RT–201, PA–28RT–201T, PA–32–260, and PA–32–300 airplanes. The notice of proposed rulemaking (NPRM) was prompted by a report of a wing separation caused by fatigue cracking in a visually inaccessible area of the lower main wing spar cap. This action revises the NPRM by adding and removing certain models of airplanes in the Applicability, proposing to require the use of service information that was issued since the NPRM, and clarifying some of the proposed actions. The FAA is proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions would impose an additional burden over those proposed in the NPRM, the FAA is reopening the comment period to allow the public the chance to comment on these changes.

DATES: The comment period for the NPRM published in the **Federal Register** on December 21, 2018 (83 FR 65592), is reopened.

The FAA must receive comments on this SNPRM by July 20, 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 service information identified in this SNPRM, Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (772) 567–4361; internet: *www.piper.com.* 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.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2018–1046; 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 SNPRM, the 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: Dan McCully, Aerospace Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5548; fax: (404) 474–5605; email: *william.mccully@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–2018–1046; Product Identifier 2018–CE–049–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this SNPRM. The FAA will consider all comments received by the closing date and may amend this SNPRM 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 SNPRM.

Discussion

The FAA issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to certain Piper Aircraft, Inc. (Piper) Models PA–28–140, PA–28–150, PA–28–151, PA–28–160, PA–28–161, PA–28–180, PA–28–181, PA–28–235, PA–28R–180, PA–28R–200, PA–28R–201, PA–28R–201T, PA–28RT–201, PA–28RT–201T, PA–32–260, and PA–32–300 airplanes. The NPRM published in the **Federal Register** on December 21, 2018 (83 FR 65592).

The NPRM was prompted by a fatal accident involving wing separation on a Piper Model PA–28R–201 airplane. An investigation revealed a fatigue crack in a visually inaccessible area of the lower main wing spar cap. The NPRM included other model airplanes with similar wing spar structures as the Model PA–28R–201. Based on airplane usage history, the FAA determined that only those airplanes with higher risk for fatigue cracks (airplanes with a significant history of operation in flight training or other high-load environments) should be subject to the inspection requirements proposed in the NPRM.

Because airplanes used in training and other high-load environments are typically operated for hire and have inspection programs that require 100-hour inspections, the FAA determined the number of 100-hour inspections an airplane has undergone would be the best indicator of the airplane's usage history. Accordingly, the FAA developed a factored service hours formula based on the number of 100-hour inspections completed on the airplane.

The NPRM proposed to require a review of the airplane maintenance records to determine the number of 100-hour inspections and the application of the factored service hours formula to identify when an airplane meets the criteria for the proposed eddy current inspection of the lower main wing spar bolt holes. The NPRM also proposed to require inspecting the lower main wing spar bolt holes for cracks once a main wing spar exceeds the specified factored service hours and replacing any main wing spar when a crack is indicated. The maintenance records review to determine the factored service hours proposed by the NPRM would only apply when an airplane has either accumulated 5,000 or more hours time-in-service (TIS); has had either main wing spar replaced with a serviceable main wing spar (more than zero hours TIS); or has missing and/or incomplete maintenance records.

Actions Since the NPRM Was Issued

After a review of the comments received on the NPRM and further analysis, the FAA determined that some additional airplane models are likely to be affected by the unsafe condition and should be included in the applicability, while other models are not affected and should be removed from the applicability. Consequently, this SNPRM revises the applicability and the estimated cost associated with the proposed AD actions. This SNPRM also clarifies the applicability and some of the proposed actions. In addition, this supplemental NPRM no longer allows replacement of the wing spar with a used part. The FAA determined replacement of the wing spar with a part of unknown operational history would not ensure an acceptable level of safety.

Since the NPRM was issued, Piper issued a service bulletin that contains procedures for the eddy current inspection. This SNPRM proposes to require that service bulletin to do the eddy current inspection instead of the inspection procedure in the appendix to the NPRM.

Since these actions impose an additional burden over that in the NPRM, the FAA is reopening the comment period to allow the public the chance to comment on this change.

Comments

The FAA gave the public the opportunity to comment on the NPRM and received approximately 168 comments. The majority of the commenters were individual maintenance personnel and operators. The remaining commenters included Piper, governmental agencies such as the European Union Aviation Safety Agency (EASA) and the National Transportation Safety Board (NTSB), and organizations such as the Aircraft Owners and Pilots Association (AOPA), the Experimental Aircraft Association (EAA), and the General Aviation Manufacturers Association (GAMA). The following presents the relevant comments received on the NPRM and the FAA's response to each comment.

A. Supportive Comments

Fifteen comments were received in support of the NPRM. Five of these commenters specifically supported the proposed eddy current inspection method. The NTSB specifically supported the proposed requirement to report inspection results to the FAA.

B. Comments Regarding the FAA's Justification of the Unsafe Condition

Many commenters requested that the FAA provide more information about the root cause and clarify the FAA's unsafe condition determination.

Requests for Information About the Accident Airplane

Mitchell Ross requested information regarding the background of the accident airplane that prompted the NPRM, including its manufacturing and maintenance history. This commenter and Robert Cunningham also questioned the operational history of the accident airplane. Nine other commenters questioned the FAA's determination that an unsafe condition exists based on only one failure in 30 years.

The FAA agrees. All publicly available information about the accident airplane, including the information requested by the commenters, is available in the NTSB docket for accident number ERA18FA120. This information can be viewed at *https://dms.ntsb.gov/pubdms/search/hitlist.cfm?docketID=62694&CFID=95094&CFTOKEN=b616b3892cb482f1-5B544A63-5056-942C-92C71C2E6BFF1D97.*

Requests for Information About the Root Cause of the Unsafe Condition

David Hedley and Dana Pyle noted that Piper's steel supplier changed in the 1980s. These commenters and Robert Cunningham questioned whether inferior metal could be a factor. Tom McIntosh, Dana Pyle, and Robert Cunningham questioned whether coastal environments contributed to the corrosion and metal fatigue. Steven Rosenfield asked the FAA to confirm whether the fatigue cracking is caused by a design defect or a manufacturing error. Some commenters suggested that the problem is caused by other issues such as inadequate inspection and maintenance practices, and hard landings that go unreported.

The FAA agrees to provide additional information. The NTSB Materials Laboratory conducted hardness testing and electrical conductivity testing of the accident spar and sent spar samples to an independent laboratory for tension testing and chemical analysis. Tests results showed that the spar material conformed to type design (see NTSB report No. 18–061, Materials Laboratory Factual Report). Corrosion was not determined to be a contributing factor. Regarding the concern about inadequate inspections and maintenance practices, the NTSB report did not indicate there was any evidence of inadequate inspection and maintenance practices.

Request To Reference the Piper Model PA–28R–201 Accident

AOPA noted the absence of any specific mention of the April 4, 2018, Piper PA–28R–201 accident (NTSB Accident Number ERA18FA120) in the NPRM. The commenter stated its belief that the accident is a driving force behind the NPRM.

The FAA agrees. The preamble of this SNPRM has been revised to add information related to the accident.

Requests To Wait for NTSB Final Report Before Issuing AD Action

Joseph Oh, The University of North Dakota (UND Aerospace), AOPA, Navid Rahimi, Benjamin Morgan, and eight other commenters requested the FAA wait for the conclusion of the NTSB investigation before issuing an AD. These commenters stated or suggested that the proposed AD is premature and that the NTSB's determinations would affect the content or necessity of the proposed AD. Piper stated that the proposed AD would likely interfere with the NTSB's investigation. Some of these commenters specifically referenced the NTSB's investigation of a Piper Model PA–28R–201 Arrow III that experienced an in-flight wing separation on April 4, 2018.

The FAA does not agree. In accordance with 14 CFR 39.5, the FAA issues airworthiness directives when an unsafe condition exists in the product, and the condition is likely to exist or develop in other products of the same type design. While the NTSB contributes critical information to accident prevention efforts, the FAA's determinations of unsafe conditions are not dependent on the outcome of NTSB investigations. The FAA, Piper, and the NTSB concurred that the subject failure was the result of an undetected fatigue crack in the wing spar. This was supported by the NTSB's release of Preliminary Report ERA18FA120 and a later Investigative Update, which disclosed additional fatigue cracks on another airplane. Although the NTSB's final report (issued after the NPRM published) provides additional details regarding the accident, it does not yield information previously unknown to the FAA that would have altered the content of the NPRM, nor did the NTSB request the FAA delay issuing the NPRM pending its final report. The NTSB reports may be found at *https://www.ntsb.gov/investigations/pages/era18fa120.aspx.* The FAA did not make changes to this SNPRM based on these comments.

Request To Withdraw the NPRM

Dwight Schrute, Ross Carbiner, Thomas Feminella, AOPA, EAA, GAMA, Piper, and 21 other commenters stated that because the AD was issued as an interim action with a reporting requirement, the AD is inappropriate and does not address a known unsafe condition. Nine of those commenters stated that a special advisory information bulletin (SAIB), service bulletin, or other voluntary action is a more appropriate method of addressing the wing spar fatigue cracking. Four of those commenters opposed the AD generally. Michael Powell did not request to withdraw the NPRM, but suggested the FAA obtain information from DeHaviland Support, because this company has experience with a relevant wing spar fatigue monitoring scheme that has been implemented for the DeHaviland Model Chipmunk airplanes. Three other commenters suggested the FAA gather data from voluntary inspections and salvage parts before issuing an AD.

The FAA does not agree to withdraw the NPRM. The FAA may issue an AD as an interim action for several reasons, including to obtain inspection results to determine the necessity of additional action or final action, while simultaneously requiring inspections to mitigate the unsafe condition. The primary considerations in reaching the decision for an interim AD were: (1) The catastrophic failure mode resulting from this condition, and (2) the inability to detect the subject cracking during a routine inspection. The NTSB accident database shows a relatively small number of Piper Model PA–28 airplane wing failures related to fatigue cracks (three known). However, the only reported cracks were discovered after wing separations, since the cracks developed and grew in a normally concealed structural area. In addition, it can be predicted based on engineering priniciples of crack propagation that a fatigue crack in this location will grow with each load cycle and eventually result in wing spar failure. Due to the fatality rate associated with the known failures, the risk analysis protocol used by the FAA justifies mandatory corrective action. Both the NPRM and this SNPRM employ methodology to screen out the majority of lower-risk airplanes based on usage history. The FAA did not make changes to this SNPRM based on these comments.

C. Comments Regarding Applicability

Requests To Revise the Airplane Models Listed in the Applicability Section

Piper, EAA, and GAMA stated that the applicability of the proposed AD is too broad and includes models with different structural layouts and loads, or other key aspects that affect spar fatigue. Piper specifically advised the FAA to rely on Piper's analysis and limit the proposed AD to Piper Models PA–28R–180, PA–28R–200, PA–28R–201, PA–28R–201T, PA–28RT–201, PA–28RT–201T, and PA–28–235 airplanes (all serial numbers), and certain serial-numbered Models PA–32–260 and PA–32–300 airplanes. Eight other commenters agreed with the comments submitted by Piper. AOPA and two individual commenters expressed concern that the FAA did not accept Piper's recommendation on the limited scope of airplanes that may be subject to the unsafe condition. The NTSB supported the inclusion of Models PA–28–235, all PA–28R-series, PA–32–260, and PA–32–300 airplanes in the proposed AD, and requested that the FAA reconsider whether the proposed AD should include all PA–28-series models (other than Model PA–28–235).

Thomas Rae identified Piper model seaplanes and airplanes that, given their similar structure, hours in service, and/or use in flight training, should be added to the Applicability section of the proposed AD. Twelve other commenters

requested the FAA clarify the inclusion or exclusion of various specific models. Charles Martinak stated wingspan, maximum gross takeoff weight, and retractable gear architecture should be the main similarity factors for inclusion in the applicability.

The FAA agrees that the models listed in the Applicability of the proposed AD should be revised. The Applicability section was designed to screen out lower-risk airplanes from the inspection requirement by applying only to airplanes with 5,000 or more hours TIS, unless maintenance records are missing and/or incomplete or a wing has been replaced. The subsequent maintenance records review to calculate factored service hours was intended to eliminate an additional large number of remaining airplanes from the AD requirements. Only the airplanes at the highest risk for fatigue cracks would be required to conduct the eddy current inspection.

Piper Aircraft provided the FAA with extensive analyses of similarly structured airplanes, including comparison of factors such as structural geometry, certificated weights, design airspeeds, bending moments, and wing loading parameters including gust loads, maneuvering loads, and landing loads. Although the FAA accepted all of Piper's initial recommended models for effectivity, Piper's recommended effectivity did not include the group of airplanes addressed in Piper Aircraft, Inc. Service Bulletin No. 886, dated June 8, 1988 (Piper SB 886) (Wing Spar Inspection). Piper SB 886 includes the Model PA–28–181 airplane, which was involved in two wing separation accidents in 1987 and 1993. Both accident airplanes had fatigue cracks in the wing spar as mentioned in the NTSB Final Accident Report ERA18FA120.

Due to the inability to visually inspect the specific area of the structure once the wing has been assembled, cracks may go undetected and unreported for a significant period of time. Consequently, a reported crack at this location is more likely to come from an investigation of a wing spar failure than as the result of a routine inspection or maintenance. The FAA initially expanded on Piper's recommended effectivity to include all airplane models in the Applicability section of Piper SB 886.

Since issuing the NPRM, and partially in response to public comments, the FAA has adopted a more focused risk criteria using load data provided by Piper. This risk approach and the resulting change in applicability adds three airplane models (Models PA–32R–300, PA–32RT–300, and PA–32RT–300T) and removes five airplane models (Models PA–28–140, PA–28–150, PA–28–160, PA–28–161, and PA–28–180) from the Applicability section of this SNPRM, for a net reduction of approximately 8,800 lower-risk aircraft. The FAA developed a more precise methodology for identifying risk. Flight loads of all similar models were compared to those of the PA–28R–201 (accident aircraft) as a baseline. Those aircraft models with calculated wing loads greater than or equal to 95 percent of baseline are considered at-risk and are included in the new effectivity. While the additional parameters included in the new screening method allowed us to remove many lower risk aircraft, it also identified three models that were not captured by the previous, broader, approach. Because this methodology considers only the potential damage to the aircraft and not the actual load history of an individual aircraft, the additional maintenance record reviews are used to determine when the AD becomes applicable to a specific aircraft.

D. Comments Regarding the ''Factored Service Hours'' Formula

Requests To Clarify and Revise the ''Factored Service Hours'' Formula

Floris Oldenbroek, Richard Davis, and three other commenters expressed confusion at the formula and requested clarification and guidance; two of these commenters specifically asked about the divisor ''17.'' Many commenters noted various flaws in the proposed methodology for counting 100-hour inspections. Tom Rafferty, Kenneth Minck, Brian Christie, and approximately 19 other commenters stated maintainers often document 100-hour inspections as ''annual'' inspections or as ''annual/100-hour'' inspections. EASA, AOPA, and three individual commenters stated that the formula would cause issues with international operators because, unlike the FAA's regulations, foreign civil aviation authorities do not distinguish between 100-hour and annual inspections. Several other commenters noted that using 100-hour inspections is not an accurate way of determining high stress flight hours. GAMA and five individual commenters noted that the formula does not address operators that are on a progressive inspection program under 14 CFR 91.409(d). Outer Banks Airlines and three individual commenters stated that not all commercial operations, which will be captured by counting 100-hour inspections, are used for flight instruction. These commenters explained that charter flights operated under 14 CFR part 135 are not subject to the harsh training environment of training operations and are instead flown by highly trained pilots on longer flights with fewer landings.

Many of the commenters proposed different methodologies to use in determining the factored service hours. Chris Sobers, Thomas Downey, and three other commenters suggested using total time on the airframe (''TTAF'') as a less complex method. Floris Oldenbroek asked whether the total time of the aircraft could be used instead of the factored service hours formula if an airplane has only been utilized as a trainer. Martin Kennett and Lawrence Mangus suggested using the number of landing cycles/severe landings as a better indication of fatigue damage. Suggestions from other commenters included: Omitting 100-hour inspections performed in conjunction with an annual inspection; omitting 100-hour inspections performed voluntarily and not required by § 91.409(b); using a severity factor to indicate primary use in flight training; only including airplanes used by flights schools/excluding airplanes with no history of use in training; and adding a penalty for hard landings and major wing damage.

The FAA agrees to explain the formula based on these comments. The FAA developed the factored service hours formula to determine an approximate factored service life for any airplane, including those with mixed usage history. The formula attributes 100 *factored service hours* for each 100-hour inspection recorded in the airplane maintenance records. For an airplane that has been inspected under § 91.409(b) for its entire lifecycle, the owner/operator may use hours TIS for the factored service hours. The divisor of 17 accounts for the difference in structural life expectancy between ''normal'' use and ''training'' use, based on industry studies of crack growth development. Piper adopted a similar formula for use in Piper SB 886 and Piper Service Bulletin SB 978A, dated August 6, 1999 (Piper SB 978A).

This SNPRM includes guidance for determining the quantity ''N'' in the factored service hours formula based on the various maintenance record entry notations that may be used to indicate compliance with the 100-hour inspection requirements. As proposed in this SNPRM, the airplane maintenance records review must consider any inspection that was done to comply with the 100-hour inspection requirement under § 91.409(b), which pertains to carrying persons for hire and providing flight instruction for hire.

Regardless of whether the inspection is logged as an ''annual'' or ''100-hour,'' if the purpose was to comply with the 100-hour requirement of § 91.409(b), then the inspection must be counted. The purpose of an inspection may be determined by noting the interval between inspections (*i.e.,* less than 10 months and typically from 90 to 110 flight hours would indicate a Part 91.409(b) inspection). A ''100-hour'' inspection done concurrently with an annual inspection, not required by § 91.409(b), does not have to be counted. For operators utilizing a ''progressive'' inspection program, only inspections that complete each 100-hour cycle must be counted as a 100-hour inspection.

The FAA has considered the impact of the proposed formula on international operators and agrees with EASA that civil airworthiness authorities (CAAs) would have to develop a different approach instead of fully adopting the FAA's AD. The FAA encourages CAAs to use their equivalent inspection requirements to account for differences in terminology relative to annual versus 100-hour inspections and other unique operational requirements. The FAA is available to support any such efforts as requested by a CAA.

The FAA has also considered the alternative methods suggested by the commenters and determined that the formula in this SNPRM is the best method for allowing personal-use airplanes to defer the inspection. Using TTAF or TIS alone would not account for different types of usage history. Other commenters' proposals, while logical and valid, are not based on regulatory recordkeeping requirements and therefore would create other difficulties for owners and operators. For example, while use and history specifically in flight training, landing cycles, and hard landings are valid indicators, there is no regulatory requirement for U.S. operators to maintain such records, particularly for personal use airplane maintenance records. The FAA considered adding a penalty for any history of major repairs to the wing, but determined it would not be necessary. Any cracks, as well as other damage, would be detected and corrected during the repair to the wing, as the FAA's maintenance regulations require restoring the wing to its original or properly altered condition before approving it for return to service. In addition, any operator that believes their airplane does not fit the applicability/risk focus of this SNPRM may provide substantiating data and request approval of an alternative method of compliance (AMOC) to the AD action using the instructions found in paragraph (o) of this AD. The FAA will consider all AMOC requests on a case-by-case basis.

Request for Clarification of When To Calculate Factored Service Hours

Mark Talaga requested clarification on the correct hours to require the eddy current inspection, 5,000 hours TIS or 5,000 factored service hours. Richard Davis asked the FAA to clarify why the records review would be done when the airplane has 5,000 hours TIS and not 6,000 hours TIS.

The FAA agrees to provide additional information on this proposed requirement. The applicability paragraph of the NPRM referenced a table listing the potentially affected models and serial-numbered airplanes. It also provided three criteria to determine if the AD applied to the models listed in the table: (1) The airplane has accumulated 5,000 or more hours TIS; (2) the airplane has had either main wing spar replaced with a serviceable main wing spar (more than zero hours TIS); or (3) the airplane maintenance records are missing and/or incomplete.

The 5,000 hours TIS criteria in paragraph (c), Applicability, is only used to determine if the AD applies to the airplane. If the airplane does not meet any of the three criteria, then the AD does not yet apply to that airplane. Only if and when one of those three conditions exist would the proposed AD require an airplane maintenance records review to determine the factored service hours. Then, only if the resulting calculation determines that the airplane has reached 5,000 *factored service hours* must an eddy current inspection be completed within 100 hours TIS.

The 5,000 factored service hours compliance time is determined by taking the known factored hours at spar failure, and regressing to predict the time of crack initiation. Starting the inspection at 5,000 factored service hours provides a reasonable opportunity to detect a crack before it reaches a dangerous length. Because it is impossible for an aircraft to accumulate 5,000 factored service hours without having flown 5,000 hours TIS, there is no need to review an airplane's inspection record before 5,000 hours TIS.

Request To Change Quantity of 100-Hour Inspections Used in the Calculation

John Longley requested limiting the 100-hour inspection calculation to the past 5, 7, or at most 10 years rather than since the airplane was new.

The FAA disagrees. The effect of fatigue on a structure is cumulative regardless of when it occurred. The factored service hours formula takes into account airplanes with mixed usage history and provides credit for hours TIS accrued while in ''normal'' usage. The FAA did not make changes to this SNPRM based on this comment.

Request To Allow the Owner/Operator To Review the Airplane Maintenance Records

Tom McIntosh, Dennis Mulloy, and four other commenters requested that the owner/operator be allowed to review the airplane maintenance records and calculate the factored service hours. These commenters objected to the cost associated with requiring a mechanic to do the airplane maintenance record review, when the owner/operator is capable.

The FAA agrees. The FAA does not consider an airplane maintenance records review to be a maintenance action, and the SNPRM has been clarified to state that the owner/operator (pilot) may conduct the review and calculate the factored service hours to determine if the eddy current inspection proposed by this SNPRM is necessary. The airplane maintenance records review cost estimate has been retained in this SNPRM, since owners may choose to have a mechanic perform the initial review and factored service hours calculation.

E. Comments Regarding Missing Records

Requests for Clarification of Missing Aircraft Maintenance Records

Dennis Mulloy requested clarification of what would constitute missing or incomplete maintenance records. James Layton asked for guidance where logbook entries may be missing but the airplane has verifiable hours through the original tachometer. Michael Beasley requested clarification for missing logbooks that are reconstructed by the maintenance facility that serviced the airplane.

The FAA agrees to provide clarification. The premise of calculating factored service hours to determine the risk category of an airplane is based on the accuracy and completeness of the airplane maintenance records for the entire history of the airplane. An absence of airplane maintenance records entries over an extended period (as in the case of dormant airplanes) does not constitute missing or incomplete maintenance records if tachometer/Hobbs time continuity shows the airplane did not operate during that

time. For purposes of this proposed AD, reconstructed records should be considered the same as missing or incomplete records. Physically missing airplane maintenance records or logbook pages that include unaccounted-for operational hours or records not retained after work is superseded in accordance with 14 CFR 91.417(b)(1), would be considered missing or incomplete maintenance records.

Requests for an Alternative Method for Missing Aircraft Maintenance Records

Michael Graziano, Duke Ball, Stephen Allen, and Olmond Hall requested that for airplanes with missing or incomplete maintenance records, operators be allowed to assume that 100-hour inspections were completed for the purposes of calculating the factored service hours, instead of being automatically required to complete the eddy current inspection. Four other commenters proposed or requested similar methods for attributing unknown hours TIS.

The FAA disagrees. While the FAA does not object in theory with an alternate method of computing factored service hours in the case of missing airplane maintenance records, there are other issues to consider. Missing airplane maintenance records may mask the replacement of a tachometer or Hobbs meter, thus invalidating the total hours TIS. Missing records may hide information on the history of the wing/wing spar on the airplane. Without airplane maintenance records for the entire airplane's history, an operator cannot determine if the airplane has the original wing(s) or a replacement wing(s). For this reason, the FAA determined that, for purposes of this proposed AD, operators with missing or incomplete records must assume that the wing history is unknown. An owner who can provide other documentation supporting the history of the airplane or wing spar and show an acceptable level of safety may request approval of an AMOC to the AD action with substantiating data using the instructions found in paragraph (o) of this SNPRM. The FAA will review all AMOC requests and may approved the requests on a case-by-case basis. The FAA did not make changes to this SNPRM based on these comments.

F. Comments Regarding Compliance Times

Thurman Bodenheimer, Christian Quintero, and three other commenters requested that the compliance times and intervals in the NPRM be changed to match the airplane usage groups and intervals contained in Piper SB 886 and Piper SB 978A.

The FAA disagrees. Piper SB 886 and Piper SB 978A classify airplanes used in flight training as ''normal usage,'' which puts compliance for the initial inspection far beyond the initial (critical) inspection time specified in the NPRM. The FAA has found that this compliance time is not sufficient to address the unsafe condition. Additionally, the compliance time charts in Piper SB 886 and Piper SB 978A specify the airplane's usage class based on subjective criteria such as ''significant time'' flown below 1,000 feet during any part of the airplane's history. There is no regulatory requirement for operators to record or maintain hours TIS by operation at certain altitudes; thus, most operators would have no way of determining this information.

Hillel Glazer proposed a specific tiered approach for compliance with the initial airplane maintenance records review by prioritizing airplanes based on usage history, with the lowest tier requiring the airplane maintenance record review within 100 hours TIS. Michael Graziano requested changing the compliance time from 30 days to 50 hours TIS or at the next annual inspection, similar the service information provided by Piper. The FAA disagrees. The usage rate of each airplane after the effective date of the AD will vary, and the use of calendar time ensures all operators review their maintenance records within a specified timeframe. Also, this SNPRM has been revised to allow the owner/operator (pilot) to do the maintenance records review. If the review of the maintenance records and the factored service hours indicate the operator must have an eddy current inspection done on the airplane, the compliance time is within 100 hours TIS after the factored service hours determination.

The FAA did not make changes to this SNPRM based on these comments.

G. Comments Regarding the Proposed Inspection

Requests To Remove Eddy Current Inspection Because of Possible Damage

Daniel Stanley, Thomas Wiedenbeck, Mitchell Ross, Dana Pyle, Don Morris, Piper, and 17 other commenters stated that removal of wing attach bolts for the purpose of conducting the bolt hole inspection would create the potential of maintenance-induced damage to the airplanes that would outweigh any benefits realized from the inspection. Piper advised of reports of damaged spar bolt holes caused by removal of the bolts to perform a voluntary inspection of the fastener holes.

The FAA disagrees. Compliance with AD 87–08–08, Amendment 39–5615 (52 FR 15302, April 28, 1987) (''AD 87–08–08'') and AD 87–08–08R1, Amendment 39–5669 (52 FR 29505, August 10, 1987), which was rescinded on May 22, 1989, resulted in the dye penetrant inspection of approximately 560 airplanes and required removing and reinstalling 18 bolts per wing, or over 20,000 wing attach bolts. No known accidents have been attributed to bolt hole damage resulting from these inspections. While the FAA acknowledges the possibility of damage during any maintenance action, the relatively non-intrusive, wing-in-place inspection method proposed in the NPRM and in this SNPRM would have minimal impact to affected airplanes. The FAA did not make changes to this SNPRM based on these comments.

Requests To Use a Different Inspection Method

Forrest Benson, Charles Donnelly, James Graham, and twelve other commenters proposed using a different inspection method than an eddy current inspection, such as ultrasound, x-ray, dye/liquid penetrant, or borescope inspections. Some of these commenters proposed using a borescope because it would preclude removal of the bolts. Many commenters expressed concern about the availability of qualified inspectors to do the eddy current inspection and the need to deliver the airplane to a distant facility to have the eddy current inspection done.

The FAA disagrees. Borescope and dye penetrant methods are not generally capable of detecting cracks in the targeted range of .030 to .050 inch. Once a fatigue crack reaches a visibly detectable size, growth can accelerate at a dangerous rate. It is imperative that operators identify any cracks while within the targeted range. Also, because the lower spar cap sits on the spar carry through and its upper flanges are covered by the web doublers, the spar cap is not visually inspectable when installed. The insides of the bolt holes are not visible with a borescope inside the wing carry-through assembly without removing the bolts. While the FAA acknowledges the value of x-ray technology and ultrasound inspections in material identification and thickness determination, those methods are not considered capable of reliably detecting very small fatigue cracks. Changes made to the proposed AD in response to other comments will increase the availability of inspectors qualified to do the eddy current inspections. The FAA did not

make additional changes to this SNPRM as a result of these comments.

Requests To Use a Different Eddy Current Inspection Method and Equipment

Tony Brand submitted an eddy current inspection procedure and requested approval to use this method as an alternative method of compliance. John Longley, Jr. requested that the eddy current inspection not require specific proprietary equipment. The FAA agrees that alternate eddy current methods may be acceptable. For any owner/operator who wishes to use a different procedure, the FAA will consider requests for approval of an AMOC if sufficient data is submitted to substantiate that it would provide an acceptable level of safety, using the instructions in paragraph (o) of this AD. The FAA will consider all AMOC requests on a case-by-case basis.

Neither the NPRM, nor this SPNRM, propose to require the use of any particular model equipment. The NPRM and Piper Service Bulletin No. 1345, dated March 3, 2020, which this SNPRM proposes to incorporate by reference, contain optional examples of equipment that meet the requirements for conducting the eddy current inspection.

Requests for Clarification of Bolt Hole Inspection

EASA requested clarification on the bolt holes to be inspected. EASA stated that Piper's service bulletins specify inspecting a larger area of the lower spar cap and asked whether inspecting only the two outboard holes, as proposed in the NPRM, is adequate. Blue Skies Flying Services requested clarification on the difference between the proposed inspection procedure in appendix 1 of the NPRM, which refers to only the two lower outboard bolt holes, and the proposed requirement to perform an eddy current inspection in paragraph (h) of the NPRM, which refers to each bolt hole on the lower main wing spar cap.

The FAA agrees to clarify and revise the proposed requirement. The FAA has determined that the requirements in the NPRM to inspect only the two lower outboard bolt holes are adequate. The FAA has not observed a pattern of cracking at other spar hole locations and has not determined the benefit of inspecting additional holes would outweigh the potential of damage from bolt removal. The FAA has revised the proposed inspection requirements in this SNPRM to specify the two lower outboard bolt holes.

Requests To Expand the Eddy Current Inspection Qualifications

Samuel Tucker, Norman Jones, and Humphrey Penney requested the proposed requirement for NAS 410 Level II or Level III qualifications to perform the eddy current inspection be expanded to include equivalent certifications.

The FAA agrees. The FAA has revised the proposed AD to allow Level II or Level III qualification standards for inspection personnel using any of the inspector criteria approved by the FAA to conduct the eddy current inspection. This proposed change would increase the availability of inspectors qualified to do the eddy current inspections.

Requests To Clarify/Develop Additional Actions

Mark Morris, Tony Brand, Michael Graziano, and Michael Beasley requested information about recurring inspection requirements associated with the NPRM. Forrest Benson asked whether the FAA and Piper could develop a doubler repair instead of requiring replacement of the spar due to parts unavailability. William Johnson noted that the only permanent solution would be to produce a spar strap or reinforcing plate. The FAA agrees to provide additional information related to follow-on actions that may be associated with this proposed AD. As a proposed interim action, this SNPRM would require a one-time inspection for cracks and a reporting requirement. The FAA will evaluate the results of the reports to determine if mandating terminating or repetitive action is warranted. The FAA and Piper have discussed possible contingent repetitive and terminating actions and determined that a doubler repair is not a practical repair solution at this time.

Requests To Add Aft Wing Attach Fitting Inspection

Steven Ells and Pascal Robitaille expressed concern over the integrity of the aft spar attach point as a contributing factor to the fatigue cracking. These commenters requested including an inspection of the aft wing attach fitting for excessive play as a step in the NPRM and, if movement is detected, then performing the proposed eddy current inspection. John Henry described experiences with the aft spar attach and suggested criteria for a mandatory inspection.

The FAA acknowledges that the integrity of the forward and aft wing spar attach points are relevant to loads imparted into the wing spar, but the FAA disagrees with adding an inspection of the wing spar attach points to this SNPRM. There is insufficient evidence to conclude that the forward or aft wing spar attach points have contributed to the unsafe condition addressed in this SNPRM. The FAA did not change this SNPRM as a result of these comments.

Requests Regarding the Installation of Access Panels

David Sampson and Gerald Brown expressed concern that the NPRM fails to address that holes have to be cut in the wing skin and access panels installed to access the inspection area.

The FAA disagrees. The eddy current inspection proposed by the NPRM does not require installing holes or access panels. The FAA did not make changes to this SNPRM as a result of this comment.

H. Comment Regarding the Reporting Requirement

GAMA requested that the FAA revise the proposed AD to require reporting inspection results to both the FAA and to Piper, the type certificate holder.

The FAA agrees and has revised this SNPRM accordingly.

I. Comments Regarding Credit for Previous Maintenance Actions

Bryan Russell, Mark Maxwell, Art Sebesta, and Charles Martinak asked for credit for airplanes that have previously complied with AD 87–08–08, Piper SB 886, or Piper SB 978A, which specified removal of both wings and dye penetrant inspection of all main spar attach bolts.

The FAA disagrees. Dye penetrant inspection methods are not generally capable of detecting cracks in the targeted range of .030 to .050 inch. Additionally, the FAA is aware of one wing spar failure on an airplane after having undergone the dye penetrant inspection required by AD 87–08–08.

Barry Roberts and Mark Womack requested credit for airplanes with a wing that has been replaced with a serviceable wing (over zero hours TIS) with a documented service history. Daniel Stanley stating that the proposed AD should not be required on airplanes that had a wing replaced 40 years ago with a low time wing. (The commenter did not state whether the documented wing history was available.)

The FAA disagrees. Replacement wings (over zero hours TIS) that do not have a complete documented history raise the same considerations as missing airplane maintenance records. For a documented serviceable wing with less than 5,000 factored service hours, an owner/operator who can provide

documentation supporting the history of the airplane or wing spar and show an acceptable level of safety may provide substantiating data and request approval of an AMOC using the instructions found in paragraph (o) of this AD. The FAA will consider all AMOC requests on a case-by-case basis. The FAA did not make changes to this SNPRM based on these comments.

J. Comments Regarding Special Flight Permits

Thomas Feminella requested that the proposed AD allow a one-time ferry flight, because eddy current inspection facilities are scarce, many owners may fly their airplanes somewhere away from their base to get the inspection done, and if the wings fail the inspection the airplane may be trapped at a location where no major repairs are available. Charles Martinak also expressed concern of being grounded after flying to a distant facility for testing, which may or may not have repair capability.

The FAA disagrees. Once a crack in the wing spar area reaches a detectable size, growth becomes rapid. The FAA does not allow ferry flights with known cracks in primary structures. However, the FAA has changed the inspector requirements, which will increase the number of available inspectors. The FAA did not make additional changes based on these comments.

K. Comments Regarding the Costs of Compliance

AOPA and nine individual commenters stated generally that the estimated costs of the proposed AD are incorrect or too low.

Requests To Update the Cost of the Eddy Current Inspection

Doug Morrow and two other commenters noted that the FAA's estimated labor rate is too low. Thomas Downey, Mitchell Ross, and twenty other commenters stated that the estimated cost of the proposed inspection, particularly the labor rate for an inspector qualified for eddy current, was underestimated. Piper submitted a list of estimated costs to conduct the eddy current inspection and to do any rework; nine other commenters agreed with Piper's costs. EAA, GAMA, Steven Ells, Doug Morrow, Piper, and two other commenters requested the estimated number of work-hours for the inspection be increased.

The FAA agrees to revise the estimated cost of conducting the eddy current inspection. The labor rate of $85 per hour is provided by the FAA Office of Aviation Policy and Plans for use when estimating the labor costs for complying with AD requirements. However, the FAA acknowledges the higher hourly rate associated with the specialized skills that would be required by the proposed AD. The FAA has increased the cost estimate for the eddy current inspection to $600 in this SNPRM.

The FAA observed several airplane inspections by private entities and the NTSB investigative team, which included representatives from NTSB, FAA, Piper, and Embry-Riddle. It took from 2 to 4 work-hours, inclusive of gaining access and restoring the airplane, to do the proposed inspections. However, in the NPRM the FAA did not take into account that a portion of the labor requires a second person (bolt removal and reinstallation). The FAA has revised the number of work-hours estimated to do the inspections from 3 to 5 hours.

Requests To Update the Replacement Cost

Thomas Rae, Doug Morrow, AOPA and six other commenters raised concerns about the cost to replace a spar or requested the FAA significantly increase the cost/number of hours to replace a wing spar. Two commenters noted that replacing a spar is not possible because there are no parts available, and three commenters questioned why a replacement spar must be a new spar. Piper recommended the FAA's estimated costs include the cost of replacing the entire wing.

The FAA agrees with the comments concerning the number of labor hours and has increased the number of work-hours estimated for the wing-spar replacement from 32 to 80 hours. The FAA disagrees with adding the cost for wing replacement. The cost estimate in AD rulemaking actions include only the costs associated with complying with the AD. Although the FAA agrees that replacing the wing is an acceptable method of complying with a required spar replacement, that method is optional and not required by the AD. Although the FAA acknowledges the difficulty for some operators due to an unavailability of parts, this does not negate the need to correct the identified unsafe condition. The wing spar is critical for safe flight.

Requests To Include Indirect Costs

Four individual commenters noted that the FAA's cost estimate does not include labor hours sufficient for indirect costs, such as painting, crating and transportation, and the diminished value of the aircraft.

The FAA acknowledges the concerns raised by these commenters. However, the cost analysis in AD rulemaking actions typically includes only the costs of actions actually required by the rule. Cost estimates for ADs do not include indirect costs such as hours necessary for closing actions, costs for transportation to or from facilities for maintenance, or other losses. The FAA did not make changes to this SNPRM based on these comments.

Request To Revise the Cost for the Records Review

AOPA requested the FAA revise the number of hours estimated to review the maintenance records and calculate the number of factored service hours. In support of its request, AOPA noted that the age of affected aircraft may be several decades old, necessitating more than the estimated two hours.

The FAA agrees. Most general aviation airplane maintenance record entries are comprised of periodic inspections, which often include annual maintenance items, thus making such a review fairly straightforward. Flight schools and fleet operators often maintain electronic records, making data retrieval a simple matter. The FAA acknowledges that variations in record keeping styles encountered in older maintenance records may require additional time to review. Additionally, since the initial airplane maintenance records review to determine factored service hours effectivity is not considered a maintenance item, it can be accomplished by the owner/operator (certified pilot). The FAA has revised the number of hours to review the records from two hours to three hours and added language to clarify that an owner/operator may review the airplane maintenance records in this SNPRM.

Request To Increase the Number of Affected Airplanes in the Cost of Compliance Section

Piper requested that the estimated costs be revised to include all affected airplanes worldwide instead of the 19,696 U.S.-registered airplanes identified in the NPRM. Piper further objected to the lack of an estimated fleet cost for the eddy current inspections, and stated 40,856 airplanes should be included in the cost estimate because all airplanes over 10 years of age would be potentially subject to the inspections.

The FAA disagrees. The cost analyses in AD rulemaking actions estimate the cost impact on U.S. operators. The FAA bases its estimate on the number of affected airplanes on the U.S. registry. Including all airplanes worldwide, as the commenter requested, would not

result in an estimate relevant to the cost impact of the proposed AD on U.S. operators.

The FAA also disagrees that all 19,696 airplanes would be required to calculate the factored service hours. A small sampling of approximately 200 affected airplanes, aged 15 years and older, indicated that only 34 percent had reached the 5,000 hours TIS that would put them into the applicability of paragraph (c)(1) of the NPRM and require further calculation of the factored service hours. Therefore, the FAA estimates that a large number of the affected airplanes will not have reached 5,000 hours TIS, have missing logbooks, or have undergone a wing replacement and will therefore be able to defer further review of airplane maintenance records. The FAA did not makes changes to this SNPRM based on this comment.

L. Comment Regarding Effect of the Proposed AD on Intrastate Aviation in Alaska

Piper requested the FAA correct the statement in the NPRM that the proposed AD would have no effect on intrastate commerce in Alaska. Piper stated that the proposed AD would affect 189 U.S. registered PA–32–260 and PA–32–300 aircraft, which are widely utilized by many part 135 operators who serve the Alaska communities that rely on aviation as their only mode of transportation.

The FAA agrees and added clarifying language that the AD does affect operators in Alaska; however, it does not have a significant enough effect to make a regulatory distinction.

M. Comments Requesting an Extension of the Comment Period

AOPA, EAA, GAMA, Piper, and seven individual commenters requested the FAA extend the comment period (from 45 days to 90 days) to allow additional time to comment because the NPRM was released preceding a holiday and subsequent government shutdown. Also, these commenters stated that additional time is needed for industry groups and the type certificate holder to evaluate the impact of the NPRM and to develop a solution.

The FAA partially agrees. At the time the FAA issued the NPRM, an extension of the comment period was not necessary. During the partial government shutdown of December 22, 2018, through January 25, 2019, the online AD Docket at *www.regulations.gov* remained open and accepted public comments on the NPRM. In spite of the proximity to the holidays, over 170 separate submittals to the docket were received. However, since the FAA has revised the proposed AD actions and added airplanes to the Applicability, this SNPRM is reopening the comment period to provide the public an opportunity to comment on these proposed changes.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Piper Aircraft, Inc. Service Bulletin No. 1345, dated March 27, 2020 (Piper SB No. 1345). This service bulletin contains procedures for doing an eddy current inspection and instructions to report the results of the inspection to Piper and to replace the wing, wing spar, or spar section as necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA reviewed Piper SB 886 and Piper SB 978A. These service bulletins contain procedures for determining initial and repetitive inspection times based on the aircraft's usage and visually inspecting the wing lower spar caps and the upper wing skin adjacent to the fuselage and forward of each main spar for cracks. The FAA also reviewed Piper Aircraft, Inc. Service Letter No. 997, dated May 14, 1987, which contains procedures for replacing airplane wings.

FAA's Determination

The FAA is proposing this AD because it 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. Certain changes described above expand the scope of the NPRM. As a result, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed Requirements of This SNPRM

This SNPRM would require reviewing the airplane maintenance records to determine the number of 100-hour inspections completed on each installed main wing spar and using the number of 100-hour inspections to calculate the factored service hours for each main wing spar. This SNPRM would also require inspecting the two lower outboard main wing spar bolt holes on each wing for cracks once a main wing spar exceeds the specified factored service hours and replacing any main wing spar when a crack is indicated. This SNPRM would only apply when an airplane has either accumulated 5,000 or more hours TIS; has had either main wing spar replaced with a serviceable main wing spar (more than zero hours TIS); or has missing and/or incomplete maintenance records.

This SNPRM specifies that the owner/operator (pilot) may do the aircraft maintenance records review and the factored service hours calculation. Reviewing maintenance records is not considered a maintenance action and may be done by a pilot holding at least a private pilot certificate. This action must be recorded in the aircraft maintenance records to show compliance with that specific action required by the AD.

Differences Between This SNPRM and the Service Information

Piper SB 1345 specifies doing the eddy current inspection upon reaching 5,000 hours TIS; however, this SNPRM proposes using the factored service hours to identify the airplanes at the highest risk of developing fatigue cracks. Piper SB No. 1345 also specifies using its feedback form to report the eddy current inspection results, but this SNPRM proposes the use of a different form attached as appendix 1. In addition, this SNPRM requires replacement of the wing spar with a new (zero hours TIS) wing spar if cracks are found; however, Piper SB No. 1345 allows replacement with parts that have been previously installed on an airplane.

Interim Action

The FAA considers this SNPRM interim action. The inspection reports will provide the FAA additional data for determining the number of cracks present in the fleet. After analyzing the data, the FAA may take further rulemaking action.

Costs of Compliance

The FAA estimates that this SNPRM affects 5,440 airplanes on U.S. registry. There are 10,881 airplanes of U.S. registry with a model and serial number shown in table 1 to paragraph (c) of the proposed AD. Based on a sample survey, the FAA estimates that 50 percent of those U.S.-registered airplanes will have reached the qualifying 5,000 hour TIS necessary to do the required logbook review.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Review airplane maintenance records and calculate factored service hours.	3 work-hours × $85 per hour = $255.	Not applicable	$255	$1,387,200

The FAA estimates the following costs to do the eddy current inspection. Because some airplanes are only used non-commercially and will not accumulate the specified factored service hours in the life of the airplane, the FAA has no way of determining the number of airplanes that might need this inspection:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Gain access to the left-hand (LH) and right-hand (RH) inspection areas.	2 work-hours × $85 per hour = $170	$20	$190
Do eddy current inspections of the LH and RH lower main wing spar.	1 work-hour contracted service × $600 = $600	N/A	600
Restore aircraft	2 work-hours × $85 per hour = $170	N/A	170
Report inspection results to the FAA and Piper Aircraft, Inc	1 work-hour × $85 = $85	N/A	85

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

ON-CONDITION REPLACEMENT COSTS

Action	Labor cost	Parts cost	Cost per product
Replace main wing spar	80 work-hours × $85 per hour = $6,800 per wing spar.	$5,540	$12,340 per wing spar.

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 Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

(2) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, 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):

Piper Aircraft, Inc.: Docket No. FAA–2018–1046; Product Identifier 2018–CE–049–AD.

(a) Comments Due Date

The FAA must receive comments by July 20, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Piper Aircraft, Inc. (Piper) airplanes, certificated in any category, with a model and serial number shown in table 1 to paragraph (c) of this AD, and that meet at least one of the criteria in paragraphs (c)(1), (2), or (3) of this AD.

Note 1 to paragraph (c) of this AD: An owner/operator with at least a private pilot certificate may do the aircraft maintenance records review to determine the applicability as specified in paragraph (c) of this AD.

(1) Has accumulated 5,000 or more hours time-in-service (TIS); or

(2) Has had either main wing spar replaced with a serviceable main wing spar (more than zero hours TIS); or

(3) Has missing and/or incomplete maintenance records.

Table 1 to paragraph (c) of this AD

Model	Serial Numbers
PA-28-151	All serial numbers
PA-28-181	All serial numbers
PA-28-235	All serial numbers
PA-28R-180	All serial numbers
PA-28R-200	All serial numbers
PA-28R-201	All serial numbers except 2844029, 2844030, 2844081, 2844125, 2844136, 2844147 through 2844151, 28R-7737078, 28R-7737142, 28R-7837108, 28R-7837125, and 28R-7837257
PA-28R-201T	All serial numbers
PA-28RT-201	All serial numbers
PA-28RT-201T	All serial numbers
PA-32-260	All serial numbers
PA-32-300	All serial numbers
PA-32R-300	All serial numbers
PA-32RT-300	All serial numbers
PA-32RT-300T	All serial numbers

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by a report of a wing separation caused by fatigue cracking in a visually inaccessible area of the main wing lower spar cap. The FAA is issuing this AD to detect and correct fatigue cracks in the lower main wing spar cap bolt holes. The unsafe condition, if not addressed, could result in the wing separating from the fuselage in flight.

(f) Compliance

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

(g) Definitions

(1) ''TIS'' has the same meaning as the definition of ''time in service'' in 14 CFR 1.1.

(2) For purposes of this AD, ''factored service hours'' refers to the calculated quantity of hours using the formula in paragraph (h)(2) of this AD, which accounts for the usage history of the airplane.

(h) Review Airplane Maintenance Records and Calculate Factored Service Hours for Each Main Wing Spar

(1) Within 30 days after the effective date of this AD, review the airplane maintenance records and determine the number of 100-hour inspections completed on the airplane since new and any record of wing spar replacement(s).

(i) For purposes of this review, count any inspection conducted to comply with the 100-hour requirement of 14 CFR 91.409(b) pertaining to carrying persons for hire, such as in-flight training environments, even if the inspection was entered in the maintenance records as an ''annual'' inspection or as an ''annual/100-hour'' inspection. If the purpose of an inspection was to comply with § 91.409(b), then it must be counted. To determine the purpose of an inspection, note the repeating intervals between inspections, *i.e.,* less than 10 months between, and typically 90–110 flight hours. An inspection entered as a ''100-hour'' inspection but done solely for the purpose of meeting the requirement to complete an annual inspection, or those otherwise not required by § 91.409(b), need not be counted. For operators utilizing a progressive inspection program, count the completion of each § 91.409(b) 100-hour interval as one inspection.

(ii) If a main wing spar has been replaced with a new (zero hours TIS) main wing spar, count the number of 100-hour inspections from the time of installation of the new main wing spar.

(iii) If a main wing spar has been replaced with a serviceable main wing spar (more than zero hours TIS) or the airplane maintenance records are missing or incomplete, the wing history cannot be determined. Perform the eddy current inspection as specified in paragraph (i) of this AD.

(iv) The actions required by paragraph (h)(1) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a)(1) through (4), and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(2) Before further flight after completing the action in paragraph (h)(1) of this AD, calculate the *factored service hours* for each main wing spar using the formula in figure 1 to paragraph (h)(2) of this AD. Thereafter, after each annual inspection and 100-hour inspection, recalculate/update the *factored service hours* for each main wing spar until the main wing spar has accumulated 5,000 or more *factored service hours.*

$$(N \times 100) + \frac{[T-(N \times 100)]}{17} = \text{Factored Service Hours}$$

N is the number of 100-hour inspections, and T is the total hours TIS of the airplane.

Figure 1 to paragraph (h)(2) of this AD

(3) *An example of determining factored service hours for an airplane with no 100-hour inspections is as follows:* The airplane maintenance records show that the airplane has a total of 12,100 hours TIS, and only annual inspections have been done. None of the annual inspections were done for purposes of compliance with § 91.409(b). Both main wing spars are original factory installed. In this case, N = 0 and T = 12,100. Use those values in the formula as shown in figure 2 to paragraph (h)(3) of this AD.

$$(0 \times 100) + \frac{[12{,}100 - (0 \times 100)]}{17} = 711 \text{ Factored Service Hours}$$

0 is the number of 100-hour inspections, and 12,100 is the total hours TIS of the airplane.

Figure 2 to paragraph (h)(3) of this AD

(4) *An example of determining factored service hours for an airplane with both 100-hour and annual inspections is as follows:* The airplane was originally flown for personal use, then for training for a period of time, then returned to personal use. The airplane maintenance records show that the airplane has a total of 5,600 hours TIS, and nineteen 100-hour inspections for purposes of compliance with § 91.409(b) have been done. Both main wing spars are original factory installed. In this case, N = 19 and T = 5,600. Use those values in the formula shown in figure 3 to paragraph (h)(4) of this AD. First, calculate commercial use time by multiplying (N × 100). Next, subtract that time from the total time, and divide that quantity by 17. Add the two quantities to determine total factored service hours.

$$(19 \times 100) + \frac{[5{,}600 - (19 \times 100)]}{17} =$$

$$(1{,}900) + \frac{[5{,}600-(1{,}900)]}{17} =$$

$$(1{,}900) + 218 = 2{,}118 \text{ Factored Service Hours}$$

19 is the number of 100-hour inspections, and 5,600 is the total hours TIS of the airplane.

Figure 3 to paragraph (h)(4) of this AD.

(i) Eddy Current Inspect

Within the compliance time specified in either paragraph (i)(1) or (2) of this AD, as applicable, eddy current inspect the inner surface of the two lower outboard bolt holes on the lower main wing spar cap for cracks using steps 1 through 3 in the Instructions of Piper Aircraft, Inc. Service Bulletin No. 1345, dated March 27, 2020. Although Piper SB No. 1345 specifies NAS 410 Level II or Level III certification to perform the inspection, this AD allows Level II or Level III qualification standards for inspection personnel using any inspector criteria approved by the FAA.

Note 2 to paragraph (i) of this AD: Adivsory Circular 65–31B contains FAA-approved Level II and Level III qualification standards criteria for inspection personnel doing nondestructive test (NDT) inspections.

(1) Within 100 hours TIS after complying with paragraph (h) of this AD or within 100 hours TIS after a main wing spar accumulates 5,000 factored service hours, whichever occurs later; or

(2) For airplanes with an unknown number of factored service hours on a main wing spar, within the next 100 hours TIS after the effective date of this AD or within 60 days after the effective date of this AD, whichever occurs later.

(j) Replace the Main Wing Spar

If a crack is found during an inspection required by paragraph (i) of this AD, before further flight, replace the main wing spar with a new (zero hours TIS) main wing spar.

(k) Install New Bolts

Before further flight after completing the actions required by paragraph (i) or (j) of this AD, install new bolts by following step 6 of Piper Aircraft, Inc. Service Bulletin No. 1345, dated March 27, 2020.

(l) Report Inspection Results

Within 30 days after completing an inspection required by paragraph (i) of this AD, using Appendix 1, ''Inspection Results Form,'' of this AD, report the inspection results to the FAA at the Atlanta ACO Branch and to Piper. Submit the report to the FAA and Piper using the contact information found on the form in appendix 1 of this AD.

(m) Special Flight Permit

A special flight permit may only be issued to operate the airplane to a location where the inspection requirement of paragraph (i) of this AD can be performed. This AD prohibits a special flight permit if the inspection reveals a crack in a main wing spar.

(n) 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. 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.

(o) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(p) Related Information

(1) For more information about this AD, contact Dan McCully, Aerospace Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone:

(404) 474–5548; fax: (404) 474–5605; email: *william.mccully@faa.gov.*

(2) For service information identified in this AD, Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (772) 567–4361; internet: *www.piper.com.* 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.

BILLING CODE 4910–13–P

Appendix 1 to Docket No. FAA-2018-1046

Inspection Results Form

Email completed form to:
9-ASO-ATLCOS-Reporting@faa.gov
and **customer.service@piper.com**
SUBJECT line : Docket No. FAA-2018-1046

Or mail to: Federal Aviation Administration
Atlanta ACO Branch, AIR-7A1
1701 Columbia Avenue
College Park, GA 30337

Include photos if applicable

Aircraft Model No.: **PA-**	Serial Number:
Aircraft Total Hours Time-In-Service (TIS):	Registration Number:
Factored Flight Hours Left-Hand (LH) Wing: Right-Hand (RH) Wing:	
(If both wings are factory installed original, these numbers should be the same)	
Inspection Results	
LH Wing Spar Fwd Accepted ☐ Rejected ☐	RH Wing Spar Fwd Accepted ☐ Rejected ☐
LH Wing Spar Aft Accepted ☐ Rejected ☐	RH Wing Spar Aft Accepted ☐ Rejected ☐
Inspector Comments (observed damage, condition of hole, etc)	

Inspector Information

Name (print): _____ Signature: _____

Certificate No.: _____ Date: _____

Issued on May 8, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–11343 Filed 6–2–20; 8:45 am]

BILLING CODE 4910–13–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0492; Product Identifier 2016–SW–025–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. (Honeywell) Enhanced Ground Proximity Warning System (EGPWS)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to adopt a new airworthiness directive (AD) that would have applied to various normal and transport category rotorcraft with certain Honeywell enhanced ground proximity warning systems (EGPWS) installed. The NPRM was prompted by a software defect that prevents the EGPWS from providing terrain warnings. The NPRM would have required updating the software version of the EGPWS. Since issuance of the NPRM, the FAA has determined that the unsafe condition no longer exists and has confirmed that the majority of operators have updated their software as specified in the NPRM. Accordingly, the NPRM is withdrawn.

DATES: The FAA is withdrawing the proposed rule published June 6, 2017 (82 FR 25978), as of June 3, 2020.

ADDRESSES:

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0492; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD action, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Thanh Tran, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5304; fax: 562–627–5210; email *thanh.b.tran@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA has issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on June 6, 2017 (82 FR 25978). The NPRM was prompted by a software defect that prevents the EGPWS from providing terrain warnings. The NPRM proposed to require updating the software version of the EGPWS. The proposed actions were intended to address failure of an EGPWS to generate a terrain warning, which could result in flight into terrain.

Actions Since the NPRM Was Issued

Since issuance of the NPRM, the FAA has determined that the unsafe condition no longer exists and has confirmed that the majority of operators have updated their software as specified in the NPRM. In addition, the FAA confirmed that the software failure related to the potential unsafe condition has occurred only during lab testing; no failures have occurred during operation of the affected helicopters. The FAA completed a new risk assessment based on this data that showed there is an acceptable level of risk. Therefore, the FAA has determined that AD action is not appropriate and the NPRM should be withdrawn.

Withdrawal of this NPRM constitutes only such action and does not preclude the FAA from further rulemaking on this issue, nor does it commit the FAA to any course of action in the future.

FAA's Conclusions

Upon further consideration, the FAA has determined that the NPRM is unnecessary. Accordingly, the NPRM is withdrawn.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule. This action therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket No. FAA–2017–0492, which was published in the **Federal Register** on June 6, 2017 (82 FR 25978), is withdrawn.

Issued on May 28, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–11848 Filed 6–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0459; Product Identifier 2020–NM–049–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company 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 The Boeing Company Model 737 series airplanes, excluding Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This proposed AD was prompted by reports of cracked or completely severed lugs in the upper aft corner stop fitting assembly of the forward entry door. This proposed AD would require an inspection, a measurement, or a records check of that assembly to determine the part number, and replacement if a certain part is found. 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 July 20, 2020.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information 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 on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0459.

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–2020–0459; 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:

Michael Bumbaugh, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3522; email: *michael.bumbaugh@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–2020–0459; Product Identifier 2020–NM–049–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 because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to FAA Aerospace Engineer Michael Bumbaugh at the previously-listed contact information. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA has received reports of cracked and completely severed lugs in the stop fitting assembly of the forward entry door on Boeing Model 737 Next Generation (NG) airplanes. Analysis of the design of the stop fitting assembly revealed that undersized wall thickness of the lug made it susceptible to fatigue cracking. The FAA has determined that the failure of the door stop fitting assembly may result in the forward entry door being unable to sustain limit load. This condition, if not addressed, could result in reduced structural integrity of the forward entry door and consequent rapid decompression of the airplane.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–52A1180 RB, dated January 24, 2020. The service information describes procedures for an inspection, a measurement, or a records check of the upper aft corner door stop fitting assembly to determine the part number, and applicable on-condition actions. The on-condition action is to replace the affected stop fitting assembly with a newly designed stop fitting assembly that has improved wall thickness and strength. 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

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

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified in Boeing Alert Requirements Bulletin 737–52A1180 RB, dated January 24, 2020, described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information,'' and except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0459.

Explanation of Requirements Bulletin

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement is a process for annotating which steps in the service information are ''required for compliance'' (RC) with an AD. Boeing has implemented this RC concept into Boeing service bulletins.

In an effort to further improve the quality of ADs and AD-related Boeing service information, a joint process improvement initiative was worked between the FAA and Boeing. The initiative resulted in the development of a new process in which the service information more clearly identifies the actions needed to address the unsafe condition in the ''Accomplishment Instructions.'' The new process results in a Boeing Requirements Bulletin, which contains only the actions needed to address the unsafe condition (*i.e.,* only the RC actions).

Differences Between This Proposed AD and the Service Information

The effectivity of Boeing Alert Requirements Bulletin 737–52A1180 RB, dated January 24, 2020, is limited to certain Boeing Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. However, the applicability of this proposed AD includes all existing and future Boeing Model 737 series airplanes, excluding Model 737–100,

–200, –200C, –300, –400, and –500 series airplanes. Because the affected parts are rotable parts, the FAA has determined that these parts with the unsafe design could later be installed on airplanes that were initially delivered with acceptable parts, thereby subjecting those airplanes to the unsafe condition.

Costs of Compliance

The FAA estimates that this proposed AD would affect 1,075 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection and part replacement.	Up to 4 work-hours × $85 per hour = Up to $340.	$4,640	Up to $4,980	Up to $5,353,500.

The FAA has included all known costs in the cost estimate. According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected persons.

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):

The Boeing Company: Docket No. FAA–2020–0459; Product Identifier 2020–NM–049–AD.

(a) Comments Due Date

The FAA must receive comments by July 20, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737 series airplanes, excluding Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Unsafe Condition

This AD was prompted by reports of cracked or completely severed lugs in the stop fitting assembly of the forward entry door. The FAA is issuing this AD to address such cracking or severing, which could result in reduced structural integrity of the forward entry door and consequent rapid decompression of the airplane.

(f) Compliance

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

(g) Required Actions

For airplanes having a date of issuance of the original airworthiness certificate or date of issuance of the original export certificate of airworthiness on before the effective date of this AD: Except as specified by paragraph (h) of this AD, at the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–52A1180 RB, dated January 24, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–52A1180 RB, dated January 24, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–52A1180, dated January 24, 2020, which is referred to in Boeing Alert Requirements Bulletin 737–52A1180 RB, dated January 24, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin 737–52A1180 RB, dated January 24, 2020, uses the phrase ''the original issue date of Requirements Bulletin 737–52A1180 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin 737–52A1180 RB, dated January 24, 2020, specifies contacting Boeing for repair instructions: This AD requires doing the repair before further flight using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Parts Installation Prohibition

For airplanes on which the actions specified in paragraph (g) of this AD have been accomplished, or for airplanes having a date of issuance of the original airworthiness certificate or date of issuance of the original export certificate of airworthiness dated after the effective date of this AD: As of the effective date of this AD, no person may install a stop fitting assembly with part number 141A6104–3 or a forward entry door that has a stop fitting assembly with part number 141A6104–3, on any airplane.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(k) Related Information

(1) For more information about this AD, contact Michael Bumbaugh, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3522; email: *michael.bumbaugh@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information 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.

Issued on May 22, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–11828 Filed 6–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0460; Product Identifier 2018–SW–078–AD]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.A. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Leonardo S.p.A. Model AW169 and AW189 helicopters. This proposed AD was prompted by a report of a broken extrusion rubber window seal. This proposed AD would require installation of a reinforcement around the rubber filler wedge where the extrusion rubber window seal meets the door's emergency exit handle. 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 July 20, 2020.

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

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

For service information identified in this NPRM, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.* You may view this service information at the FAA, Office of the Regional Counsel, Operational Safety Branch, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

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–2020–0460; 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 Mandatory Continuing Airworthiness Information (MCAI), 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: Kristi Bradley, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *kristin.bradley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to 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–2020–0460; Product Identifier 2018–SW–078–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 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 NPRM.

Discussion

The European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0197, dated September 5, 2018 (referred to after this as ''the MCAI''), to correct an unsafe condition for all Leonardo S.p.A. Model AW169 helicopters and certain Leonardo S.p.A Model AW189 helicopters. EASA advises of a broken extrusion rubber window seal, part number A417AF001WB. According to EASA, an investigation determined that the damage to the rubber filler wedge of the rubber window seal could have been caused by the excessive tension of the string applied during the installation of an affected emergency exit handle. EASA advises that this condition, if not corrected, could result in an excessive load to release the emergency exit window, possibly resulting in delayed evacuation of helicopter occupants during an emergency. EASA states that, due to design similarities, the same unsafe condition could exist or develop on certain Model AW189 helicopters. To correct this condition, EASA AD 2018–0197 requires installation of a reinforcement around the rubber filler wedge where the extrusion rubber window seal meets the door's emergency exit handle.

You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for

and locating Docket No. FAA–2020–0460.

Related Service Information Under 1 CFR Part 51

Leonardo Helicopters has issued Alert Service Bulletin 169–094, Revision A, dated August 13, 2018, and Alert Service Bulletin 189–170, dated July 25, 2018. This service information describes procedures for installation of a reinforcement around the rubber filler wedge where the extrusion rubber window seal meets the door's emergency exit handle. These documents are distinct since they apply to different aircraft models.

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

These products have been approved by the aviation authority of another country, and are 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 and service information referenced above. The FAA is proposing this AD after evaluating all the relevant information and determining the unsafe condition described previously is likely to exist or develop on other products of these same type designs.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The FAA estimates that this proposed AD affects 10 helicopters 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
Up to 6 work-hours × $85 per hour = Up to $510	$0	Up to $510	Up to $5,100.

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in this cost estimate.

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):

Leonardo S.p.A.: Docket No. FAA–2020–0460; Product Identifier 2018–SW–078–AD.

(a) Comments Due Date

The FAA must receive comments by July 20, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Leonardo S.p.A. helicopters identified in paragraphs (c)(1) and (2) of this AD, certificated in any category, equipped with an affected part defined as internal emergency exit handle, part number (P/N) 8G9500L00151, and external emergency exit handle, P/N 8G9500L00251.

(1) Model AW169 helicopters, all serial numbers.

(2) Model AW189 helicopters, all serial numbers, except those helicopters with emergency exit windows equipped with strap P/N A487A003A, or helicopters with bubble windows P/N 8G5620F00112.

(d) Subject

Joint Aircraft Service Component (JASC) Code 5600, Windows.

(e) Reason

This AD was prompted by a report of a broken extrusion rubber window seal; an investigation determined the likely cause was excessive tension of the string applied during the installation of an affected emergency exit handle. The FAA is issuing this AD to address this condition, which, if not addressed, could result in an excessive load required to release the emergency exit window, possibly resulting in delayed evacuation of helicopter occupants during an emergency.

(f) Compliance

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

(g) Modification

(1) For Leonardo S.p.A. Model AW169 helicopters equipped with a passenger sliding door configuration, cabin main assembly P/N 6F5330A00131 or P/N

6F5330A00132: Within 750 hours time-in-service (TIS) or 24 months, whichever occurs first after the effective date of this AD, install the retro-modification P/N 6F5600P00111 on the rubber filler wedge of all affected emergency exit handles in accordance with Part I, Steps 1 through 8 of the Accomplishment Instructions of Leonardo Helicopters Alert Service Bulletin 169–094, Revision A, dated August 13, 2018, except you are required to replace the affected emergency exit handles and are not required to discard the filler wedges.

(2) For Leonardo S.p.A. Model AW169 helicopters equipped with a passenger hinged door configuration, cabin main assembly VIP P/N 6F5330A00831: Within 750 hours TIS or 24 months, whichever occurs first after the effective date of this AD, install the retro-modification P/N 6F5600P00111 on the rubber filler wedge of all affected emergency exit handles in accordance with Part II, steps 1 through 6 of the Accomplishment Instructions of Leonardo Helicopters Alert Service Bulletin 169–094, Revision A, dated August 13, 2018, except you are required to replace the affected emergency exit handles and are not required to discard the filler wedges.

(3) For Leonardo S.p.A. Model AW189 helicopters: Within 750 hours TIS or 24 months, whichever occurs first after the effective date of this AD, install the retro-modification P/N 8G5600P00211 on the rubber filler wedge of all affected emergency exit handles in accordance with steps 1 through 11 of the Accomplishment Instructions of Leonardo Helicopters Alert Service Bulletin 189–170, dated July 25, 2018, except you are required to replace the affected emergency exit handles and are not required to discard the filler wedges.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Kristi Bradley, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, notify your principal inspector or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(i) Related Information

(1) The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2018–0197, dated September 5, 2018. This EASA AD may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0460.

(2) For service information identified in this AD, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.* You may view this service information at the FAA, Office of the Regional Counsel, Operational Safety Branch, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

Issued on May 27, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–11822 Filed 6–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0458; Product Identifier 2020–NM–029–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., 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 certain Bombardier, Inc., Model BD–100–1A10 airplanes. This proposed AD was prompted by a report that corrosion was found on the shock strut cylinders during unscheduled maintenance of the nose landing gear (NLG). This proposed AD would require a modification of the NLG shock strut cylinder. 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 July 20, 2020.

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

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

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

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–2020–0458; 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: Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@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–2020–0458; Product Identifier 2020–NM–029–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 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 NPRM.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2019–43, dated November 8, 2019 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc.,

Model BD–100–1A10 airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0458.

This proposed AD was prompted by a report that corrosion was found on the shock strut cylinders during unscheduled maintenance of the NLG. The FAA is proposing this AD to address corrosion of the NLG, which could result in structural failure of the NLG. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletin 100–32–33, Revision 02, dated September 30, 2019, and Service Bulletin 350–32–009, Revision 02, dated September 30, 2019. This service information describes procedures for modification of the NLG shock strut cylinder. These documents are distinct since they apply to different airplane serial numbers. 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

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 and service information referenced above. The FAA is proposing this AD because the agency evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The FAA estimates that this proposed AD affects 560 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
Up to 54 work-hours × $85 per hour = Up to $4,590	$43,999	Up to $48,589	Up to $27,209,840.

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):

Bombardier, Inc.: Docket No. FAA–2020–0458; Product Identifier 2020–NM–029–AD.

(a) Comments Due Date

The FAA must receive comments by July 20, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, serial numbers (S/Ns) 20003 through 20767 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by a report that corrosion was found on the shock strut cylinders during unscheduled maintenance of the nose landing gear (NLG). The FAA is issuing this AD to address corrosion of the NLG, which could result in structural failure of the NLG.

(f) Compliance

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

(g) Modification for Airplanes With S/N 20003 Through 20500 Inclusive

For Bombardier, Inc., Model BD–100–1A10 airplanes with S/N 20003 through 20500 inclusive: At the applicable compliance time specified in paragraph (g)(1) or (2) of this AD, do the modification in paragraph (g)(1) or (2) of this AD, as applicable.

(1) For airplanes with NLG assemblies with 96 months' or less time since new (TSN) as of the effective date of this AD: At the NLG 96-month scheduled inspection, do a modification of the NLG shock strut cylinder, in accordance with paragraph 2.B. of the Accomplishment Instructions of Bombardier Service Bulletin 100–32–33, Revision 02, dated September 30, 2019.

(2) For airplanes with NLG assemblies with more than 96 months TSN as of the effective date of this AD: At the applicable compliance times specified in figure 1 to paragraph (g) of

this AD, do a modification of the NLG shock strut cylinder, in accordance with paragraph 2.C. of the Accomplishment Instructions of Bombardier Service Bulletin 100–32–33, Revision 02, dated September 30, 2019.

Figure 1 to paragraph (g) – *Compliance time*

NLG Assemblies with TSN as of the effective date of this AD	Compliance time from the effective date of this AD
More than 96 months but less than 108 months	Within 56 months
108 months or more but less than 120 months	Within 50 months
120 months or more but less than 132 months	Within 44 months
132 months or more but less than 144 months	Within 36 months
144 months or more but less than 156 months	Within 27 months
156 months or more but less than 174 months	Within 18 months
174 months or more but less than 192 months	At 192-month overhaul

(h) Modification for Airplanes With S/N 20501 Through 20767 Inclusive

For Bombardier, Inc., Model BD–100–1A10 airplanes with S/N 20501 through 20767 inclusive: At the NLG 96-month scheduled inspection, do a modification of the NLG shock strut cylinder, in accordance with paragraph 2.B. of the Accomplishment Instructions of Bombardier Service Bulletin 350–32–009, Revision 02, dated September 30, 2019.

(i) Parts Installation Limitation

As of the effective date of this AD, no person may install, on any airplane, a NLG shock strut assembly with part number (P/N) 40630–111, P/N 40630–113, or P/N 44630–101, unless it has been modified in accordance with paragraphs 2.B. or 2.C. of the Accomplishment Instructions of Bombardier Service Bulletin 100–32–33, Revision 02, dated September 30, 2019; or paragraph 2.B. of the Accomplishment Instructions of Bombardier Service Bulletin 350–32–009, Revision 02, dated September 30, 2019; as applicable.

(j) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using paragraph 2.B. or 2.C., as applicable, of Bombardier Service Bulletin 100–32–33, dated October 31, 2018, or Bombardier Service Bulletin 100–32–33, Revision 01, July 31, 2019.

(2) This paragraph provides credit for actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using paragraph 2.B. of Bombardier Service Bulletin 350–32–009, dated October 31, 2018, or Bombardier Service Bulletin 350–32–009, Revision 01 dated July 31, 2019, as applicable, provided that the NLG shock strut assembly with P/N 44630–101 was removed in lieu of P/N 44610–101, as specified in paragraph 2.B.(1) of the Accomplishment Instructions of Bombardier Service Bulletin 350–32–009, dated October 31, 2018, or Bombardier Service Bulletin 350–32–009, Revision 01 dated July 31, 2019.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2019–43, dated November 8, 2019, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0458.

(2) For more information about this AD, contact Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

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

Issued on May 22, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–11654 Filed 6–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0496; Airspace Docket No. 20–AEA–1]

RIN 2120–AA66

Proposed Amendment of VOR Federal Airways V–2, V–14, V–31, V–33, V–36, V–84, V–164, V–252, and V–510 in the Vicinity of Buffalo, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend VHF Omnidirectional Range (VOR) Federal airways V–2, V–14, V–31, V–33, V–36, V–84, V–164, V–252, and V–510 due to the planned decommissioning of the VOR portion of the Buffalo, NY (BUF), VOR/Distance Measuring Equipment (VOR/DME) navigation aid (NAVAID). The Buffalo VOR provides navigation guidance for portions of the affected VOR Federal airways and is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before July 20, 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–2020–0496; Airspace Docket No. 20–AEA–1 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the 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 National Airspace System as necessary to preserve the safe and efficient flow of air traffic.

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 (FAA Docket No. FAA–2020–0496; Airspace Docket No. 20–AEA–1) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2020–0496; Airspace Docket No. 20–AEA–1.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. 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 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 office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Blvd., 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.

Background

The FAA is planning to decommission the VOR portion of the Buffalo, NY (BUF), VOR/DME in December 2020. The Buffalo VOR was one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the Final policy statement notice, ''Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network),'' published in the **Federal Register** of July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082. Although the VOR portion of the Buffalo VOR/DME NAVAID is planned for decommissioning, the DME portion of the NAVAID is being retained to support Next Generation Air Transportation System (NextGen)

Performance Based Navigation (PBN) flight procedure requirements. The ATS routes affected by the Buffalo VOR decommissioning are VOR Federal airways V–2, V–14, V–31, V–33, V–36, V–84, V–164, V–252, and V–510.

With the planned decommissioning of the Buffalo VOR, the remaining ground-based NAVAID coverage in the area is insufficient to enable the continuity of the V–2, V–14, V–33, V–36, V–84, V–164, and V–510 airways within the affected area. As a result, the proposed amendments to V–2, V–14, V–36, and V–84 would result in the existing gaps in the airways being expanded. The proposed amendments to V–33 and V–164 would result in the airways ending (for V–33) and starting (for V–164) at the previous or next NAVAID in the airways, respectively, and the proposed amendment to V–510 would result in the airway segment located east of the existing gap in the airway being removed. The remaining ground-based NAVAID coverage in the area is sufficient to retain the continuity of the V–31 and V–252 airways and the proposed amendments to those airways would result in them remaining available for use as charted.

To overcome the proposed removal of the V–2, V–14, V–33, V–36, V–84, V–164, and V–510 airway segments, instrument flight rules (IFR) pilots could use adjacent VOR Federal airways, including V–31, V–119, V–252, and V–270, or could request air traffic control (ATC) radar vectors to fly through or circumnavigate the affected area. IFR pilots equipped with area navigation (RNAV) PBN could also navigate point to point using the existing fixes that will remain in place to support continued operations though the affected area. Visual flight rules (VFR) pilots who elect to navigate via the airways through the affected area could also take advantage of the air traffic services previously listed.

Additionally, to overcome the loss of the Buffalo VOR component radial in defining the last airway point (AIRCO fix) in V–31 and the first airway point (AIRCO fix) in V–252, due to the planned decommissioning of the Buffalo VOR, that radial is being changed while the existing intersecting radials that make up the AIRCO fix in each airway are being retained. The Buffalo VOR radial in the intersection definition of the AIRCO fix in the V–31 and V–252 airway descriptions is being amended to reflect the Jamestown, NY, VOR/DME 024°(T)/032°(M) radial. IFR and VFR pilots who elect to navigate via the airways will be able to continue using V–31 and V–252, as charted, in the affected area.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to modify VOR Federal airways V–2, V–14, V–31, V–33, V–36, V–84, V–164, V–252, and V–510 due to the planned decommissioning of the VOR portion of the Buffalo, NY (BUF), VOR/DME. The proposed VOR Federal airway actions are described below.

V–2: V–2 currently extends between the Seattle, WA, VORTAC and the intersection of the Nodine, MN, VORTAC 122° and Waukon, IA, VOR/DME 053° radials (WEBYE fix); and between the Buffalo, NY, VOR/DME and the Gardner, MA, VOR/DME. The FAA proposes to remove the airway segment between the Buffalo, NY, VOR/DME and the Rochester, NY, VOR/DME. Additional changes to other portions of the airway have been proposed in a separate NPRM. The unaffected portions of the existing airway would remain as charted.

V–14: V–14 currently extends between the Chisum, NM, VORTAC and the Flag City, OH, VORTAC; and between the Buffalo, NY, VOR/DME and the Norwich, CT, VOR/DME. The FAA proposes to remove the airway segment between the Buffalo, NY, VOR/DME and the Geneseo, NY, VOR/DME. The unaffected portions of the existing airway would remain as charted.

V–31: V–31 currently extends between the Patuxent, MD, VORTAC and the Nottingham, MD, VORTAC; and between the Baltimore, MD, VORTAC and the intersection of the Rochester, NY, VOR/DME 279° and Buffalo, NY, VOR/DME 023° radials (AIRCO fix). The FAA proposes to amend the AIRCO fix in the airway description to describe it as the intersection of the existing Rochester VOR/DME 279° radial and the Jamestown, NY, VOR/DME 024°(T)/032°(M) radial. Additionally, the Patuxent, MD, VORTAC airway point references would be corrected from ''Patuxent River'' to ''Patuxent.'' The unaffected portions of the existing airway would remain as charted.

V–33: V–33 currently extends between the Harcum, VA, VORTAC and the Nottingham, MD, VORTAC; and between the Baltimore, MD, VORTAC and the Buffalo, NY, VOR/DME. The airspace within R–4007A and R–4007B is excluded. The FAA proposes to remove the airway segment between the Bradford, PA, VOR/DME and the Buffalo, NY, VOR/DME. Additional changes to other portions of the airway have been proposed in separate NPRMs for Docket No. FAA–2017–0932 published in the **Federal Register** (82 FR 48011, October 16, 2017) and Docket No. FAA–2020–0049 published in the **Federal Register** (85 FR 6115, February 4, 2020). The unaffected portions of the existing airway would remain as charted.

V–36: V–36 currently extends between the Thunder Bay, ON, Canada, VOR/DME and the intersection of the Wiarton, ON, Canada, VOR/DME 150° and Toronto, ON, Canada, VOR/DME 304° radials; and between the Buffalo, NY, VOR/DME and the intersection of the LaGuardia, NY, VOR/DME 310° and Stillwater, NJ, VOR/DME 043° radials. The airspace within Canada is excluded. The FAA proposes to remove the airway segment between the Buffalo, NY, VOR/DME and the Elmira, NY, VOR/DME. The unaffected portions of the existing airway would remain as charted.

V–84: V–84 currently extends between the Northbrook, IL, VOR/DME and the Pullman, MI, VOR/DME; and between the Buffalo, NY, VOR/DME and the Syracuse, NY, VORTAC. The FAA proposes to remove the airway segment between the Buffalo, NY, VOR/DME and the Geneseo, NY, VOR/DME. The unaffected portions of the existing airway would remain as charted.

V–164: V–164 currently extends between the Buffalo, NY, VOR/DME and the East Texas, PA, VOR/DME. The FAA proposes to remove the airway segment between the Buffalo, NY, VOR/DME and the Wellsville, NY, VORTAC. Additional changes to other portions of the airway have been proposed in a separate NPRM for Docket No. FAA–2020–0049 published in the **Federal Register** (85 FR 6115, February 4, 2020). The unaffected portions of the existing airway would remain as charted.

V–252: V–252 currently extends between the intersection of the Buffalo, NY, VOR/DME 023° and Geneseo, NY, VOR/DME 305° radials (AIRCO fix) and the Dupont, DE, VORTAC. The FAA proposes to amend the AIRCO fix in the airway description to describe it as the intersection of the Jamestown, NY, VOR/DME 024°(T)/032°(M) radial and the existing Geneseo, NY, VOR/DME 305° radial. The unaffected portions of the existing airway would remain as charted.

V–510: V–510 currently extends between the Dickinson, ND, VORTAC and the Dells, WI, VORTAC; and between the Buffalo, NY, VOR/DME and the Rochester, NY, VOR/DME. The FAA proposes to remove the airway segment between the Buffalo, NY, VOR/DME and the Rochester, NY, VOR/DME. The unaffected portions of the existing airway would remain as charted.

All radials contained in the VOR Federal airway descriptions below that are unchanged are stated in True

degrees. Radials that are stated in True (T) and Magnetic (M) degrees are new computations based on available NAVAIDs.

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 ATS routes listed in this document would be subsequently published 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 proposed 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 will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will 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

In consideration of the foregoing, 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 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 6010(a) Domestic VOR Federal Airways.

* * * * *

V–2 [Amended]

From Seattle, WA; Ellensburg, WA; Moses Lake, WA; Spokane, WA; Mullan Pass, ID; Missoula, MT; Helena, MT; INT Helena 119° and Livingston, MT, 322° radials; Livingston; Billings, MT; Miles City, MT; 24 miles, 90 miles 55 MSL, Dickinson, ND; 10 miles, 60 miles 38 MSL, Bismarck, ND; 14 miles, 62 miles 34 MSL, Jamestown, ND; Fargo, ND; Alexandria, MN; Gopher, MN; Nodine, MN; to INT Nodine 122° and Waukon, IA, 053° radials. From Rochester, NY; Syracuse, NY; Utica, NY; Albany, NY; INT Albany 084° and Gardner, MA, 284° radials; to Gardner.

* * * * *

V–14 [Amended]

From Chisum, NM; Lubbock, TX; Childress, TX; Hobart, OK; Will Rogers, OK; INT Will Rogers 052° and Tulsa, OK, 246° radials; Tulsa; Neosho, MO; Springfield, MO; Vichy, MO; INT Vichy 067° and St. Louis, MO, 225° radials; St. Louis; Vandalia, IL; Terre Haute, IN; Brickyard, IN; Muncie, IN; to Flag City, OH. From Geneseo, NY; Georgetown, NY; INT Georgetown 093° and Albany, NY, 270° radials; Albany; INT Albany 084° and Gardner, MA, 284° radials; Gardner; to Norwich, CT.

* * * * *

V–31 [Amended]

From Patuxent, MD; INT Patuxent 338° and Nottingham, MD, 128° radials; to Nottingham. From Baltimore, MD; INT Baltimore 004° and Harrisburg, PA, 147° radials; Harrisburg; Selinsgrove, PA; Williamsport, PA; Elmira, NY; INT Elmira 002° and Rochester, NY, 120° radials; Rochester; to INT Rochester 279° and Jamestown, NY, 024°(T)/032°(M) radials.

* * * * *

V–33 [Amended]

From Harcum, VA; INT Harcum 003° and Nottingham, MD, 174° radials; to Nottingham. From Baltimore, MD; INT Baltimore 004° and Harrisburg, PA, 147° radials; Harrisburg; Philipsburg, PA; Keating, PA; to Bradford, PA. The airspace within R–4007A and R–4007B is excluded.

* * * * *

V–36 [Amended]

From Thunder Bay, ON, Canada; Wawa, ON, Canada; Sault Ste Marie, MI; Elliot Lake, ON, Canada; Wiarton, ON, Canada; to INT Wiarton 150° and Toronto, ON, Canada, 304° radials. From Elmira, NY; INT Elmira 110° and LaGuardia, NY, 310° radials; to INT LaGuardia 310° and Stillwater, NJ, 043° radials. The airspace within Canada is excluded.

* * * * *

V–84 [Amended]

From Northbrook, IL; to Pullman, MI. From Geneseo, NY; INT Geneseo 091° and Syracuse, NY, 240° radials; to Syracuse.

* * * * *

V–164 [Amended]

From Wellsville, NY; Stonyfork, PA; Williamsport, PA; INT Williamsport 129° and East Texas, PA, 315° radials; to East Texas.

* * * * *

V–252 [Amended]

From INT Jamestown, NY, 024°(T)/032°(M) and Geneseo, NY, 305° radials; Geneseo; Binghamton, NY; Huguenot, NY; INT Huguenot 196° and Robbinsville, NJ, 351° radials; Robbinsville; to Dupont, DE.

* * * * *

V–510 [Amended]

From Dickinson, ND; INT Dickinson 078° and Bismarck, ND, 290° radials; 28 miles 38 MSL, Bismarck; INT Bismarck 067° and Jamestown, ND, 279° radials; 14 miles, 65 miles 34 MSL, Jamestown; Fargo, ND; INT Fargo 110° and Alexandria, MN, 321° radials; Alexandria; INT Alexandria 110° and Gopher, MN, 321° radials; Gopher; INT Gopher 109° and Nodine, MN, 328° radials; Nodine; to Dells, WI.

* * * * *

Issued in Washington, DC.

Scott M. Rosenbloom,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2020–11861 Filed 6–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0497; Airspace Docket No. 20–ASO–1]

RIN 2120–AA66

Proposed Amendment of V–5 and V–178, and Revocation of V–513 in the Vicinity of New Hope, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend VHF Omnidirectional Range (VOR) Federal airways V–5 and V–178, and remove V–513 in the vicinity of New Hope, KY. The amendments are due to the planned decommissioning of the VOR portion of the New Hope, KY (EWO), VOR/Distance Measuring Equipment (VOR/DME) navigation aid

(NAVAID) which provides navigation guidance for portions of the affected airways. The New Hope VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before July 20, 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–2020–0497; Airspace Docket No. 20–ASO–1 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the 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 National Airspace System as necessary to preserve the safe and efficient flow of air traffic.

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 (FAA Docket No. FAA–2020–0497; Airspace Docket No. 20–ASO–1) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES**; section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2020–0497; Airspace Docket No. 20–ASO–1.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. 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 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 office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Blvd., 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.

Background

The FAA is planning to decommission the VOR portion of the New Hope, KY (EWO), VOR/DME in December 2020. The New Hope VOR was one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the Final policy statement notice, ''Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network),'' published in the **Federal Register** of July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082. Although the VOR portion of the New Hope VOR/DME NAVAID is planned for decommissioning, the DME portion of the NAVAID is being retained to support Next Generation Air Transportation System (NextGen) Performance Based Navigation (PBN) flight procedure requirements.

The VOR Federal airway dependencies to the New Hope VOR are V–5, V–178, and V–513. With the planned decommissioning of the New Hope VOR, the proposed modifications to the dependent airways would result in the airway segments supported by the New Hope VOR being removed; creating gaps in V–5 and V–178, and removing V–513.

To overcome the gaps created in V–5 and V–178, and the removal of V–513, instrument flight rules (IFR) pilots could use adjacent VOR Federal airways, including V–51, V–52, V–140, V–310, and V–493, or could request air traffic control radar vectors to fly through or circumnavigate the affected area. IFR pilots equipped with area navigation (RNAV) PBN could also navigate point to point using the existing fixes that will remain in place to support continued operations though the affected area. Visual flight rules (VFR) pilots who elect to navigate via the airways through

the affected area could also take advantage of the air traffic services previously listed.

Prior to this NPRM, the FAA published a rule for Docket No. FAA–2020–0008 in the **Federal Register** (85 FR 26601; May 5, 2020), amending VOR Federal airway V–178 by removing the airway segment between the Cunningham, KY, VOR/DME and the New Hope, KY, VOR/DME. The airway amendment, effective July 16, 2020, is included in this NPRM. Additionally, the FAA published a second rule prior to this NPRM for Docket No. FAA–2020–0002 in the **Federal Register** (85 FR 28852, May 14, 2020), further amending V–178 by removing the airway segment between the Farmington, MO, VOR/Tactical Air Navigation (VORTAC) and the Cunningham, KY, VOR/DME. This airway amendment, effective July 16, 2020, is also included in this NPRM.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to amend VOR Federal airways V–5 and V–178, and remove V–513. This proposal would also correct the state location for the Choo Choo VORTAC to read Tennessee (TN). The planned decommissioning of the VOR portion of the New Hope, KY, VOR/DME has made this action necessary. The proposed VOR Federal airway actions are described below.

V–5: V–5 currently extends between the Pecan, GA, VOR/DME and the Appleton, OH, VORTAC. The FAA proposes to remove the airway segment between the Bowling Green, KY, VORTAC and the Louisville, KY, VORTAC. Additional changes to other portions of the airway have been proposed in a separate NPRM for Docket No. FAA–2020–0188 that published in the **Federal Register** (85 FR16585, March 24, 2020). The unaffected portions of the existing airway would remain as charted.

V–178: V–178 currently extends between the Hallsville, MO, VORTAC and the Farmington, MO, VORTAC; and between the New Hope, KY, VOR/DME and the Bluefield, WV, VOR/DME. The FAA proposes to remove the airway segment between the New Hope, KY, VOR/DME and the Lexington, KY, VOR/DME. The unaffected portions of the existing airway remain as charted.

V–513: V–513 currently extends between the Livingston, TN, VOR/DME and the Louisville, KY, VORTAC. The FAA proposes to remove the airway in its entirety.

All radials contained in the VOR Federal airway descriptions below are unchanged and stated in True degrees.

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 VOR Federal airways listed in this document would be subsequently published 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 proposed 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 will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will 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

In consideration of the foregoing, 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 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 6010(a) Domestic VOR Federal Airways.

* * * * *

V–5 [Amended]

From Pecan, GA; Vienna, GA; Dublin, GA; Athens, GA; INT Athens 340° and Electric City, SC, 274° radials; INT Electric City 274° and Choo Choo, TN, 127° radials; Choo Choo; to Bowling Green, KY. From Louisville, KY; Cincinnati, OH; to Appleton, OH.

* * * * *

V–178 [Amended]

From Hallsville, MO; INT Hallsville l83° and Vichy, MO, 32l° radials; Vichy; to Farmington, MO. From Lexington, KY; to Bluefield, WV.

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V–513 [Removed]

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Scott M. Rosenbloom,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2020–11856 Filed 6–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0491; Airspace Docket No. 20–ASO–16]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Guntersville, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface at Guntersville Municipal Airport-Joe Starnes Field (formerly Guntersville Municipal Airport), Guntersville, AL, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures serving this airport. This action would also update the geographic coordinates of the airport. Controlled airspace is necessary for the safety and

management of instrument flight rules (IFR) operations in the area.

DATES: Comments must be received on or before July 20, 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 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2020–0491; Airspace Docket No. 20–ASO–16, 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 on line 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: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone (770) 883–5664.

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 Class E airspace at Guntersville Municipal Airport-Joe Starnes Field, Guntersville, AL, to support IFR operations in the area.

Comments Invited

Interested persons are invited to comment on 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 (Docket No. FAA–2020–0491 and Airspace Docket No. 20–ASO–16) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2020–0491; Airspace Docket No. 20–ASO–16.'' 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 document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. 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 *http://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 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 between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

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 proposes an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to amend Class E airspace extending upward from 700 feet above the surface at Guntersville Municipal Airport-Joe Starnes Field, Guntersville, AL, from a 6.3-mile radius to a 7-mile radius. In addition, the FAA proposes to update the airport's name and geographic coordinates to coincide with the FAA's aeronautical database.

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 proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will 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.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, 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 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 Federal Aviation Administration 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 AL E5 Guntersville, AL [Amended]

Guntersville Municipal Airport-Joe Starnes Field, AL
(Lat. 34°24′22″ N, long. 86°15′39″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Guntersville Municipal Airport-Joe Starnes Field.

Issued in College Park, Georgia, on May 27, 2020.

Andreese C. Davis,

Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2020–11710 Filed 6–2–20; 8:45 am]

BILLING CODE 4910–13–P

LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Part 201

[Docket No. 2020–10]

Modernizing Recordation of Notices of Termination

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of Proposed Rulemaking; Notification of Inquiry.

SUMMARY: The United States Copyright Office is proposing to amend certain regulations governing the recordation of notices of termination. Along with a parallel rulemaking focused on modernizing document recordation in conjunction with development of the Office's online recordation system, the proposed amendments are intended to improve efficiency in the processing of such notices and to provide additional guidance to the public in this area. In addition, the Office is providing notice of changes to its examination practices for certain notices of termination that pertain to multiple grants, and soliciting public comment on two additional subjects of inquiry relating to notices of termination.

DATES: Written comments must be received no later than 11:59 p.m. Eastern Time on July 6, 2020.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov.* Specific instructions for submitting comments are available on the Copyright Office website at *https://www.copyright.gov/rulemaking/recordation-modernization.* If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Regan A. Smith, General Counsel, by email at *regans@copyright.gov,* Kevin R. Amer, Deputy General Counsel, by email at *kamer@copyright.gov,* or Nicholas R. Bartelt, Attorney-Advisor, by email at *niba@copyright.gov.* Each can be contacted by telephone by calling (202) 707–8350.

SUPPLEMENTARY INFORMATION:

I. Background

In 2017, the Office initiated a rulemaking to modernize its overall recordation process by updating regulations governing the submission of documents to the Office for recordation.[1] This regulatory update was initiated in anticipation of launching a fully electronic, online recordation system in the future. That system is currently under development, and a limited public pilot was launched in April 2020.

The Office is issuing this separate notice of proposed rulemaking (''NPRM'') to seek public comment on proposed updates to its regulations governing recordation of notices of termination.[2] Implementing these proposed amendments will update the regulatory framework for notices of termination before features permitting electronic submission of notices are developed for the online recordation system. In addition, this NPRM clarifies Office examination practices relating to notices of termination that contain multiple grants. Finally, the Office invites public comment on two subjects of inquiry: (1) Whether the Office should develop an optional form or template to assist remitters in creating and serving notices of termination; and (2) whether the Office should consider regulatory updates to address concerns about third-party agents failing to properly serve and file notices on behalf of authors.[3]

A. Current Rules and Practices for Recording Notices of Termination

In enacting the Copyright Act of 1976, Congress created a process for authors to reclaim previously-granted rights in their works by terminating grants after a period of years has elapsed. To do so, authors, or their heirs or duly authorized agents, must serve a notice of

[1] *See* Modernizing Copyright Recordation, 82 FR 52213 (Nov. 13, 2017).

[2] *See* 37 CFR 201.10.

[3] This notice is focused on proposed updates to Office practices for recording notices of termination, and is without comment upon congressional and public interest in other substantive issues concerning the termination statutes. *See, e.g.,* Hearing on Mark-up of H.R. 5283 before the H. Comm. on the Judiciary, 115th Cong. 45–46 (2018) (statement of Rep. Zoe Lofgren) (expressing support for expanding termination rights to legacy recording artists who contributed to pre-72 sound recordings); *id.* at 53 (statement of Rep. Sheila Jackson-Lee) (same); Moral Rights, Termination Rights, Resale Royalty, and Copyright Term: Hearing before the Subcomm. on the Courts, Intellectual Prop., & the internet of the H. Comm. on the Judiciary, 113th Cong. 2–4 (2014) (statements of Reps. Coble, Conyers, & Goodlatte) (discussing termination issues generally); U.S. Copyright Office, Analysis of Gap Grants under the Termination Provisions of Title 17 9 (2010) (''Gap Grant Analysis'') (highlighting termination issues raised by public commenters outside the focus of the gap grant analysis); Public Knowledge, Making Sense of the Termination Right: How the System Fails Artists and How to Fix It (Dec. 2019).

termination on the grantee not less than two or more than ten years before the effective date of termination stated in the notice.[4] The effective date of termination is a date selected by the author within a five-year window that is set by statute. For grants executed on or after January 1, 1978, the five-year window starts either 35 years from the date of execution or, if the grant covers the right of publication, 40 years from the date of execution or 35 years from the date of publication, whichever is earlier.[5] For grants executed before January 1, 1978, the five-year window begins 56 years from the date copyright was originally secured.[6] In addition, ''[a] copy of the notice shall be recorded in the Copyright Office before the effective date of termination, as a condition to its taking effect,'' and such ''notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation.'' [7] More broadly, section 702 of the Act authorizes the Register of Copyrights to ''establish regulations . . . for the administration of the functions and duties made the responsibility of the Register under [title 17],'' and section 705(a) requires the Register to ''ensure that records of . . . recordations . . . are maintained, and that indexes of such records are prepared.'' [8]

In establishing regulations under this authority, the Office has long been of the view that the ''required contents of the notice must not become unduly burdensome to grantors, authors, and their successors,'' who may lack knowledge of certain information, such as the applicable dates.[9] Consistent with that understanding, and to the extent permitted by the statute, the Office generally seeks to avoid outright rejection of termination notices submitted for recordation on grounds of technical noncompliance with Office regulations. Instead, where possible, the Office will correspond with remitters to assist them in bringing deficient submissions into compliance with the relevant regulations—for example, by supplying required information omitted from the original submission. This general policy in favor of recordation is particularly appropriate in light of the asymmetrical consequences associated with the determination of whether or not to record a notice.[10] As the Office's regulations state, recordation is ''not a determination by the Office of the notice's validity or legal effect'' and ''is without prejudice to any party claiming that the legal or formal requirements for effectuating termination (including the requirements pertaining to service and recordation of the notice of termination) have not been met.'' [11] By contrast, a refusal to record can ''permanently invalidate a notice of termination that is otherwise legally sound,'' and thereby deprive the copyright owner of the ability to reclaim rights in her work.[12]

II. The Proposed Rule

After a review of the current regulatory framework in light of overall modernization efforts, the Office proposes several amendments and clarifications to its regulations governing notices of termination. The Office intends for these changes to facilitate recordation and compliance with regulatory requirements.

A. Timeliness

First, the Office proposes an amendment to restore its discretion to record certain untimely notices if equitable circumstances warrant. Until recently, the relevant language said that the Office ''reserves the right to refuse recordation of a notice of termination as such if, in the judgment of the Copyright Office, such notice is untimely.'' [13] The current interim rule, promulgated in 2017 as part of the parallel rulemaking on modernizing document recordation, changed the provision to state that the Office ''will'' refuse such notices.[14] The notice announcing the rule did not discuss the basis for that change or state whether it was intended to narrow the Office's discretion in this area. In any event, the Office now proposes replacing ''will'' with ''may'' to account for the possibility that recordation may be warranted in certain cases even where the information available to the Office indicates that the notice is untimely. For example, if the effective date of termination appears to be outside the five-year termination window based on the date of execution provided, but there is reason to believe that the work may have been created at a later date such that the notice could in fact be timely based on the Office's treatment of ''gap grants,'' [15] it may be appropriate to record the notice to allow the relevant facts to be determined by a court if necessary. The Office believes it is appropriate to amend the regulatory language to ensure it has the flexibility to excuse untimeliness in cases where doing so would serve the interests of justice and be otherwise equitable, to the extent permitted by the statute.[16]

Second, the Office proposes a technical change to clarify an example provided in the regulations to illustrate when a notice may be untimely. The current regulations provide several examples of situations when a ''notice will be considered untimely.'' The interim rule included these examples to illustrate the types of errors that could lead to the Office refusing to record a notice on timeliness grounds. The examples were not, however, intended to outline the full range of situations where a notice would be untimely. One example of untimeliness added by the 2017 interim rule is where ''the date of recordation is *after* the effective date of termination.'' [17] This language may cause confusion because the relevant statutory provisions—sections 203(a)(4)(A) and 304(c)(4)(A)—provide that ''[a] copy of the notice shall be recorded in the Copyright Office *before* the effective date of termination, as a

[4] *See* 17 U.S.C. 203(a)(4)(A), 304(c)(4)(A).

[5] *See id.* at 203(a)(3).

[6] *See id.* at 304(c)(3).

[7] *Id.* at 203(a)(4), 304(c)(4). These provisions also apply to section 304(d)(1), another termination provision, which incorporates section 304(c)(4) by reference. *Id.* at 304(d)(1).

[8] *Id.* at 702, 705(a).

[9] Termination of Transfers and Licenses Covering Extended Renewal Term, 42 FR 45916, 45918 (Sept. 13, 1977) (''[W]e remain convinced that the required contents of the notice must not become unduly burdensome to grantors, authors, or their successors, and must recognize that entirely legitimate reasons may exist for gaps in their knowledge or certainty.''); *id.* at 45917 (''The preparation of notice[s] of termination will be occurring at a time far removed from the original creation and publication of the work and, in many cases, will involve successors of original authors having little, if any, knowledge of the details of original creation or publication.''); *id.* at 45918 (recognizing that ''it will commonly be the case that the terminating author, or the terminating renewal claimant . . . will not have a copy of the grant or ready access to a copy'').

[10] The Office previously observed that adopting a permissive recordation policy is consistent with the statutory purpose of allowing authors to exercise their termination rights. *See* Gap Grant Analysis at 3 (citing H.R. Rep. No. 94–1476, at 124 (1976); S. Rep. No. 94–473, at 108 (1975)).

[11] 37 CFR 201.10(f)(4); *see Ray Charles Found.* v. *Robinson,* 795 F.3d 1109, 1117–18 (9th Cir. 2015) (noting that validity and effect of notices can only be determined by a court of law, not the Copyright Office).

[12] Gap Grant Analysis at ii n.3.

[13] *See* Recordation of Notices of Termination of Transfers and Licenses; Clarifications, 74 FR 12554, 12556 (Mar. 25, 2009).

[14] 82 FR at 52220.

[15] *See* 37 CFR 201.10(f)(1)(ii)(C) (permitting termination under section 203 of a pre-1978 agreement to grant a work created after January 1, 1978 ''if [the notice] recites, as the date of execution, the date on which the work was created'').

[16] By contrast, in cases where a notice of termination is received by the Office on or after the effective date of termination, the statute itself appears to prohibit the Office from recording the notice as a notice of termination. *See* 17 U.S.C. 203(a)(4)(A) (''A copy of the notice shall be recorded in the Copyright Office before the effective date of termination, as a condition to its taking effect.''), 304(c)(4)(A) (same).

[17] 37 CFR 201.10(f)(1)(ii)(A) (emphasis added).

condition to its taking effect.'' [18] To clarify that submitting a notice for recordation *on* the effective date of termination would also be untimely under the statutory provisions, the Office proposes amending the example to provide that a date of recordation ''on or'' after the effective date of termination will be considered untimely.

B. Harmless Errors

The Office's regulations include a ''harmless errors'' exception providing that defects in a notice that ''do not materially affect the adequacy of the information required to serve the purposes of 17 U.S.C. 203, 304(c), or 304(d), whichever applies, shall not render the notice invalid.'' [19] Case law indicates that this provision may apply to any ''immaterial'' error in a notice, such as providing incorrect addresses or failing to include specific identifying information about each work.[20] The touchstone of whether an error is ''harmless'' is its ''materiality,'' which ''[is] to be viewed through the prism of the information needed to adequately advance the purpose sought by the statutory termination provisions themselves''—that is, balancing protection of authors' opportunity to reclaim their rights against grantees' interest in receiving sufficient notice of how their rights will be affected.[21]

In addition to this general ''harmless errors'' provision, the regulations list several specific types of errors that are considered harmless under the rule, provided ''the errors were made in good faith and without any intention to deceive, mislead, or conceal relevant information.'' [22] These include errors in identifying the date of registration or registration number, listing the names of the author's heirs, or describing the precise relationships between the author and his or her heirs.[23] The regulations also specifically encompass errors in ''[t]he date of execution of the grant being terminated and, if the grant covered the right of publication of a work, the date of publication of the work under the grant.'' [24]

In contrast, failing to provide complete date and manner of service information (the ''statement of service'') is a violation of Office regulations that is not currently subject to the harmless error rule. The current regulations mandate that a notice submitted for recordation ''must be accompanied by a statement setting forth the date on which the notice was served and the manner of service, unless such information is contained in the notice.'' [25] This requirement is a procedural rule established by the Office for recordation, rather than statutorily-mandated component of a valid notice. It is not subject to the harmless error rule because that rule only applies to ''errors in a notice,'' including omissions of information from the notice,[26] and the statement of service is not necessarily contained in the actual notice, as it can be provided separately.

The Office believes that errors in complying with its regulations should be evaluated by the same harmless error standard as errors in complying with the statutory requirements: So long as an error does not materially affect the adequacy of the notice, it should not render the notice invalid.[27] The Office therefore proposes broadening the harmless error rule beyond errors in a notice to also apply to remitters' compliance with any Office-promulgated recordation requirement for notices. This revision would permit the Office to treat missing or incomplete service information the same as errors in a notice—that is, as harmless error when a remitter does not know or is unable to reasonably determine this information.

C. Manner of Service

The current regulations provide that service of a notice of termination upon a grantee may be accomplished by personal service or by first class mail.[28] The Office proposes amending its regulations to clarify that acceptable manners of service also include delivery by courier services (*e.g.,* FedEx, UPS, DHL). In addition, the Office proposes permitting service by email, provided the recipient expressly consents to service in this manner.[29] These proposed amendments recognize modern, alternative methods of service to increase efficiencies for both remitters and grantees. The Office recently took similar action to allow remitters to submit notices of termination for recordation by the Office ''electronically in the form and manner prescribed in instructions on the Office's website.'' [30]

[18] 17 U.S.C. 203(a)(4)(A), 304(c)(4)(A) (emphasis added).

[19] 37 CFR 201.10(e)(1).

[20] *See Horror Inc.* v. *Miller,* 335 F. Supp. 3d 273, 319–20 (D. Conn. 2018) (finding incorrect addresses in a notice to be harmless error and interpreting the requirement to ''reasonably identify'' the work broadly); *Siegel* v. *Warner Bros. Entm't,* 658 F. Supp. 2d 1036, 1091–95 (C.D. Cal. 2009) (finding failure to include information about two weeks of comics was harmless error given the totality of information provided in the notice, including a ''catch-all'' clause).

[21] *Siegel* v. *Warner Bros. Entm't,* 690 F. Supp. 2d 1048, 1052 (''*Siegel II*''); *see also Mtume* v. *Sony Music Entm't,* 18 Civ. 6037(ER), 2019 WL 4805925, at *4 (S.D.N.Y. Sept. 30, 2019) (citing *Siegel II* and explaining the competing objectives of the statutory termination provisions).

[22] 37 CFR 201.10(e)(2) (''Without prejudice to the general rule provided by paragraph (e)(1) of this section, errors made in giving the date or registration number referred to in paragraph (b)(1)(iii), (b)(2)(iii), or (b)(2)(iv) of this section, or in complying with the provisions of paragraph (b)(1)(vii) or (b)(2)(vii) of this section, or in describing the precise relationships under paragraph (c)(2) or (c)(3) of this section, shall not affect the validity of the notice if the errors were made in good faith and without any intention to deceive, mislead, or conceal relevant information.''); *see Johansen* v. *Sony Music Entm't Inc.,* 19 Civ. 1094, 2020 WL 1529442, at *7 (Mar. 31, 2020) (noting that ''the examples recited in § 201.10(e)(2) were not meant to define or otherwise set strict parameters on the circumstances where the general harmless error rule in § 201.10(e)(1) is applicable'').

[23] 37 CFR 201.10(e)(2).

[24] *See id.* at 201.10(b)(2)(iii), (e)(2); *Mtume,* 2019 WL 4805925, at *4 (finding that although the date of execution provided in the notice ''cannot be the date of creation for at least one of the works,'' ''this date—to the extent it is incorrect—may be harmless error'').

[25] 37 CFR 201.10(f)(1)(i)(B).

[26] *See id.* at 201.10(e)(1). Recently, courts have held that the omission of certain information from the notice may be harmless in particular circumstances. *See Waite* v. *UMG Recordings, Inc.,* 19–cv–1091, 2020 WL 1530794, at *7–8 (Mar. 31, 2020) (finding omission of the dates of execution for the relevant grants and listing incorrect dates for the agreements governing the grants to be harmless errors under the general provision because ''defendant has sufficient notice as to which grants and works plaintiffs seek to terminate'' and ''possesses the relevant agreements and can discern the relevant dates''); *Johansen,* 2020 WL 1529442, at * 6–7 (concluding that the general harmless error provision encompasses omission of specific dates of execution where ''notices clearly identified the publication dates of the sound recordings at issue, as well as their authors, their titles, their copyright registration numbers and their effective dates of termination,'' such that the ''notices provide [grantee] with ample information to identify the grants'').

[27] In fact, the initial harmless error provision was adopted after public commenters proposed it as a guardrail against ''fatal slips'' in complying with the Office's regulations governing notices. *See* 42 FR at 45919 (citing comments submitted by the Authors League of Am., Inc. and Joint Reply Comments from the Authors League, National Music Publishers' Assoc., Inc., Am. Guild of Authors and Composers, Columbia Pictures Indus., Inc., MGM, Inc., Paramount Pictures Corp., Twentieth Century-Fox Film Corp., United Artists Corp., and Warner Bros. Inc.).

[28] 37 CFR 201.10(d)(1), (f)(1)(i)(B). These methods of service remain unchanged since the Office first adopted regulations governing notices of termination. *See* 42 FR at 45920.

[29] The Office has adopted a similar approach in service of notice of intention to obtain a compulsory license for making and distributing phonorecords under 17 U.S.C. 115. *See* 37 CFR 201.18(a)(7), (f)(6) (permitting service by electronic transmission in certain circumstances, including where a party has consented to accept service by email); *see also* Mechanical and Digital Phonorecord Delivery Compulsory License, 79 FR 56190, 56197 (Sept. 18, 2014).

[30] 37 CFR 201.1(c)(2).

D. Identification of a Work

Under the current regulations, remitters must clearly identify the title of each work to which the notice of termination applies. Providing a registration number is not required, but is encouraged ''if possible and practicable.'' [31] To further encourage remitters to identify works in notices by registration number, the Office proposes amending the regulations to permit identification of a work by providing: (a) The title, (b) the original copyright registration number assigned by the Office, or (c) both pieces of information. This approach promotes specificity when identifying works while still allowing remitters flexibility in method of identification. It is also the standard for how works may be identified in documents that are recorded under section 205 of the Act.[32] It should be noted, however, that if a work is identified only by registration number in a notice and there is an error in the number, the error may materially affect the adequacy of the information, which, in turn, may affect the validity of the notice. Accordingly, the Office recommends providing both the title and registration number where possible.

E. Date of Recordation

Current regulations set the date of recordation for a notice of termination as the date when ''all of the elements of required for recordation, including the prescribed fee and, if required, the statement of service'' are received by the Office.[33] This rule harmonizes with the Office's method of determining the date of recordation for transfers of ownership and other documents pertaining to copyright that are recorded under section 205 of the Act.[34] Similarly, registration applications are assigned an effective date of registration, which is set by statute as ''day on which an application, deposit, and fee . . . have all been received by the Office.'' [35]

Although the rule linking the date of recordation to the receipt of a complete submission has remained essentially unchanged since implemented in 1977, the Office has taken a fresh look at this requirement and determined that it should be relaxed to mitigate the harsh consequences that can result where a submission is missing certain required elements. While many types of clerical filing errors in notice submissions can be corrected without prejudice to the grantee, a change to the date of recordation resulting from the correction can have severe repercussions for the grantor. For example, if a grantor properly serves a notice on the grantee but fails to include a statement of service in the recordation submission to the Office, the grantor could correct this oversight by later submitting the statement of service. Under current regulations, however, the date of recordation would become the date the statement of service was received, not the date the Office first received the notice. Where the effective date of termination has already passed before the submission is corrected, the notice would be untimely because the statute requires that notices be recorded *before* the effective date of termination.[36] In that circumstance, assuming at least two years remained in the termination window, the grantor would have to amend the notice by selecting an effective date of termination at least two years later, and serve and file that amended notice. But if the untimely notice was rejected by the Office within the final two years of the five-year window, the grantor would be unable to choose a different valid effective date and would lose the opportunity to terminate altogether.

Given these potentially severe consequences, current Office practice permits remitters to address certain non-material errors or omissions in notices submitted for recordation by providing information via correspondence with the Office, rather than requiring remitters to amend, re-serve, and re-file the notice.[37] For example, a notice terminating a grant under section 203 may indicate that the grant included the right of publication, but omit the date of publication, in which case the Office would correspond to obtain that date to determine the applicable five-year window. In such instances, Office practice has been to allow remitters to retain their original date of recordation after the Office receives sufficient information to determine that the notice may be recorded as originally submitted. The Office believes that this practice should be extended to other non-material errors, including specifically to situations in which the remitter has failed to provide the prescribed fee or the statement of service.[38] The Office therefore proposes amending the regulations to set the date of recordation as the date when the notice is received by the Office.

Although this approach would differ from the method of assigning a date of recordation for other types of documents, the Office believes this distinction is appropriate in light of key differences between the recordation of notices of termination and the recordation of other documents pertaining to copyright. In the context of termination notices, it is a statutory requirement that grantees receive *actual* notice before a copy of the notice is recorded with the Office.[39] Because of this, the availability of the notice in the Office's public records is unnecessary to ensure that a grantee has adequate notice of the author's intention to terminate. Indeed, the notice could be recorded years after the grantee was served so long as it is received by the Office before the effective date of termination. In contrast, there is no statutory requirement that parties affected by transfers of ownership or other documents recorded under section 205 receive actual notice.[40] Therefore, for those types of documents, the constructive notice that is imputed from the date of recordation by the Office may have greater significance for affected parties than is the case in the termination context.[41]

III. Examination Practices for Notices Relating to Multiple Grants

In recent years, the Office began receiving notices of termination relating to multiple grants, that is, notices that seek to terminate: (a) More than one grant between the same parties (*e.g.,* one grantor seeks to terminate multiple, separate grants to the same grantee(s)), or (b) more than one grant relating to the same work(s) (*e.g.,* one grantor seeks to

[31] *Id.* at 201.10(b)(1)(iii), (2)(iv).

[32] *See* 17 U.S.C. 205(c) (constructive notice of a recorded document attaches if, after being indexed by the Office, ''the document, or material attached to it, . . . would be revealed by a reasonable search under the title or registration number of the work''); Copyright Office Fees, 85 FR 9374, 9383–84 (Feb. 19, 2020) (adjusting fee structure for recordation of documents, including notices of termination, to calculate one ''work'' as the title, registration number, or both).

[33] 37 CFR 201.10(f)(3).

[34] *Id.* at 201.4(a) (''The date of recordation is when all the elements required for recordation, including a proper document, fee, and any additional required information, are received in the Copyright Office.''). As originally implemented, the Office only required the ''proper document'' and fee be received by the Office. *See* 43 FR 771, 772 (Jan. 4, 1978).

[35] 17 U.S.C. 410(d).

[36] *See id.* at 203(a)(4)(A), 304(c)(4)(A). Similarly, under the current rule, a remitter could submit an otherwise timely and materially adequate notice for recordation, but with the improper fee. If not corrected until after the effective date of termination, the submission would be untimely.

[37] *Cf.* 37 CFR 201.10(e) (providing exceptions for harmless errors).

[38] The proposed change that date of recordation no longer be conditioned upon receipt of the prescribed fee is subject to change if the Office experiences administrative hardship from remitters withholding fees until requested or otherwise delaying payment in a way that affects the Office's receivables.

[39] *See* 17 U.S.C. 203(a)(4)(A), 304(c)(4)(A).

[40] *See id.* at 205.

[41] *See id.* at 205(c).

terminate separate grants to multiple grantees for the same work(s)). The Office has not previously provided guidance about recording notices that pertain to multiple grants. And in some cases, the Office has declined to record such notices, requiring that notices pertain to a single grant. To promote consistency and dispel confusion about whether remitters may record notices pertaining to multiple grants, the Office takes this opportunity to clarify its practices.

After taking a fresh look at the issue, the Office concludes that there is nothing in the statute or current regulations barring notices covering multiple grants.[42] Accordingly, notices with multiple grants will generally be recorded as a matter of convenience for authors seeking to reclaim their rights. The Office, however, will not record notices involving multiple grants where there is no overlap of either a grantee or a work across the various grants. In other words, a grantor may not use one notice to terminate multiple grants where each grant involves a different work and different grantee(s). Notices structured in this way would likely be administratively burdensome for the Office to examine and process because they would effectively merge multiple notices into one document. The current fee charged for recording a notice of termination is based upon the staff resources required to examine and index a single notice. While examination of a notice relating to multiple grants may require greater resources than examination of a single grant, the Office expects the additional burden to typically be limited where the grants contain commonalities either as to the grantees or the works. By contrast, recording notices containing wholly unrelated multiple grants would likely demand more significant additional resources and, consequently, decrease overall processing efficiency.

Accordingly, at this time, no additional fee will be charged for processing notices relating to multiple grants. The Office intends to track the volume of notices with multiple grants that are submitted, how many grants are included per notice, and how much longer these notices take to process, to determine whether processing time has increased due to the need to examine and index each grant in separate records. Using that information, the Office can reach an informed decision about whether or not to adopt any additional fee for notices involving multiple grants.

IV. Additional Subjects of Inquiry

In addition to the foregoing proposed regulatory changes and clarification of examination practices, the Office solicits public comment on the following additional topics related to notices of termination.

A. Sample Form or Template for Notices of Termination

The Office currently does not provide forms for use in preparing and serving notices of termination.[43] Previously, in a 2002 notice of proposed rulemaking, the Office sought public comment on ''whether the Office should provide official forms for notices of termination of transfers and licenses under sections 203, 304(c) and 304(d), and whether the use of such forms should be made mandatory.'' [44] In the notice, the Office cited the potential benefits of facilitating Office processing of notices and promoting compliance with statutory and regulatory requirements.[45] No comments were received, and provisions relating to forms were not included in the final rule.[46]

In light of its IT modernization efforts, the Office again invites public comment on whether it would be beneficial for the Office to develop an optional sample form or other template for notices of termination, such as an online notice builder. The Office also invites comment on any specific features that should be included in such an option. These comments will be considered in future phases of recordation development and may also be used in developing updated guidance documents for the public unconnected to IT systems, including circulars, the *Compendium of U.S. Copyright Office Practices,* and online instructional materials.

B. Third-Party Agents

As is true of many types of filings with the Copyright Office, authors sometimes entrust third-party agents to create, serve, and file notices of termination on their behalf. Although notices filed by third-party agents are generally recorded without incident, the Office understands that, in some instances, third-party agents have failed to comply with the statutory and regulatory requirements for recordation. If third-party agents do not timely communicate problems with recordation of notices to their clients, authors' termination rights may be jeopardized or extinguished altogether, depending on when these issues occur and are discovered relative to the five-year termination window.

The Office seeks public comment on whether these concerns could be addressed through regulatory updates, and if so, what specific changes should be considered. In addressing this issue, commenters should be mindful that the Office is generally seeking to make compliance with its regulations and practices less onerous and more flexible for remitters, and to increase efficiency in the recordation process. Commenters should consider whether imposing additional requirements to protect against errors or abuses by third-party agents is compatible with those goals. Likewise, commenters may consider the effect of any proposed change on the ability of authors to engage agents to limit the disclosure of personally identifiable information in the public record.

IV. Conclusion

In furtherance of the Office's modernization efforts, the proposed amendments will facilitate recordation of notices of termination by easing compliance with requirements established by the Office. The Office invites public comment on this proposal and on the subjects of inquiry discussed above.

List of Subjects in 37 CFR Part 201

Copyright, General provisions.

Proposed Regulations

For the reasons set forth in the preamble, the Copyright Office proposes amending 37 CFR part 201 as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 201.10 [Amended]

■ 2. Amend § 201.10 as follows:

■ a. In paragraph (b)(1)(iii):

■ i. Remove ''and, if possible and practicable, the original copyright registration number;''

■ ii. Add ''or the original copyright registration number, or both, if possible and practicable,'' after ''The title'';

■ b. In paragraph (b)(2)(iv):

[42] Notably, section 203(b) states that ''[u]pon the effective date of termination, all rights under this title that were covered by the terminated *grants* revert . . . .'' The references to the ''effective date'' in the singular and ''grants'' in the plural could be read to implicitly anticipate multiple grants in a single notice. But given that the rest of section 203, and all of sections 304(c) and (d), refer to a ''grant'' in the singular, this one pluralization seems far from definitive.

[43] *See* 37 CFR 201.10(a).

[44] Notice of Termination, 67 FR 77951, 77953 (Dec. 20, 2002).

[45] *Id.*

[46] Notice of Termination, 68 FR 16958, 16959 (Apr. 8, 2003).

■ i. Remove ''and, if possible and practicable, the original copyright registration number;''
■ ii. Add ''or the original copyright registration number'' after ''the title'';
■ iii. Add '', or both, if possible and practicable,'' after ''the work'';
■ c. In paragraph (d), add ''or by reputable courier service delivered'' after ''by first class mail sent'' and add '', or by means of electronic transmission (such as email) if the grantee expressly consents to accept service in this manner'' after ''grantee or successor in title''.
■ d. In paragraph (e)(1), add ''preparing, serving, or seeking to record'' after ''Harmless errors in'' and add ''or that do not materially affect, in the Office's discretion, the Office's ability to record the notice'' after ''whichever applies,'';
■ e. In paragraph (e)(2), remove ''or registration number'';
■ f. In paragraph (f)(1)(ii)(A), remove ''will'' from the first sentence and add in its place ''may'', remove ''will'' from the second sentence and add in its place ''may'', and add ''on or'' after ''the date of recordation is''; and
■ g. In paragraph (f)(3), remove ''all of the elements required for recordation, including the prescribed fee and, if required, the statement of service, have been'' and add in its place ''the notice of termination is''.

Dated: June 1, 2020.

Regan A. Smith,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2020–12038 Filed 6–2–20; 8:45 am]

BILLING CODE 1410–30–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 19, 42, and 52

[FAR Case 2019–004, Docket No. FAR–2019–0030, Sequence No. 1]

RIN 9000–AN87

Federal Acquisition Regulation: Good Faith in Small Business Subcontracting

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement a section of the National Defense Authorization Act for Fiscal Year 2017, which requires examples of failure to make good faith efforts to comply with a small business subcontracting plan.

DATES: Interested parties should submit written comments at the address shown below on or before August 3, 2020 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to FAR Case 2019–004 to *https://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FAR Case 2019–004''. Select the link ''Comment Now'' that corresponds with FAR Case 2019–004. Follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''FAR Case 2019–004'' on your attached document. If your comment cannot be submitted using *https://www.regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite FAR Case 2019–004 in all correspondence related to this case. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov,* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Malissa Jones, Procurement Analyst, at (703)605–2815, or by email at *malissa.jones@gsa.gov,* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite FAR Case 2019–004.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are proposing to amend the FAR to implement section 1821 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (15 U.S.C 637 note, Pub. L. 114–328). Section 1821 requires the Small Business Administration (SBA) to amend its regulations to provide examples of activities that would be considered a failure to make a good faith effort to comply with a small business subcontracting plan. SBA issued a rule at 84 FR 65647, November 29, 2019, to implement section 1821 of the NDAA for FY 2017. In its rule, SBA amends 13 CFR 125.3(d)(3) to provide guidance on evaluating whether the prime contractor made a good faith effort to comply with its small business subcontracting plan and a list of examples of activities reflective of a failure to make a good faith effort.

Additionally, SBA revised 13 CFR 125.3(c)(1)(iv) to require that prime contractors with commercial subcontracting plans include indirect costs in their subcontracting goals. Other than small business concerns that have a commercial subcontracting plan report on performance through a summary subcontract report (SSR). SBA's regulations currently require that contractors using a commercial subcontracting plan must include indirect costs in their SSRs, but do not require these contractors to include indirect costs in their subcontracting goals, which leads to inconsistencies when comparing the data reported in the SSR to the goals in the commercial subcontracting plan.

Small business subcontracting plans are required from large prime contractors when a contract is expected to exceed $700,000 ($1.5 million for construction) and has subcontracting possibilities. FAR 19.704 lists the elements of the plan, which include the contractor's goals for subcontracting to small business concerns and a description of the efforts the contractor will make to ensure that small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns have an equitable opportunity to compete for subcontracts. Failure to make a good faith effort to comply with the plan may result in the assessment of liquidated damages per FAR 52.219–16, Liquidated Damages—Subcontracting Plan.

II. Discussion and Analysis

The proposed changes to the FAR are summarized in the following paragraphs.

A. Inclusion of Indirect Costs in Commercial Plans

Section 19.704, Subcontracting plan requirements, and the clause at 52.219–9, Small Business Subcontracting Plan, are amended to require that all indirect costs, with certain exceptions, are included in commercial plans and SSRs.

B. Compliance With the Subcontracting Plan

Section 19.705–7, Liquidated damages, is renamed ''Compliance with the subcontracting plan'' and is reorganized, with paragraph headings

added to make this section easier to read and understand. This section includes examples of a good faith effort, and examples of a failure to make a good faith effort to comply with the subcontracting plan, including SBA's examples at 13 CFR 125.3(d). References to the examples in 19.705–7 are added in other sections in subparts 19.7 and 42.15. A reference to SBA's examples at 13 CFR 125.3(d), now located at FAR 19.705–7, is added in the clause at 52.219–16.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This rule proposes to implement a statutory requirement to provide examples of activities that would be considered a failure to make a good faith effort to comply with a small business subcontracting plan. Because section 8(d) of the Small Business Act (15 U.S.C. 637(d)) requires subcontracting plans only for acquisitions valued above $700,000 ($1.5 million for construction contracts), the requirements of section 1821 of the NDAA for FY 2017 (15 U.S.C 637 note, Pub. L. 114–328) would not apply to contracts at or below the SAT. The FAR Council intends to apply the requirements of section 1821 to contracts for the acquisition of commercial items. Revisions to the clauses at FAR 52.219–9 and 52.219–16 are proposed by this rule. Discussion of these preliminary determinations is set forth below. The FAR Council will consider public feedback before making a final determination on the scope of the final rule.

A. Applicability to Contracts for the Acquisition of Commercial Items

Pursuant to 41 U.S.C. 1906, acquisitions of commercial items (other than acquisitions of COTS items, which are addressed in 41 U.S.C. 1907) are exempt from a provision of law unless the law (i) contains criminal or civil penalties; (ii) specifically refers to 41 U.S.C. 1906 and states that the law applies to acquisitions of commercial items; or (iii) the FAR Council makes a written determination and finding that it would not be in the best interest of the Federal Government to exempt contracts for the procurement of commercial items from the provision of law. If none of these conditions are met, the FAR is required to include the statutory requirement(s) on a list of provisions of law that are inapplicable to the acquisition of commercial items.

The purpose of this rule is to implement section 1821 of the NDAA for FY 2017 and SBA's implementing regulations. Section 1821 requires SBA to provide examples of activities that would be considered a failure to make a good faith effort to comply with a small business subcontracting plan. Both the FAR and SBA's regulations require contractors with small business subcontracting plans, including commercial plans, to make a good faith effort to comply with the plans. SBA's rule did not exempt the acquisition of commercial items.

Section 1821 furthers the Administration's goal of supporting small business. It advances the interests of small business subcontractors by promoting good faith efforts by large prime contractors to find and use small business concerns as subcontractors, thereby providing valuable opportunities for small business concerns.

For these reasons, it is in the best interest of the Federal Government to apply the requirements of this rule to the acquisition of commercial items.

B. Applicability to Contracts for the Acquisition of COTS Items

Pursuant to 41 U.S.C. 1907, acquisitions of COTS items will be exempt from a provision of law unless the law (i) contains criminal or civil penalties; (ii) specifically refers to 41 U.S.C. 1907 and states that the law applies to acquisitions of COTS items; (iii) concerns authorities or responsibilities under the Small Business Act (15 U.S.C. 644) or bid protest procedures developed under the authority of 31 U.S.C. 3551 *et seq.,* 10 U.S.C. 2305(e) and (f), or 41 U.S.C. 3706 and 3707; or (iv) the Administrator for Federal Procurement Policy makes a written determination and finding that it would not be in the best interest of the Federal Government to exempt contracts for the procurement of COTS items from the provision of law. If none of these conditions are met, the FAR is required to include the statutory requirement(s) on a list of provisions of law that are inapplicable to the acquisition of COTS items.

The purpose of this rule is to implement section 1821 of the NDAA for FY 2017 and SBA's implementing regulations. Section 1821 requires SBA to provide examples of activities that would be considered a failure to make a good faith effort to comply with a small business subcontracting plan. Both the FAR and SBA's regulations require contractors with small business subcontracting plans, including commercial plans, to make a good faith effort to comply with the plans. SBA's rule did not exempt the acquisition of COTS items.

Section 1821 furthers the Administration's goal of supporting small business. It advances the interests of small business subcontractors by promoting good faith efforts by large prime contractors to find and use small business concerns as subcontractors, thereby providing valuable opportunities for small business concerns.

For these reasons, it is in the best interest of the Federal Government to apply the requirements of this rule to the acquisition of COTS items.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 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). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

V. Executive Order 13771

This proposed rule is not expected to be subject to E.O. 13771, Reducing Regulation and controlling Regulatory Costs, because this rule is not a significant regulatory action under E.O. 12866.

VI. Regulatory Flexibility Act

DoD, GSA, and NASA do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* However, an initial regulatory flexibility analysis (IRFA) has been performed and is summarized as follows:

DoD, GSA, and NASA are proposing to amend the FAR to implement section 1821 of the NDAA for FY 2017 (Pub. L. 114–328). Section 1821 amends the Small Business Act (15 U.S.C 637 note), to require SBA to provide examples of activities that would be considered a failure to make a good faith effort to comply with the goals and other elements in small business subcontracting plans. Additionally, SBA clarified in its regulations that large prime contractors with commercial subcontracting plans must

include indirect costs in the commercial subcontracting plan goals.

The objective of this proposed rule is to implement section 1821 of the NDAA for FY 2017 and SBA's implementing regulations, which provide examples of activities that would be considered a failure to make a good faith effort to comply with a small business subcontracting plan. SBA has amended 13 CFR 125.3(d)(3) to provide guidance on evaluating whether the prime contractor made a good faith effort to comply with its small business subcontracting plan and a list of examples of activities reflective of a failure to make a good faith effort.

Additionally, SBA has revised 13 CFR 125.3(c)(1)(iv) to require that large prime contractors with commercial subcontracting plans include indirect costs in the commercial subcontracting plan goals. Large prime contractors that have a commercial subcontracting plan report on performance through a SSR in the Electronic Subcontracting Reporting System (eSRS). SBA's regulations and the FAR currently require that a contractor using a commercial subcontracting plan include indirect costs in its SSR. However, these regulations do not require contractors to include indirect costs in their commercial subcontracting plan goals, which leads to inconsistencies when comparing the data reported in the SSR to the goals in the commercial subcontracting plan.

This rule may have a positive economic impact on any small business entity that wishes to participate in Federal procurement as a subcontractor. By providing examples of a failure to make a good faith effort to comply with small business subcontracting plans, contracting officers can determine more easily whether large prime contractors have made a good faith effort to comply with their subcontracting plans and hold large prime contractors accountable for failing to make a good faith effort to comply with their subcontracting plans. More diligence in developing and meeting subcontracting goals on the part of large prime contractors could have a positive impact of giving small business concerns more opportunity to subcontract on Federal contracts. Data from the Federal Procurement Data System indicate that in FY 2018 there were 2,397 entities with 15,758 awards that required small business subcontracting plans. According to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS), there are 19,596 unique entities who are subcontractors. Approximately 80 percent of the entities registered in the System for Award Management are small entities. Therefore, we estimate that 80 percent (15,677) of the subcontractors in FSRS are small entities. These small entities may benefit from this rule.

This proposed rule will require a large prime contractor with a commercial subcontracting plan to include indirect costs in its subcontracting goals. The benefit of requiring that indirect costs be included in subcontracting goals in commercial subcontracting plans is that it will increase the small business subcontracting goal and thus increase the amount of funds the prime contractor will subcontract to small business concerns, providing more opportunities for subcontract awards to small business concerns.

This proposed rule does not include any new reporting, recordkeeping or other compliance requirements for small entities.

This proposed rule does not duplicate, overlap, or conflict with any other Federal rules.

There are no known significant alternative approaches that would accomplish the stated objectives of the applicable statute.

The Regulatory Secretariat Division has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the SBA. A copy of the IRFA may be obtained from the Regulatory Secretariat Division. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit comments separately and should cite 5 U.S.C. 610 (FAR case 2019–004) in correspondence.

VII. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) applies to this rule; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number 9000–0007, Subcontracting Plans.

List of Subjects in 48 CFR Parts 19, 42, and 52

Government procurement.

William F. Clark,

Director, Office of Government-Wide Acquisition Policy, Office of Acquisition Policy, Office of Government-Wide Policy.

Therefore, for the reasons listed in the preamble, DoD, GSA, and NASA are proposing to amend 48 CFR parts 19, 42, and 52 to read as follows:

■ 1. The authority citation for 48 CFR parts 19, 42, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 19—SMALL BUSINESS PROGRAMS

■ 2. Amend section 19.704 by—

■ a. Removing from paragraph (a)(6) ''subcontracting goals'' and adding ''subcontracting goals (for commercial plans, see paragraph (d) of this section)'' in its place;

■ b. Revising the introductory text of paragraph (d); and

■ c. Removing from paragraph (d)(4) ''one SSR'' and adding ''one SSR that includes all indirect costs, except as described in paragraph (d) of this section,'' in its place.

The revision reads as follows:

19.704 Subcontracting plan requirements.

* * * * *

(d) A commercial plan (as defined in 19.701) is the preferred type of subcontracting plan for contractors furnishing commercial items. The subcontracting goals established for a commercial plan shall include all indirect costs with the exception of those such as the following: Employee salaries and benefits; payments for petty cash; depreciation; interest; income taxes; property taxes; lease payments; bank fees; fines, claims, and dues; original equipment manufacturer relationships during warranty periods (negotiated up front with the product); utilities and other services purchased from a municipality or an entity solely authorized by the municipality to provide those services in a particular geographical region; and philanthropic contributions. Once a contractor's commercial plan has been approved, the Government shall not require another subcontracting plan from the same contractor while the plan remains in effect, as long as the product or service being provided by the contractor continues to meet the definition of a commercial item. The contractor shall—

* * * * *

19.705–4 [Amended]

■ 3. Amend section 19.705–4 by removing from paragraph (c), in the fourth sentence, ''faith effort'' and adding ''faith effort (see 19.705–7)''.

■ 4. Amend section 19.705–6 by revising paragraphs (g)(1), (h), and (i) to read as follows:

19.705–6 Postaward responsibilities of the contracting officer.

* * * * *

(g) * * *

(1) Assess whether the prime contractor made a good faith effort to comply with its small business subcontracting plan. See 19.705–7(b) for more information on the determination of good faith effort.

* * * * *

(h) Initiate action to assess liquidated damages in accordance with 19.705–7 upon a recommendation by the administrative contracting officer, if one is assigned, or receipt of other reliable evidence to indicate that assessing liquidated damages is warranted.

(i) Take action to enforce the terms of the contract upon receipt of a notice from the contract administration office under 19.706(f).

* * * * *

■ 5. Amend section 19.705–7 by—

■ a. Revising the section heading;

■ b. Adding a paragraph heading to paragraph (a);

■ c. Removing from paragraph (a) ''small disadvantaged business'' and adding ''small disadvantaged business,'' in its place;

■ d. Revising paragraphs (b), (c), (d), and (e);

■ e. Adding a paragraph heading to the introductory text of paragraph (f);

■ f. Removing paragraph (g); and

■ g. Redesignating paragraph (h) as paragraph (f)(5).

The revisions and additions read as follows:

19.705–7 Compliance with the subcontracting plan.

(a) *General.* * * *

(b) *Determination of good faith effort.* (1) In determining whether a contractor failed to make a good faith effort to comply with its subcontracting plan, a contracting officer must look to the totality of the contractor's actions, consistent with the information and assurances provided in its plan. The fact that the contractor failed to meet its subcontracting goals does not, in and of itself, constitute a failure to make a good faith effort (see 19.701). For example, notwithstanding a contractor's diligent effort to identify and solicit offers from any of the small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns, factors such as unavailability of anticipated sources or unreasonable prices may frustrate achievement of the contractor's subcontracting goals. The contracting officer may consider any of the following, though not all inclusive, to be indicators of a good faith effort:

(i) Breaking out work to be subcontracted into economically feasible units, as appropriate, to facilitate small business participation.

(ii) Conducting market research to identify potential small business subcontractors through all reasonable means, such as searching SAM, posting notices or solicitations on SBA's SUBNet, participating in business matchmaking events, and attending preproposal conferences.

(iii) Soliciting small business concerns as early in the acquisition process as practicable to allow them sufficient time to submit a timely offer for the subcontract.

(iv) Providing interested small businesses with adequate and timely information about plans, specifications, and requirements for performance of the prime contract to assist them in submitting a timely offer for the subcontract.

(v) Negotiating in good faith with interested small businesses.

(vi) Directing small businesses that need additional assistance to SBA.

(vii) Assisting interested small businesses in obtaining bonding, lines of credit, required insurance, necessary equipment, supplies, materials, or services.

(viii) Utilizing the available services of small business associations; local, state, and Federal small business assistance offices; and other organizations.

(ix) Participating in a formal mentor-protégé program with one or more small-business protégés that results in developmental assistance to the protégés.

(x) Although failing to meet the subcontracting goal in one socioeconomic category, exceeding the goal by an equal or greater amount in one or more of the other categories.

(xi) Fulfilling all of the requirements of the subcontracting plan.

(2) When considered in the context of the contractor's total effort in accordance with its plan, the contracting officer may consider any of the following, though not all inclusive, to be indicators of a failure to make a good faith effort:

(i) Failure to attempt through market research to identify, contact, solicit, or consider for contract award small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, or women-owned small business concerns, through all reasonable means including outreach, industry days, or the use of Federal systems such as SBA's Dynamic Small Business Search or SUBNet systems.

(ii) Failure to designate and maintain a company official to administer the subcontracting program and monitor and enforce compliance with the plan.

(iii) Failure to submit an acceptable ISR, or the SSR, using the eSRS, or as provided in agency regulations, by the report due dates specified in 52.219–9, Small Business Subcontracting Plan.

(iv) Failure to maintain records or otherwise demonstrate procedures adopted to comply with the plan including subcontracting flowdown requirements.

(v) Adoption of company policies or documented procedures that have as their objectives the frustration of the objectives of the plan.

(vi) Failure to pay small business subcontractors in accordance with the terms of the contract with the prime contractor;

(vii) Failure to correct substantiated findings from Federal subcontracting compliance reviews or participate in subcontracting plan management training offered by the Government;

(viii) Failure to provide the contracting officer with a written explanation if the contractor fails to acquire articles, equipment, supplies, services, or materials or obtain the performance of construction work as described in 19.704(a)(12).

(ix) Falsifying records of subcontract awards to small business concerns.

(c) *Documentation of good faith effort.* If, at completion of the basic contract or any option, or in the case of a commercial plan, at the close of the fiscal year for which the plan is applicable, a contractor has failed to comply with the requirements of its subcontracting plan, which includes meeting its subcontracting goals, the contracting officer shall review all available information for an indication that the contractor has not made a good faith effort to comply with the plan. If no such indication is found, the contracting officer shall document the file accordingly.

(d) *Notice of failure to make a good faith effort.* If the contracting officer decides in accordance with paragraph (b) of this section that the contractor failed to make a good faith effort to comply with its subcontracting plan, the contracting officer shall give the contractor written notice in accordance with 52.219–16, Liquidated Damages—Subcontracting Plan, specifying the material breach, which may be included in the contractor's past performance information, advising the contractor of the possibility that the contractor may have to pay to the Government liquidated damages, and providing a period of 15 working days (or longer period as necessary) within which to respond. The notice shall give the contractor an opportunity to demonstrate what good faith efforts have been made before the contracting officer issues the final decision, and shall further state that failure of the contractor to respond may be taken as an admission that no valid explanation exists.

(e) *Payment of liquidated damages.* (1) If, after consideration of all the pertinent data, the contracting officer finds that the contractor failed to make

a good faith effort to comply with its subcontracting plan, the contracting officer shall issue a final decision to the contractor to that effect and require the payment of liquidated damages in an amount stated. The contracting officer's final decision shall state that the contractor has the right to appeal under the clause in the contract entitled Disputes. Calculations and procedures shall be in accordance with 52.219–16, Liquidated Damages—Subcontracting Plan.

(2) The amount of damages attributable to the contractor's failure to comply shall be an amount equal to the actual dollar amount by which the contractor failed to achieve each subcontracting goal. For calculations for commercial plans see paragraph (f) of this section.

(3) Liquidated damages shall be in addition to any other remedies that the Government may have.

(f) *Commercial plans.* * * *

19.706 [Amended]

■ 6. Amend section 19.706 by removing from paragraph (f) ''subcontracting plan'' and adding ''subcontracting plan (see 19.705–7(b) for more information on the determination of good faith effort)''.

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

■ 7. Amend section 42.1501 by redesignating paragraphs (a)(5) thru (a)(7) as paragraphs (a)(6) thru (a)(8) and adding new paragraph (a)(5) to read as follows:

42.1501 General.

(a) * * *

(5) Complying with the requirements of the small business subcontracting plan (see 19.705–7(b));

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 8. Amend section 52.212–5 by revising the date of the clause and paragraphs (b)(17)(i), (b)(17)(v), and (b)(20) to read as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (DATE)

* * * * *

(b) * * *

__(17)(i) 52.219–9, Small Business Subcontracting Plan (DATE) (15 U.S.C. 637(d)(4)).

* * * * *

__(v) Alternate IV (DATE) of 52.219–9.

* * * * *

__(20) 52.219–16, Liquidated Damages—Subcontracting Plan (DATE) (15 U.S.C. 637(d)(4)(F)(i)).

* * * * *

■ 9. Amend section 52.219–9 by—

■ a. Revising the date of the clause;

■ b. Removing from paragraph (d)(2)(i) ''subcontracts'' and adding ''subcontracts, including all indirect costs except as described in paragraph (g) of this clause,'' in its place;

■ c. Adding a new fifth sentence to paragraph (g);

■ d. Amending alternate IV by revising the date of the clause and paragraph (d)(2)(i).

The revisions and additions read as follows:

52.219–9 Small Business Subcontracting Plan.

* * * * *

Small Business Subcontracting Plan (DATE)

* * * * *

(g) * * * A Contractor authorized to use a commercial subcontracting plan shall include in its subcontracting goals and in its SSR all indirect costs, with the exception of those such as the following: Employee salaries and benefits; payments for petty cash; depreciation; interest; income taxes; property taxes; lease payments; bank fees; fines, claims, and dues; original equipment manufacturer relationships during warranty periods (negotiated up front with the product); utilities and other services purchased from a municipality or an entity solely authorized by the municipality to provide those services in a particular geographical region; and philanthropic contributions. * * *

* * * * *

Alternate IV (DATE). * * *

(d) * * *

(2) * * *

(i) Total dollars planned to be subcontracted for an individual subcontracting plan; or the Offeror's total projected sales, expressed in dollars, and the total value of projected subcontracts to support the sales for a commercial plan, including all indirect costs, with the exception of those such as the following: Employee salaries and benefits; payments for petty cash; depreciation; interest; income taxes; property taxes; lease payments; bank fees; fines, claims, and dues; original equipment manufacturer relationships during warranty periods (negotiated up front with the product); utilities and other services purchased from a municipality or an entity solely authorized by the municipality to provide those services in a particular geographical region; and philanthropic contributions;

* * * * *

■ 10. Amend 52.219–16 by revising the date of the clause and removing from paragraph (b) ''plan, established'' and adding ''plan (see 19.705–7), established'' in its place.

The revision reads as follows:

52.219–16 Liquidated Damages—Subcontracting Plan.

* * * * *

Liquidated Damages—Subcontracting Plan (DATE)

* * * * *

[FR Doc. 2020–10511 Filed 6–2–20; 8:45 am]

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Notices

Federal Register

Vol. 85, No. 107

Wednesday, June 3, 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

Agricultural Marketing Service

[Doc. No. AMS–FGIS–20–0010]

Designation for the South Carolina Area

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is announcing the designations of D.R. Schaal Agency, Inc. (Schaal) and the North Carolina Department of Agriculture and Consumer Services (NCDA) to provide official services under the United States Grain Standards Act (USGSA), as amended.

DATES: January 1, 2020.

FOR FURTHER INFORMATION CONTACT: Jacob Thein, (816) 866–2223 or *FGISQACD@usda.gov.*

Read Applications: If you would like to view the applications, please contact us at *FGISQACD@usda.gov.*

SUPPLEMENTARY INFORMATION: In the June 25, 2019, **Federal Register** (84 FR 29839), AMS requested applications for designation to provide official services in the South Carolina area. Applications were due by July 25, 2019.

The official agencies, South Carolina Department of Agriculture (SCDA), Schaal, and NCDA, applied for designation to provide official services in the South Carolina area. SCDA applied for the entire state of South Carolina; however, withdrew its application on December 11, 2019. Schaal applied for Aiken, Allendale, Bamberg, Barnwell, Beaufort, Charleston, Colleton, Edgefield, Hampton, and Jasper Counties. NCDA applied for Chesterfield, Darlington, Dillon, Florence, Horry, Kershaw, Lancaster, Lee, Marion, and Marlboro Counties.

AMS evaluated each application against the designation criteria in section 7(f) of the USGSA (7 U.S.C. 79(f)) and determined that Schaal and NCDA are qualified to provide official services in the geographic area specified in the **Federal Register** on June 25, 2019. As such, the Federal Grain Inspection Service (FGIS) has designated Schaal and NCDA to provide official services in the specified areas of South Carolina, effective January 1, 2020, to September 30, 2021. Because Schaal and NCDA only requested, in their application, to service a total of twenty counties in South Carolina, twenty-six counties remained unassigned. In order to provide official services to customers throughout the entire state of South Carolina, FGIS has arranged for Schaal and NCDA to provide official services for those counties. Because SCDA withdrew its application to provide official services, this designation has a retroactive effective date as of January 1, 2020.

Schaal's geographic area is amended effective January 1, 2020, as follows:

Pursuant to Section 7(f)(2) of the USGSA, the following geographic area, in the states of Georgia, Iowa, Minnesota, New Jersey, New York, and South Carolina, is assigned to this official agency:

In Georgia

The entire State.

In Iowa

Bound on the north by the northern Kossuth County line from U.S. Route 169; the northern Winnebago, Worth, and Mitchell County lines; bound on the east by the eastern Mitchell County line; the eastern Floyd County line south to B60; B60 west to T64; T64 south to State Route 188; State Route 188 south to C33; bound on the south by C33 west to T47; T47 north to C23; C23 west to S56; S56 south to C25; C25 west to U.S. Route 65; U.S. Route 65 south to State Route 3; State Route 3 west to S41; S41 south to C55; C55 west to Interstate 35; Interstate 35 southwest to the southern Wright County line; the southern Wright County line west to U.S. Route 69; U.S. Route 69 north to C54; C54 west to State Route 17; and bound on the west by State Route 17 north to the southern Kossuth County line; the Kossuth County line west to U.S. Route 169; U.S. Route 169 north to the northern Kossuth County line.

In Minnesota

Faribault, Freeborn, and Mower Counties.

In New Jersey

The entire State.

In New York

The entire State, except those export port locations, which are serviced by FGIS.

In South Carolina

Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Clarendon, Colleton, Dorchester, Edgefield, Fairfield, Georgetown, Greenwood, Hampton, Jasper, Laurens, Lexington, McCormick, Newberry, Oconee, Orangeburg, Richland, Saluda, Sumter, and Williamsburg Counties.

The following grain elevators are not part of this geographic area assignment and are assigned to Sioux City Inspection and Weighing Service Company: Agvantage F.S., Chapin, Franklin County and Five Star Coop, Rockwell, Cerro Gordo County, Iowa; Maxyield Coop, Algona, Kossuth County; Stateline Coop, Burt, Kossuth County; Gold-Eagle, Goldfield, Wright County; and North Central Coop, Holmes, Wright County, Iowa.

The designation to provide official services in the specified area by Schaal remains effective from October 1, 2016, to September 30, 2021.

NCDA's geographic area is amended effective January 1, 2020, as follows:

Pursuant to Section 7(f)(2) of the USGSA, the following geographic area, in the states of North Carolina and South Carolina, is assigned to this official agency.

In North Carolina

The entire State.

In South Carolina

Cherokee, Chester, Chesterfield, Darlington, Dillon, Florence, Greenville, Horry, Kershaw, Lancaster, Lee, Marion, Marlboro, Pickens, Spartanburg, Union, and York Counties.

The designation to provide official services in the specified area by NCDA remains effective from October 1, 2016, to September 30, 2021.

Interested persons may obtain official services by contacting these agencies at the following telephone numbers:

Official agency	Headquarters location and telephone	Designation start	Designation end
Schaal	Belmond, IA, (641) 444–3122	10/1/2016	9/30/2021
NCDA	Raleigh, NC, (919) 707–3000	10/1/2016	9/30/2021

Section 7(f) of the USGSA authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79(f)).

Authority: 7 U.S.C. 71–87k.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–11905 Filed 6–2–20; 8:45 am]

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DEPARTMENT OF AGRICULTURE

U.S. Codex Office

[Docket No. USDA–2020–0007]

International Standard-Setting Activities

AGENCY: Office of Trade and Foreign Agricultural Affairs (TFAA), USDA.

ACTION: Notice.

SUMMARY: This notice informs the public of the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission (Codex), in accordance with section 491 of the Trade Agreements Act of 1979, as amended, and the Uruguay Round Agreements Act. This notice also provides a list of other standard-setting activities of Codex, including commodity standards, guidelines, codes of practice, and revised texts. This notice, which covers Codex activities during the time periods from June 21, 2019 to May 31, 2020 and June 1, 2020 to May 31, 2021, seeks comments on standards under consideration and recommendations for new standards.

ADDRESSES: The U.S. Codex Office (USCO) invites interested persons to submit their comments on this notice. Comments may be submitted by one of the following methods:

- *Federal e-Rulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at the website for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Office of Trade and Foreign Agricultural Affairs, 1400 Independence Avenue SW, Mailstop S4861, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Room 4861, Washington, DC 20250–3700.

Instructions: All items submitted by mail or email are to include the Agency name and docket number USDA–2020–0007. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information to *http://www.regulations.gov.*

Please state that your comments refer to Codex and, if your comments relate to specific Codex committees, please identify the committee(s) in your comments and submit a copy of your comments to the delegate from that particular committee.

Docket: For access to background documents or comments received, call (202) 720–5627 to schedule a time to visit the TFAA Docket Room at 1400 Independence Avenue SW, Room S4861, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Frances Lowe, United States Manager for Codex Alimentarius, U.S. Department of Agriculture, Office of the Under Secretary for Trade and Foreign Agricultural Affairs, U.S. Codex Office, South Agriculture Building, 1400 Independence Avenue SW, Room 4861, Washington, DC 20250–3700; Telephone: +1 (202) 205–7760; Fax: +1 (202) 720–3157; Email: *uscodex@usda.gov.*

For information pertaining to particular committees, contact the delegate of that committee. A complete list of U.S. delegates and alternate delegates can be found in Attachment 2 of this notice. Documents pertaining to Codex and specific committee agendas are accessible via the internet at *http://www.fao.org/fao-who-codexalimentarius/meetings/en/.* The U.S. Codex Office (USCO) also maintains a website at *http://www.usda.gov/codex.*

SUPPLEMENTARY INFORMATION:

Background

The World Trade Organization (WTO) was established on January 1, 1995, as the common international institutional framework for the conduct of trade relations among its members in matters related to the Uruguay Round Trade Agreements. The WTO is the successor organization to the General Agreement on Tariffs and Trade (GATT). United States membership in the WTO was approved and the Uruguay Round Agreements Act (Uruguay Round Agreements) was signed into law by the President on December 8, 1994, Public Law 103–465, 108 Stat. 4809. The Uruguay Round Agreements became effective, with respect to the United States, on January 1, 1995. The Uruguay Round Agreements amended the Trade Agreements Act of 1979. Pursuant to section 491 of the Trade Agreements Act of 1979, as amended, the President is required to designate an agency to be ''responsible for informing the public of the sanitary and phytosanitary (SPS) standard-setting activities of each international standard-setting organization'' (19 U.S.C. 2578). The main international standard-setting organizations are Codex, the World Organisation for Animal Health (OIE), and the International Plant Protection Convention. The President, pursuant to Proclamation No. 6780 of March 23, 1995, (60 FR 15845), designated the U.S. Department of Agriculture as the agency responsible for informing the public of the SPS standard-setting activities of each international standard-setting organization. The Secretary of Agriculture has delegated to the Office of Trade and Foreign Agricultural Affairs the responsibility to inform the public of the SPS standard-setting activities of Codex. The Office of Trade and Foreign Agricultural Affairs has, in turn, assigned the responsibility for informing the public of the SPS standard-setting activities of Codex to the U.S. Codex Office (USCO).

Codex was created in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Codex is the principal international organization for establishing standards for food. Through adoption of food standards, codes of practice, and other guidelines developed by its committees and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers, ensure fair practices in the food trade, and promote coordination of food standards work undertaken by

international governmental and nongovernmental organizations. In the United States, U.S. Codex activities are managed and carried out by the United States Department of Agriculture (USDA); the Food and Drug Administration (FDA), Department of Health and Human Services (HHS); the National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC); and the Environmental Protection Agency (EPA).

As the agency responsible for informing the public of the SPS standard-setting activities of Codex, the USCO publishes this notice in the **Federal Register** annually. Attachment 1 (Sanitary and Phytosanitary Activities of Codex) sets forth the following information:

1. The SPS standards under consideration or planned for consideration; and
2. For each SPS standard specified:
a. A description of the consideration or planned consideration of the standard;
b. Whether the United States is participating or plans to participate in the consideration of the standard;
c. The agenda for United States participation, if any; and
d. The agency responsible for representing the United States with respect to the standard.

TO OBTAIN COPIES OF THE STANDARDS LISTED IN ATTACHMENT 1, PLEASE CONTACT THE U.S. DELEGATE OR THE U.S. CODEX OFFICE.

This notice also solicits public comment on standards that are currently under consideration or planned for consideration and recommendations for new standards. The U.S. delegate, in conjunction with the responsible agency, will take the comments received into account in participating in the consideration of the standards and in proposing matters to be considered by Codex.

The U.S. delegate will facilitate public participation in the United States Government's activities relating to Codex. The U.S. delegate will maintain a list of individuals, groups, and organizations that have expressed an interest in the activities of the Codex committees and will disseminate information regarding U.S. delegation activities to interested parties. This information will include the status of each agenda item; the U.S. Government's position or preliminary position on the agenda items; and the time and place of planning meetings and debriefing meetings following the Codex committee sessions. In addition, the USCO makes much of the same information available through its web page at *http://www.usda.gov/codex.* If you would like to access or receive information about specific committees, please visit the web page or notify the appropriate U.S. delegate or the U.S. Codex Office, Room 4861, South Agriculture Building, 1400 Independence Avenue SW, Washington, DC 20250–3700 (*uscodex@usda.gov*).

The information provided in Attachment 1 describes the status of Codex standard-setting activities by the Codex committees for the time periods from June 21, 2019 to May 31, 2020 and June 1, 2020 to May 31, 2021. Attachment 2 provides a list of U.S. Codex officials (including U.S. delegates and alternate delegates). A list of forthcoming Codex sessions may be found at: *http://www.codexalimentarius.org/meetings-reports/en/.*

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the USCO will announce this **Federal Register** publication on-line through the U.S. Codex web page located at: *https://www.federalregister.gov/agencies/us-codex-office.*

Done at Washington, DC.

Mary Lowe,

U.S. Manager for Codex Alimentarius.

Attachment 1

Sanitary and Phytosanitary Activities of Codex

Codex Alimentarius Commission and Executive Committee

The Codex Alimentarius Commission (CAC) was scheduled to convene for its 43rd Session on July 6–11, 2020 in Rome, Italy; however, it will be rescheduled to a later date and time due to ongoing concerns related to the novel coronavirus (COVID–19) pandemic. At its 43rd Session, the Commission will consider adopting standards recommended by committees at Step 8 or 5/8 (final adoption) and advance the work of committees by adopting draft standards at Step 5 (for further comment and consideration by the relevant committee). The Commission will also consider revocation of Codex texts; proposals for new work; discontinuation of work; amendments to Codex standards and related texts; and matters arising from the Reports of the Commission, the Executive Committee, and subsidiary bodies. Although the agenda for the 43rd Session is not yet available, it is expected that the Commission will also consider Codex budgetary and financial matters; FAO/WHO scientific support to Codex (activities, budgetary and financial matters); matters arising from FAO/WHO; reports of side events; election of the chairperson and vice-chairpersons and members of the Executive Committee elected on a geographical basis; designation of countries responsible for appointing the chairpersons of Codex subsidiary bodies; any other business; and adoption of the report.

Before the Commission meeting, the Executive Committee (CCEXEC) was also scheduled to meet for its 79th Session on June 29–July 3, 2020, however this too has been postponed and will be rescheduled due to COVID–19 related issues. CCEXEC is composed of the Commission chairperson; vice-chairpersons; seven members elected by the Commission from each of the following geographic regions: Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America, and South-West Pacific; and regional coordinators from the six regional coordinating committees. The United States will participate as the member elected on a geographical basis for North America. The Executive Committee agenda for the 79th session is not yet available.

Responsible Agency: USDA/TFAA/USCO.

U.S. Participation: Yes.

Codex Committee on Cereals, Pulses and Legumes

The Codex Committee on Cereals, Pulses and Legumes (CCCPL) elaborates worldwide standards and/or Codes of Practice, as appropriate, for cereals, pulses and legumes and their products.

The committee has been reactivated to work by correspondence to draft an international Codex standard for quinoa.

The following item will be considered by the 43rd Session of the Commission:

- Inclusion of the section on grain size *in the Standard for Quinoa,* (CXS 333–2019) adopted at Step 8 at CAC42 (2019).

No additional work is ongoing in this committee. It will again be adjourned *sine die* once the CAC determines whether there is consensus to include the section on grain size in the *Standard for Quinoa.*

Responsible Agencies: HHS/FDA/Center for Food Safety and Applied Nutrition (CFSAN).

U.S. Participation: Yes.

Codex Committee on Contaminants in Foods

The Codex Committee on Contaminants in Foods (CCCF) establishes or endorses recommended

maximum levels (MLs) to be legally permitted in a commodity, and, where necessary, revises existing guideline levels (GLs) for contaminants and naturally occurring toxicants in food and feed; prepares priority lists of contaminants and naturally occurring toxicants for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives (JECFA); considers and elaborates methods of analysis and sampling for the determination of contaminants and naturally occurring toxicants in food and feed; considers and elaborates standards or codes of practice (CoPs) for related subjects; and considers other matters assigned to it by the Commission in relation to contaminants and naturally occurring toxicants in food and feed.

The 14th Session of the CCCF, originally scheduled for April 20–24, 2020, in Utrecht, Netherlands, has been postponed due to ongoing concerns related to the Coronavirus (COVID–19) pandemic. It is now scheduled for May 3–7, 2021.

The committee has the following item that will be considered again by the 43rd Session of the Commission.

To be considered for adoption Step 5, allowing for further consideration by the next session of CCCF:

- Draft ML for cadmium in chocolates containing or declaring <30% total cocoa solids on a dry matter basis.

The committee will continue working on:

- Proposed draft MLs for cadmium in chocolate and chocolate products containing or declaring ≥30% to <50% total cocoa solids on a dry matter basis; and cocoa powder (100% total cocoa solids on a dry matter basis);
- Proposed draft code of practice for the prevention and reduction of cadmium contamination in cocoa beans;
- Proposed draft MLs for lead in selected commodities for inclusion in the *General Standard for Contaminants and Toxins in Food and Feed* (GSCTFF) (CXS 193–1995);
- Proposed draft revision of the *Code of Practice for the Prevention and Reduction of Lead Contamination in Foods* (CXS 56–2004);
- Proposed draft MLs for total aflatoxins in certain cereals and cereal based products including foods for infants and young children;
- Proposed draft ML for total aflatoxins in ready-to-eat peanuts and associated sampling plan;
- Proposed draft MLs for total aflatoxins and ochratoxin A in nutmeg, dried chili and paprika, ginger, pepper and turmeric, and associated sampling plans;
- Discussion paper on radioactivity in feed and food (including drinking water) in normal circumstances;
- Discussion paper on MLs for cadmium and lead in quinoa;
- Discussion paper on MLs for methylmercury in additional fish species;
- Discussion papers on MLs for HCN in cassava and cassava-based products and CoP for the prevention and reduction of mycotoxin contamination in cassava and cassava-based products;
- General guidance on data analysis for ML development and for improved data collection;
- Discussion paper on approach to identify the need for revision of standards and related texts developed by CCCF;
- Forward work plan for CCCF, including:
  - Review of staple food-contaminant combinations for future work of CCCF; and
  - Project plan for the evaluation of implementation of CoPs of CCCF.
- Priority list of contaminants and naturally occurring toxicants for evaluation by JECFA; and
- Follow-up work to the outcome of JECFA evaluations.

Responsible Agencies: HHS/FDA; USDA/Food Safety and Inspection Service (FSIS).

U.S. Participation: Yes.

Codex Committee on Food Additives

The Codex Committee on Food Additives (CCFA) establishes or endorses acceptable maximum levels (MLs) for individual food additives; prepares a priority list of food additives for risk assessment by the JECFA; assigns functional classes to individual food additives; recommends specifications of identity and purity for food additives for adoption by the Codex Alimentarius Commission; considers methods of analysis for the determination of additives in food; and considers and elaborates standards or codes of practice for related subjects such as the labeling of food additives when sold as such.

The 52nd Session of the CCFA, originally scheduled for March 2–6, 2020, in Lanzhou, China, has been postponed due to ongoing concerns related to the coronavirus (COVID–19) pandemic. It is now scheduled for March 8–12, 2021.

The committee will continue working on:

- Draft and Proposed draft food additive provisions of the *General Standard for Food Additives* (GSFA) (electronic Working Group (EWG) led by the United States);
- Proposals for additions and changes to the priority list of substances proposed for evaluation by JECFA (physical Working Group (PWG) led by Canada);
- Alignment of the food additive provisions of commodity standards and relevant provisions of the GSFA (EWG led by Australia, Japan and the United States);
- Revision of the class names and the international numbering system for food additives (EWG led by Belgium);
- Provisions related to the use of sweeteners with Note 161 attached to (1) determine if sweeteners or flavor enhancers are justified in specific food categories and (2) developing wording for an alternative to Note 161 relating to the use of sweeteners or flavor enhancers in food categories where the use is technologically justified;
- Issues with the online GSFA which prevent the implementation of committee decisions and to inform the Executive Committee on this matter.

The committee also agreed to hold a one and half day PWG on the GSFA immediately preceding the 52nd Session of CCFA, to be chaired by the United States. That group will discuss:

- The recommendations of the EWG on the GSFA and new proposals and proposed revisions of food additive provisions in the GSFA.

The committee also agreed to hold a half day PWG immediately preceding the 52nd Session of CCFA on alignment of the food additive provisions of commodity standards and relevant provisions of the GSFA, to be chaired by Australia. That group will discuss the recommendations of the EWG on alignment.

Responsible Agency: HHS/FDA/CFSAN.

U.S. Participation: Yes.

Codex Committee on Fresh Fruits and Vegetables

The Codex Committee on Fresh Fruits and Vegetables (CCFFV) is responsible for elaborating worldwide standards and codes of practice, as may be appropriate, for fresh fruits and vegetables, consulting as necessary, with other international organizations in the standards development process to avoid duplication.

The committee convened its 21st Session in Monterrey, Nuevo León, Mexico from October 7–11, 2019. The relevant document is REP 20/FFV.

The committee has the following items that will be considered by the 43rd Session of the Commission.

To be considered for final adoption at Step 8 and Step 5/8:

- Draft standard for garlic;

- Draft standard for kiwifruit;
- Draft standard for ware potatoes;
- Draft standard for yams;

The committee will continue working on:

- Proposed draft standard for onions and shallots;
- Proposed draft standard for berry fruits;
- Proposed draft standard for fresh dates;
- Discussion paper on glossary terms used in the layout for Codex standards for fresh fruits and vegetables.

Responsible Agencies: USDA/Agricultural Marketing Service (AMS); HHS/FDA/CFSAN.

U.S. Participation: Yes.

Codex Committee on Food Hygiene

The Codex Committee on Food Hygiene (CCFH) is responsible for developing basic provisions on food hygiene, applicable to all food or to specific food types; considering and amending or endorsing provisions on food hygiene contained in Codex commodity standards and Codex of Practice developed by other committees; considering specific food hygiene problems assigned to it by the Commission; suggesting and prioritizing areas where there is a need for microbiological risk assessment at the international level and developing questions to be addressed by the risk assessors; and considering microbiological risk management matters in relation to food hygiene and in relation to the FAO/WHO risk assessments.

The committee convened for its 51st Session in Cleveland, Ohio, United States, November 4–8, 2019. The relevant document is REP20/FH.

The following items will be considered by the 43rd Session of the Commission.

To be considered for final adoption at Step 8 and Step 5/8:

- Draft revision of the *General Principles of Food Hygiene* (CXC 1–1969); and
- Draft code of practice on food allergen management for food business operators.

To be considered for adoption Step 5, allowing for further consideration by the next session of CCFH:

- Proposed draft guidance for the management of biological foodborne outbreaks.

To be considered for approval as new work:

- Guidelines for the safe use and reuse of water in food production.

The committee will continue working on:

- Diagram/decision tree to accompany the draft revision of the *General Principles of Food Hygiene* (CXC 1–1969);
- Redrafting proposed draft guidelines for the control of Shiga toxin producing *Escherichia coli* (STEC) in raw beef, raw milk and raw milk cheeses, fresh leafy vegetables, and sprouts; and
- New work proposals/forward workplan.

Responsible Agencies: HHS/FDA/CFSAN; USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Food Import and Export Inspection and Certification Systems

The Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) is responsible for developing principles and guidelines for food import and export inspection and certification systems, with a view to harmonizing methods and procedures that protect the health of consumers, ensure fair trading practices, and facilitate international trade in foodstuffs; developing principles and guidelines for the application of measures by the competent authorities of exporting and importing countries to provide assurance, where necessary, that foodstuffs comply with requirements, especially statutory health requirements; developing guidelines for the utilization, as and when appropriate, of quality assurance systems to ensure that foodstuffs conform with requirements and promote the recognition of these systems in facilitating trade in food products under bilateral/multilateral arrangements by countries; developing guidelines and criteria with respect to format, declarations, and language of such official certificates as countries may require with a view towards international harmonization; making recommendations for information exchange in relation to food import/export control; consulting as necessary with other international groups working on matters related to food inspection and certification systems; and considering other matters assigned to it by the Commission in relation to food inspection and certification systems.

The 25th Session of the CCFICS, originally scheduled for April 27–May 1, 2020, in Hobart, Tasmania, Australia, has been postponed due to ongoing concerns related to the coronavirus (COVID–19) pandemic. It is now scheduled for March 22–26, 2021.

The committee will continue working on:

- Draft principles and guidelines for the assessment and use of voluntary Third Party Assurance (vTPA) programs;
- Proposed draft guidance on paperless use of electronic certificates (revision of the *Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CXG 38–2001));
- Proposed draft guidelines on recognition and maintenance of equivalence of national food control systems (NFCS);
- Proposed draft consolidated Codex guidelines related to equivalence; and
- Discussion paper on role of CCFICS with respect to tackling food fraud in the context of food safety and fair practices in food trade.

Responsible Agencies: USDA/FSIS; HHS/FDA/CFSAN.

U.S. Participation: Yes.

Codex Committee on Food Labelling

The Codex Committee on Food Labelling (CCFL) drafts provisions on labeling applicable to all foods; considers, amends, and endorses draft specific provisions on labeling prepared by the Codex Committees drafting standards, codes of practice, and guidelines; and studies specific labeling problems assigned to it by the Codex Alimentarius Commission. The Committee also studies problems associated with the advertisement of food with particular reference to claims and misleading descriptions.

The Committee is scheduled to meet October 19–23, 2020, in Canada. It does not have any items that will be considered for adoption or approval by the 43rd Session of the Commission.

The committee will continue working on:

- Proposed draft guidelines on front-of-pack nutrition labeling;
- Proposed draft guidance on internet sales/e-commerce;
- Revision of the *General Standard for the Labelling of Prepackaged Foods:* Allergen labeling and proposed draft guidance on precautionary or advisory allergen labeling;
- Discussion paper on innovation—use of technology in food labeling;
- Discussion paper on labeling of alcoholic beverages; and
- Discussion paper on future work and direction of CCFL (update).

Responsible Agencies: HHS/FDA/CFSAN; USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Fats and Oils

The Codex Committee on Fats and Oils (CCFO) is responsible for elaborating worldwide standards for fats and oils of animal, vegetable, and marine origin, including margarine and olive oil.

The Committee is currently scheduled to host its 27th session in early 2021 in Malaysia. It does not have any items that will be considered for adoption or approval by the 43rd Session of the Commission.

The committee will continue working on:

• Revision of the *Standard for Named Vegetable Oils* (CXS 201–1999): Essential composition of sunflower seed oils;

• Revision of the *Standard for Named Vegetable Oils* (CXS 210–1999): Inclusion of avocado oil;

• Revision of the *Standard for Olive Oils and Pomace Olive Oils* (CXS 33–1981); and

• Proposals for new substances to be added to the list of acceptable previous cargo (Appendix II to RCP 36–1987).

Responsible Agencies: HHS/FDA/CFSAN; USDA/Agricultural Research Service (ARS).

U.S. Participation: Yes.

Codex Committee on General Principles

The Codex Committee on General Principles (CCGP) is responsible for procedural and general matters referred to it by the Codex Alimentarius Commission, including: (a) The review or endorsement of procedural provisions/texts forwarded by other subsidiary bodies for inclusion in the *Procedural Manual* of the Codex Alimentarius Commission; and (b) The consideration and recommendation of other amendments to the *Procedural Manual.*

The 32nd Session of the CCGP, originally scheduled for March 23–27, 2020, in Bordeaux, France, has been postponed due to ongoing concerns related to the coronavirus (COVID–19) pandemic.

The committee will continue working on:

• Procedural guidance for committees working by correspondence;

• Revisions/amendments to Codex texts;

• Format and structure of the Codex *Procedural Manual;*

• Discussion paper on monitoring the use of Codex standards; and

• Discussion paper on monitoring Codex results in the context of the Sustainable Development Goals (SDGs).

Responsible Agencies: USDA/TFAA/USCO.

U.S. Participation: Yes.

Codex Committee on Methods of Analysis and Sampling

The Codex Committee on Methods of Analysis and Sampling (CCMAS) defines the criteria appropriate to Codex Methods of Analysis and Sampling; serves as a coordinating body for Codex with other international groups working on methods of analysis and sampling and quality assurance systems for laboratories; specifies, on the basis of final recommendations submitted to it by the bodies referred to above, reference methods of analysis and sampling appropriate to Codex standards which are generally applicable to a number of foods; considers, amends if necessary, and endorses as appropriate, methods of analysis and sampling proposed by Codex commodity committees, except for methods of analysis and sampling for residues of pesticides or veterinary drugs in food, the assessment of microbiological quality and safety in food, and the assessment of specifications for food additives; elaborates sampling plans and procedures, as may be required; considers specific sampling and analysis problems submitted to it by the Commission or any of its committees; and defines procedures, protocols, guidelines or related texts for the assessment of food laboratory proficiency, as well as quality assurance systems for laboratories.

The 40th Session of the CCMAS, originally scheduled for May 11–15, 2020, in Budapest, Hungary has been postponed due to ongoing concerns related to the coronavirus (COVID–19) pandemic. It is now scheduled for May 17–21, 2021.

The committee will continue working on:

• Endorsement of methods of analysis and sampling plans for provisions in Codex standards;

• Revision of the dairy methods workable package;

• Revision of the fats and oils methods workable package;

• Revision of the G*eneral Guidelines on Sampling* (CAC/GL 50–2004);

• Revision of the *Guidelines on Measurement Uncertainty* (CAC/GL 54–2004); and

• Discussion paper on criteria to select Type II methods from multiple Type III methods.

Responsible Agencies: HHS/FDA/CFSAN; USDA/AMS.

U.S. Participation: Yes.

Codex Committee on Nutrition and Foods for Special Dietary Uses

The Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) is responsible for studying nutrition issues referred to it by the Codex Alimentarius Commission. The Committee also drafts general provisions, as appropriate, on nutritional aspects of all foods and develops standards, guidelines, or related texts for foods for special dietary uses in cooperation with other committees where necessary; considers, amends if necessary, and endorses provisions on nutritional aspects proposed for inclusion in Codex standards, guidelines, and related texts.

The committee convened its 41st Session in Dusseldorf, Germany, November 24–29, 2019. The reference document is REP 20/NFSDU.

The following items will be considered for adoption by the 43rd Session of the Commission.

To be considered for adoption at Step 5, allowing for further consideration by the next session of CCNFSDU:

• Review of the *Standard for Follow-up Formula:* Section B: Proposed draft scope, description and labeling (CXS 156–1987);

• Proposed draft guideline for ready-to-use therapeutic foods; and

• Provisions for xanthum gum (INS 415) and pectins (INS 440)(CXS 72–1981).

To be considered for discontinuation:

• Condition for a claim for ''free of'' trans fatty acids (TFAs) (CXG 2–1985); and

• Definition of biofortification.

The committee will continue working on:

• Review of the Standard for Follow-up Formula (CXS 156–1987): Remaining sections.

The following items have been completed are on hold pending completion of the review of the Standard for Follow-up Formula:

• Review of the *Standard for Follow-up Formula:* Section A: Scope, description and labeling; and

• Review of the *Standard for Follow-up Formula:* Essential composition requirements for Section A and Section B.

Responsible Agencies: HHS/FDA/CFSAN; USDA/ARS.

U.S. Participation: Yes.

Codex Committee on Processed Fruits and Vegetables

The Codex Committee on Processed Fruits and Vegetables (CCPFV) is responsible for elaborating worldwide standards and related texts for all types of processed fruits and vegetables including, but not limited to canned, dried, and frozen products, as well as fruit and vegetable juices and nectars.

The committee convened by correspondence for its 29th Session, January 9, 2019 to May 7, 2020.

The committee has the following items that could continue to be discussed or that could be considered for adoption by the 43rd Session of the Commission.

• Conversion of the regional standard for chili sauce into an international Codex standard;
• Proposed revisions to the *Standard for Mango Chutney* (CXS 160–1987);
• Conversion of the regional standard for gochujang to an international Codex standard;
• Proposed draft general standard for dried fruits;
• Proposed draft general standard for canned fruit salads;
• Matters for referral to CCFA; and
• Matters for referral to CCMAS.

Responsible Agencies: USDA/AMS; HHS/FDA/CFSAN.

U.S. Participation: Yes.

Codex Committee on Pesticide Residues

The Codex Committee on Pesticide Residues (CCPR) is responsible for establishing maximum residue limits (MRLs) for pesticide residues in specific food items or in groups of food; establishing MRLs for pesticide residues in certain animal feeding stuffs moving in international trade where this is justified for reasons of protection of human health; preparing priority lists of pesticides for evaluation by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR); considering methods of sampling and analysis for the determination of pesticide residues in food and feed; considering other matters in relation to the safety of food and feed containing pesticide residues; and establishing maximum limits for environmental and industrial contaminants showing chemical or other similarity to pesticides in specific food items or groups of food.

The 51st Session of the CCPR, originally scheduled for March 30–April 4, 2020, in Guangzhou, China, has been postponed due to ongoing concerns related to the coronavirus (COVID–19) pandemic. It is now scheduled for April 12–17, 2021.

The committee will continue working on:

• Revision of the *Classification of Food and Feed* (CXA 4–1989) for selected commodity groups:
  ○ Revision of Class C, animal feed commodities, taking into account silage, fodder, and a separate group for grasses;
  ○ Revision of Class D, processed food commodities;
  ○ Transferring commodities from Class D to Class C;
  ○ Creating tables with representative crops for Class C and D; and
  ○ Edible animal tissues (including edible offal), in collaboration with the Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF) EWG on edible animal tissues.
• Harmonization of mammalian meat MRLs between CCPR and CCRVDF;
• Establishment of a Codex database of national registration of pesticides;
• Establishment of JMPR schedules and priority lists for evaluations of pesticides;
• Discussion paper on the review of the international estimated short-term intake (IESTI) equations (possible revision);
• Guidelines for compounds of low public health concern that could be exempted from the establishment of Codex maximum residue limits for pesticides (CXLs);
• Management of unsupported compounds in the CCPR schedules and priority lists of pesticides for evaluation by the JMPR;
• Review of the *Guidelines on the use of mass spectrometry for the identification, confirmation and quantitative determination of pesticide residues* (CXG 56–2005) and the *Guidelines on performance criteria for methods of analysis for the determination of pesticide residues in food and feed* (CXG 90–2017); and
• Opportunities and challenges for JMPR participation in international review of a new compound.

Responsible Agencies: EPA/Office of Chemical Safety and Pollution Prevention (OCSPP)/Office of Pesticide Programs (OPP); USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Residues of Veterinary Drugs in Foods

The Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF) determines priorities for the consideration of residues of veterinary drugs in foods and recommends Maximum Residue Limits (MRLs) for veterinary drugs. The Committee also develops codes of practice, as may be required, and considers methods of sampling and analysis for the determination of veterinary drug residues in food. A veterinary drug is defined as any substance applied or administered to any food producing animal, such as meat or milk producing animals, poultry, fish, or bees, whether used for therapeutic, prophylactic or diagnostic purposes, or for modification of physiological functions or behavior.

A Codex Maximum Residue Limit (MRL) for residues of veterinary drugs is the maximum concentration of residue resulting from the use of a veterinary drug (expressed in mg/kg or ug/kg on a fresh weight basis) that is recommended by the Codex Alimentarius Commission to be permitted or recognized as acceptable in or on a food. Residues of a veterinary drug include the parent compounds or their metabolites in any edible portion of the animal product and include residues of associated impurities of the veterinary drug concerned. An MRL is based on the type and amount of residue considered to be without any toxicological hazard for human health as expressed by the Acceptable Daily Intake (ADI) or on the basis of a temporary ADI that utilizes an additional safety factor. When establishing an MRL, consideration is also given to residues that occur in food of plant origin or the environment. Furthermore, the MRL may be reduced to be consistent with official recommended or authorized usage, approved by national authorities, of the veterinary drugs under practical conditions.

An ADI is an estimate made by the JECFA of the amount of a veterinary drug, expressed on a body weight basis, which can be ingested daily in food over a lifetime without appreciable health risk.

The 25th Session of CCRVDF, originally scheduled for May 25–29, 2020, in San Diego, California, United States, has been postponed due to ongoing concerns related to the coronavirus (COVID–19) pandemic. It is now scheduled for January 25–29, 2021.

The committee will continue working on:

• Draft MRL for flumethrin (honey);
• Draft MRLs for diflubenzuron (salmon—muscle plus skin in natural proportion); halquinol (in swine—muscle, skin plus fat, liver and kidney); ivermectin (sheep, pigs and goats—fat, kidney, liver and muscle);
• Draft MRLs for zilpaterol hydrochloride (cattle fat, kidney, liver, muscle);
• Discussion paper on extrapolation of MRLs to one or more species (including apilot on extrapolation of MRLs identified in Part D of the Priority List—REP18/RVDF, App. VI);
• Discussion paper on the development of a harmonized definition for edible tissues of animal origin (including edible offal) (in coordination with CCPR);
• Discussion paper on advantages and disadvantages of a parallel approach to compound evaluation;
• Database on countries' needs for MRLs; and
• Priority List of veterinary drugs requiring evaluation or re-evaluation by JECFA.

Responsible Agencies: HHS/FDA/Center for Veterinary Medicine (CVM); USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Sugars

The Codex Committee on Sugars (CCS) elaborates worldwide standards

for all types of sugars and sugar products.

The Committee had been re-activated electronically to work by correspondence on a draft standard for panela and/or common or vernacular name as known in each country (non–centrifuged sugar).

The 42nd Session of the Commission (July 2019) decided to discontinue work on the following draft standard and adjourned the CCS *sine die:*

• Draft Standard for panela and/or common or vernacular name as known in each country (non–centrifuged sugar).

Responsible Agencies: HHS/FDA/CFSAN.

U.S. Participation: Yes.

Codex Committee on Spices and Culinary Herbs

The Codex Committee on Spices and Culinary Herbs (CCSCH) is responsible for elaborating worldwide standards for spices and culinary herbs in their dried and dehydrated state in whole, ground, and cracked or crushed form. It also consults, as necessary, with other international organizations in the standards development process to avoid duplication.

The Committee is scheduled to meet September 21–26, 2020 and does not have items that will be considered for adoption or approval by the 43rd Session of the Commission.

The committee will continue working on:

• Draft standard for dried oregano;
• Draft standard for dried roots, rhizomes, and bulbs—dried or dehydrated ginger;
• Draft standard for dried basil;
• Draft standard for dried floral parts—dried cloves;
• Draft standard for saffron.
• Draft standard for dried and/or dehydrated chili and paprika;
• Draft standard for nutmeg; and
• Working Group (WG) on priorities and group standards.

Responsible Agencies: USDA/AMS; HHS/FDA/CFSAN.

U.S. Participation: Yes.

Ad hoc Codex Intergovernmental Task Force on Antimicrobial Resistance

The *Ad hoc* Codex Intergovernmental Task Force on Antimicrobial Resistance (TFAMR) is responsible for reviewing and revising, as appropriate, the Code of Practice to Minimize and Contain Antimicrobial Resistance (CAC/RCP 61–2005) to address the entire food chain, in line with the mandate of Codex; and considering the development of Guidance on Integrated Surveillance of Antimicrobial Resistance, taking into account the guidance developed by the WHO Advisory Group on Integrated Surveillance of Antimicrobial Resistance (AGISAR) and relevant World Organization for Animal Health (OIE) documents. The objective of the Task Force is to develop science-based guidance on the management of foodborne antimicrobial resistance, taking full account of the WHO Global Action Plan on Antimicrobial Resistance, in particular Objectives 3 and 4, the work and standards of relevant international organizations, such as FAO, WHO, and OIE, and the One-Health approach, to ensure members have the necessary guidance to enable coherent management of antimicrobial resistance along the food chain. The Task Force is expected to complete this work within three (or a maximum of four) sessions.

The Task Force convened for its 7th Session (the 3rd Session since reactivation in 2016) in Pyeongchang, Republic of Korea, December 9–13, 2019, working on draft text for the Code of Practice (CoP) and Guidelines on Integrated Surveillance (GLIS).

The Task Force has the following item to be considered by the 43rd Session of the Commission.

For adoption at Step 5, allowing for further consideration at the next session of TFAMR:

• Proposed draft revision of the *Code of Practice to Minimize and Contain Antimicrobial Resistance* (CXC 61–2005).

The TFAMR will continue working on:

• Proposed draft guidelines on integrated surveillance of antimicrobial resistance.

Responsible Agencies: HHS/FDA; USDA.

U.S. Participation: Yes.

Adjourned Codex Commodity Committees

Several Codex Alimentarius Commodity Committees have adjourned *sine die.* The following Committees fall into this category:

Cocoa Products and Chocolate—Adjourned 2001

Responsible Agency: HHS/FDA/CFSAN.

U.S. Participation: Yes.

Fish and Fishery Products—Adjourned 2016

Responsible Agency: HHS/FDA/CFSAN; DOC/NOAA.

U.S. Participation: Yes.

Meat Hygiene—Adjourned 2003

Responsible Agency: USDA/FSIS.

U.S. Participation: Yes.

Milk and Milk Products—Adjourned 2017

Responsible Agency: USDA/AMS; HHS/FDA/CFSAN.

U.S. Participation: Yes.

Natural Mineral Waters—Adjourned 2008

Responsible Agency: HHS/FDA/CFSAN.

U.S. Participation: Yes.

Sugars—Adjourned 2019

Responsible Agency: HHS/FDA/CFSAN.

U.S. Participation: Yes.

Vegetable Proteins—Adjourned 1989

Responsible Agency: USDA/ARS.

U.S. Participation: Yes.

FAO/WHO Regional Coordinating Committees

The FAO/WHO Regional Coordinating Committees define the problems and needs of the regions concerning food standards and food control; promote within the committee contacts for the mutual exchange of information on proposed regulatory initiatives and problems arising from food control and stimulate the strengthening of food control infrastructures; recommend to the Commission the development of worldwide standards for products of interest to the region, including products considered by the committees to have an international market potential in the future; develop regional standards for food products moving exclusively or almost exclusively in intra-regional trade; draw the attention of the Commission to any aspects of the Commission's work of particular significance to the region; promote coordination of all regional food standards work undertaken by international governmental and non-governmental organizations within each region; exercise a general coordinating role for the region and such other functions as may be entrusted to them by the Commission; and promote the use of Codex standards and related texts by members.

There are six regional coordinating committees:

• Coordinating Committee for Africa;
• Coordinating Committee for Asia;
• Coordinating Committee for Europe;
• Coordinating Committee for Latin America and the Caribbean;
• Coordinating Committee for the Near East; and
• Coordinating Committee for North America and the South West Pacific.

Coordinating Committee for Africa

The Committee (CCAFRICA) convened its 23rd Session in Nairobi, Kenya, September 2–6, 2019.

The committee discussed the following agenda items:

• Use of Codex standards in the region;

• Matters referred from the Codex Alimentarius Commission and other Codex Committees;

• Implementation of the Codex Strategic Plan 2014–2019;

• Codex Strategic Plan 2020–2025;

• Codex communications work plan;

• Draft standard for fermented cooked cassava-based products;

• Draft standard for *Gnetum spp* leaves;

• Draft standard for dried meat;

• Discussion paper on regional harmonized food law guidelines for the CCAFRICA region;

• Discussion paper on the development of a regional standard for fermented non-alcoholic cereal-based drink (Mahewu); and

• Nomination of the coordinator;

The committee has the following item for consideration by the 43rd Session of the Commission.

For Appointment:

• CCAFRICA will nominate a new Regional Coordinator for Africa at the next session of the CAC.

Responsible Party: USDA/TFAA/USCO.

U.S. Participation: Yes (as an observer).

Coordinating Committee for Asia

The Committee (CCASIA) convened its 21st Session in Goa, India, September 23–27, 2019.

The committee discussed the following agenda items:

• Use of Codex standards in the region;

• Matters arising from the Codex Alimentarius Commission and other Codex Committees;

• Codex work relevant to the region;

• Implementation of the Codex Strategic Plan 2014–2019;

• Codex Strategic Plan 2020–2025;

• Codex communications work plan;

• Discussion paper/project document on the development of a regional standard for rice-based low alcohol beverages (cloudy types);

• Discussion paper/project document on the development of a regional standard for soybean products fermented with the bacterium *Bacillus subtilis;*

• Discussion paper/project document on the development of a regional standard for quick frozen dumplings (Ziaozi);

• Discussion paper/project document on the development of a regional standard/code of practice for Zongzi;

• Nomination of coordinator; and

• Other business.

The committee has the following items for consideration by the 43rd Session of the Commission.

To be considered for approval as new work:

• Development of a regional standard for soybean products fermented with *Bacillus* species;

• Development of a regional standard for quick frozen dumpling; and

• Development of a regional standard for cooked rice wrapped in plant leaves.

For Appointment:

• CCASIA recommends that China be appointed for a first term as Regional Coordinator for Asia.

Responsible Party: USDA/TFAA/USCO.

U.S. Participation: Yes (as an observer).

Coordinating Committee for Europe

The Committee (CCEURO) convened its 31st Session in Almaty, Kazakhstan, September 30–October 4, 2019.

The committee discussed the following agenda items:

• Food safety and quality situation in the countries of the region: Current and emerging issues in the region;

• The future of food safety: Outcome of the first FAO/WHO/African Union (AU) International Food Safety Conference and the International Forum on Food Safety and Trade;

• Food safety and quality situation in the countries of the region: Use of the online platform for information sharing on food safety control systems; status of information and future plans/prospects;

• Use of Codex standards in the region;

• Matters arising from the Codex Alimentarius Commission and other Codex Committees;

• Codex work relevant to the region;

• Implementation of the Codex Strategic Plan 2014–2019;

• Codex Strategic Plan 2020–2025—Roadmap to implementation;

• Codex communications workplan;

• Language policy in CCEURO; and

• Nomination of the Coordinator.

The committee has the following item for consideration by the 43rd Session of the Commission.

For Appointment:

• CCEURO recommends reappointing Kazakhstan for a second term as Regional Coordinator for Europe.

Responsible Party: USDA/TFAA/USCO.

U.S. Participation: Yes (as an observer).

Coordinating Committee for Latin America and the Caribbean

The Committee (CCLAC) scheduled its 21st Session in Santiago, Chile, from 21–25 October 2019. The meeting opened one day later than scheduled to ensure the security and safety of all delegates following demonstrations in the Metropolitan Region of Santiago that led to the declaration of a Constitutional State of Emergency. After two half days of discussions (22 and 23 October 2019), the session was discontinued due to the persisting situation in Santiago and the increasing challenge to ensure the security and safety of delegates.

The committee discussed the following agenda items:

• Food safety and quality in countries in the region: Current and emerging issues in the region;

• The future of food safety: Outcome of the first FAO/WHO/AU international food safety conference and the international forum on food safety and trade;

• Food safety and quality situation in the countries in the region: Use of the online platform for information sharing on food safety control systems; status of information and future plans/prospects;

• Use of Codex standards in the region;

• Matters arising from the Codex Alimentarius Commission and other Codex committees;

• Codex work relevant to the region;

• Codex strategic plan 2020–2025—roadmap to implementation; and

• Codex communications work plan.

The committee has the following item for consideration by the 43rd Session of the Commission.

For Appointment:

• CCLAC recommends that Ecuador be appointed for a first term as Regional Coordinator for Latin America and the Caribbean.

Responsible Party: USDA/TFAA/USCO.

U.S. Participation: Yes (as an observer).

Coordinating Committee for North America and the South West Pacific

The Committee convened its 15th Session in Port Vila, Vanuatu, September 16–20, 2019.

The committee discussed the following agenda items:

• Keynote address—Managing food safety in an era of accelerated climate change;

• Food safety and quality situation in the countries of the region: Current and emerging issues in the region;

• The Future of Food Safety: Outcome of the First FAO/WHO/AU

International Food Safety Conference and the International Forum on Food Safety and Trade;

• Food safety and quality situation in the countries of the region: Use of the online platform for information sharing on food safety control systems; status of information and future plans/prospects;

• Use of Codex standards in the region;

• Matters referred from the Codex Alimentarius Commission and other Codex committees;

• Codex work relevant to the region;

• Implementation of the Codex Strategic Plan 2014–2019;

• Codex Strategic Plan 2020–2025—Roadmap to Implementation; and

• Codex communications work plan.

The committee has the following items for consideration by the 43rd Session of the Commission.

To be considered for adoption Step 5, allowing for further consideration by the next session of CCNASWP:

• Proposed draft standard for fermented noni juice; and

• Proposed draft standard for kava as a beverage when mixed with cold water.

For Appointment:

• CCNASWP recommends that Fiji be appointed for a first term as Regional Coordinator for North America and the South West Pacific.

Responsible Party: USDA/TFAA/USCO.

U.S. Participation: Yes.

Coordinating Committee for the Near East

The Committee (CCNEA) convened its 10th Session November 18–22, 2019 in Rome, Italy.

The committee discussed the following agenda items:

• Keynote address and discussion: Chemicals in food—the invisible challenge, when do we need to be worried and what do we need to know?;

• Food safety and quality situation in the countries of the region: Current and emerging issues in the region;

• The Future of Food Safety: Outcome of the First FAO/WHO/AU International Food Safety Conference and the International Forum on Food Safety and Trade;

• Food safety and quality situation in the countries of the region: Use of the online platform for information sharing on food safety control systems; status of information and future plans/prospects;

• Use of Codex standards in the region;

• Matters Arising from the Codex Alimentarius Commission and other Codex committees;

• Codex work relevant to the region;

• Implementation of the Codex Strategic Plan 2014–2019 (including Strategic plan for CCNEA 2014–2019);

• Codex Strategic Plan 2020–2025—Roadmap to Implementation;

• Codex communications work plan;

• Food additive provisions for the regional standard for doogh;

• Draft regional standard for mixed zaatar;

• Discussion paper on the development of a Codex text for ready-to-eat pre-packaged salads;

• Discussion paper on development of a standard for halal products;

• Discussion paper on the development of a regional standard for maamoul;

• Nomination of the Coordinator; and

• Other business.

The committee has the following item for consideration by the 43rd Session of the Commission.

For Appointment:

• CCNEA recommends that Saudi Arabia be appointed for a first term as Regional Coordinator for the Near East.

Responsible Party: USDA/TFAA/USCO.

U.S. Participation: Yes (as an observer).

Contact Information

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ATTACHMENT 2

U.S. Codex Alimentarius Officials

Chairpersons from the United States

Codex Committee on Food Hygiene

Dr. Emilio Esteban, DVM, MBA, MPVM, Ph.D., Chief Scientist, Office of Public Health Science, Food Safety and Inspection Service, U.S. Department of Agriculture, 1400 Independence Ave. SW, Room 2129-South Building, Washington, DC 20250, Phone: +1 (202) 690–9058, *emilio.esteban@usda.gov.*

Codex Committee on Processed Fruits and Vegetables

Mr. Richard Boyd, Chief, Contract Services Branch, Specialty Crops Inspection Division, Specialty Crops Program, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Mail Stop 0247, Washington, DC 20250, Phone: +1 (202) 690–1201, Fax: +1 (202) 690–1527, *richard.boyd@usda.gov.*

Codex Committee on Residues of Veterinary Drugs in Foods

Dr. Kevin Greenlees, Ph.D., DABT, Senior Advisor for Science and Policy, Office of New Animal Drug Evaluation, Center for Veterinary Medicine, U.S. Food and Drug Administration, 7500 Standish Place (HFV–100), Rockville, MD 20855, Phone: +1 (240) 402–0638, Fax: +1 (240) 276–9538, *kevin.greenlees@fda.hhs.gov.*

U.S. Delegates and Alternate Delegates

Worldwide General Codex Subject Committees

Contaminants in Foods

(Host Government—The Netherlands)

U.S. Delegate: Dr. Lauren Posnick Robin, Sc.D., Branch Chief, Plant Products Branch, Division of Plant Products and Beverages, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive (HFS–317), College Park, MD 20740, Phone: +1 (240) 402–1639, *lauren.robin@fda.hhs.gov.*

Alternate Delegate: Mr. Terry Dutko, Laboratory Director, Food Safety and Inspection Service, Office of Public Health Science, U.S. Department of Agriculture, 4300 Goodfellow Building, 105D Federal, St. Louis, MO 63120–0005, Phone: +1 (314) 263–2680, Extension 344, *terry.dutko@usda.gov.*

Food Additives

(Host Government—China)

U.S. Delegate: Dr. Paul S. Honigfort, Ph.D., Director, Division of Food Contact Substances, Office of Food Additive Safety, U.S. Food and Drug Administration, 5001 Campus Drive (HFS–275), College Park, MD 20740, Phone: +1 (240) 402–1206, Fax: +1 (301) 436–2965, *paul.honigfort@fda.hhs.gov.*

Alternate Delegate: Dr. Daniel Folmer, Ph.D., Chemist, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive (Room 3017 HFS–265), College Park, MD 20740, Phone: +1 (240) 402–1274, *daniel.folmer@fda.hhs.gov.*

Food Hygiene

(Host Government—United States)

U.S. Delegate: Ms. Jenny Scott, Senior Advisor, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive, HFS–300, Room 3B–014, College Park, MD 20740–3835, Phone: +1 (240) 402–2166, Fax: +1 (301) 436–2632, *jenny.scott@fda.hhs.gov.*

Alternate Delegate: Dr. William K. Shaw, Jr., Executive Associate for

Laboratory Services, Office of Public Health Science, U.S. Department of Agriculture, 1400 Independence Ave. SW, Room 3805, South Building, Washington, DC 20250, Phone: +1 (202) 720–6246, *william.shaw@usda.gov.*

Alternate Delegate: Dr. Andrew Chi Yuen Yeung, Ph.D., Branch Chief, Egg and Meat Products Branch, Division of Dairy, Egg and Meat Products, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive, College Park, MD 20740, Phone: +1 (240) 402–1541, Fax: +1 (301) 436–2632, *andrew.yeung@fda.hhs.gov.*

Food Import and Export Certification and Inspection Systems

(Host Government—Australia)

U.S. Delegate: Ms. Mary Stanley, Senior Advisor, Office of International Coordination, Food Safety and Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 3151, Washington, DC 20250, Phone: +1 (202) 720–0287, Fax: +1 (202) 690–3856, *mary.stanley@usda.gov.*

Alternate Delegate: Ms. Caroline Smith DeWaal, International Food Safety Policy Manager, Office of the Center Director, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive, Room 4A011, College Park, MD 20740, Phone: +1 (240) 402–1242, *caroline.dewaal@fda.hhs.gov.*

Food Labelling

(Host Government—Canada)

U.S. Delegate: Dr. Douglas Balentine, Senior Science Advisor International Nutrition Policy, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive (HFS–830), College Park, MD 20740, Phone: +1 (240) 672–7292, Fax: +1 (301) 436–2636, *douglas.balentine@fda.hhs.gov.*

Alternate Delegate: Mr. Bryce Carson, Program Analyst, Office of Policy & Program Development, Food Safety and Inspection Service, U.S. Department of Agriculture, Denver Federal Center, Building 45, Entrance S–3, 695 Kipling Street, Denver, CO 80215, Phone: +1 (303) 236–9819, *bryce.carson@usda.gov.*

General Principles

(Host Government—France)

U.S. Delegate: Ms. Mary Frances Lowe, U.S. Manager for Codex Alimentarius, U.S. Codex Office, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 4861, Washington, DC 20250, Phone: +1 (202) 720–2057, *maryfrances.lowe@usda.gov.*

Methods of Analysis and Sampling

(Host Government—Hungary)

U.S. Delegate: Dr. Gregory Noonan, Director, Division of Bioanalytical Chemistry, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Drive, College Park, MD 20740, Phone: +1 (240) 402–2250, Fax: +1 (301) 436–2332, *gregory.noonan@fda.hhs.gov.*

Alternate Delegate: Dr. Timothy Norden, Ph.D., Technology and Science Division, Federal Grain Inspection Program, Agricultural Marketing Service, U.S. Department of Agriculture, 10383 N Ambassador Drive, Kansas City, MO 64153, Phone: +1 (816) 891–0470, Fax: +1 (816) 872–1253, *timothy.d.norden@usda.gov.*

Nutrition and Foods for Special Dietary Uses

(Host Government—Germany)

U.S. Delegate: Dr. Douglas Balentine, Senior Science Advisor International Nutrition Policy, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive (HFS–830), College Park, MD 20740, Phone: +1 (240) 672–7292, Fax: +1 (301) 436–2636, *douglas.balentine@fda.hhs.gov.*

Alternate Delegate: Dr. Pamela R. Pehrsson, Ph.D., Lead Scientist, Methods and Application of Food Composition Laboratory, Agricultural Research Service, U.S. Department of Agriculture, Room 105, Building 005, BARC-West, 10300 Baltimore Avenue, Beltsville, MD 20705, Phone: +1 (301) 504–0630, Fax: +1 (301) 504–0632, *pamela.pehrsson@usda.gov.*

Pesticide Residues

(Host Government—China)

U.S. Delegate: Captain David Miller, Chief, Chemistry and Exposure Branch, and Acting Chief, Toxicology and Epidemiology Branch, Health Effects Division, U.S. Environmental Protection Agency, William Jefferson Clinton Building, 1200 Pennsylvania Avenue NW, Washington, DC 20460, Phone: +1 (703) 305–5352, Fax: +1 (703) 305–5147, *miller.davidj@epa.gov.*

Alternate Delegate: Dr. John Johnston, Ph.D., Scientific Chemist and Scientific Liaison, Food Safety and Inspection Service, U.S. Department of Agriculture, 2150 Centre Avenue, Building D, Room 2083, Fort Collins, CO 80526, Phone: +1 (202) 365–7175, *john.johnston@usda.gov.*

Residues of Veterinary Drugs in Foods

(Host Government—United States)

U.S. Delegate: Ms. Brandi Robinson, MPH, CPH, ONADE International Coordinator, Center for Veterinary Medicine, U.S. Food and Drug Administration, 7500 Standish Place (HFV–100), Rockville, MD 20855, Phone: +1 (240) 402–0645, *brandi.robinson@fda.hhs.gov.*

Alternate Delegate: Dr. Louis Bluhm, Director, Laboratory Quality Assurance Division, Office of Public Health Science, Food Safety and Inspection Service, U.S. Department of Agriculture, Russell Research Center, 950 College Station Road, Suite PB–4, Athens, GA 30605, Phone: +1 (706) 546–2359, *louis.bluhm@usda.gov.*

Worldwide Commodity Codex Committees (Active)

Cereals, Pulses and Legumes

(Host Government—United States)

U.S. Delegate: Henry Kim, Ph.D., Senior Policy Analyst, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive (HFS–317), College Park, MD, USA 20740–3835, Phone: +1 (240) 402–2023, *henry.kim@fda.hhs.gov.*

Alternate Delegate: Mr. Patrick McCluskey, Supervisory Agricultural Marketing Specialist, Agricultural Marketing Service, Federal Grain Inspection Service, U.S. Department of Agriculture, 10383 N Ambassador Drive, Kansas City, MO 64153, Phone: +1 (816) 659–8403, *patrick.j.mccluskey@usda.gov.*

Fats and Oils

(Host Country—Malaysia)

U.S. Delegate: Dr. Paul South, Ph.D., Director, Division of Plant Products and Beverages, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive (HFS–317), College Park, MD 20740, Phone: +1 (240) 402–1640, Fax: +1 (301) 436–2632, *paul.south@fda.hhs.gov.*

Alternate Delegate: Dr. Jill K. Moser, Ph.D., Lead Scientist, Functional Oil Research, Agricultural Research Service, National Center for Agricultural Utilization Research, U.S. Department of Agriculture, 1815 North University Street, Peoria, IL 61604, Phone: +1 (309) 681–6390, *jill.moser@usda.gov.*

Fresh Fruits and Vegetables

(Host Government—Mexico)

U.S. Delegate: Mr. Dorian LaFond, International Standards Coordinator,

Fruit and Vegetables Program, Specialty Crop Inspection Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW—Mail Stop 0247, Washington, DC 20250–0247, Phone: +1 (202) 690–4944, Fax: +1 (202) 690–1527, *dorian.lafond@usda.gov.*

Alternate Delegate: Dr. David T. Ingram, Ph.D., Consumer Safety Officer, Office of Food Safety, Fresh Produce Branch, Division of Produce Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive, Room 3E027, College Park, MD 20740–3835, Phone: +1 (240) 402–0335, *david.ingram@fda.hhs.gov.*

Processed Fruits and Vegetables

(Host Government—United States)

U.S. Delegate: Mr. Dorian LaFond, International Standards Coordinator, Fruit and Vegetables Program, Specialty Crop Inspection Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW—Mail Stop 0247, Washington, DC 20250–0247, Phone: +1 (202) 690–4944, Fax: +1 (202) 690–1527, *dorian.lafond@usda.gov.*

Alternate Delegate: Dr. Rhoma Johnson, Ph.D., Consumer Safety Officer, Division of Plant Products and Beverages, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive (HFS–317), College Park, MD 20740, Phone: +1 (240) 402–2066, *rhoma.johnson@fda.hhs.gov.*

Spices and Culinary Herbs

(Host Government—India)

U.S. Delegate: Mr. Dorian LaFond, International Standards Coordinator, Fruit and Vegetables Program, Specialty Crop Inspection Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW—Mail Stop 0247, Washington, DC 20250–0247, Phone: +1 (202) 690–4944, Fax: +1 (202) 690–1527, *dorian.lafond@usda.gov.*

Alternate Delegate: Dr. Aparna Tatavarthy, Microbiologist, Spices and Seasoning Mixes Team, Division of Plant Products and Beverages, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive (HFS–317), College Park, MD 20740, Phone: +1 (240) 402–1013, Fax: +1 (301) 436–2632, *aparna.tatavarthy@fda.hhs.gov.*

Worldwide Ad Hoc Codex Task Forces (Active)

Antimicrobial Resistance (Reactivated 2016)

(Host Government—Republic of Korea)

U.S. Delegate: Dr. Donald A. Prater, DVM, Assistant Commissioner for Food Safety Integration, Office of Foods and Veterinary Medicine, U.S. Food and Drug Administration, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: +1 (301) 348–3007, *donald.prater@fda.hhs.gov.*

Alternate Delegate: Dr. Neena Anandaraman, DVM, MPH, Veterinary Science Policy Advisor, Office of Chief Scientist, U.S. Department of Agriculture, Jamie L. Whitten Building, Room 339A, 1200 Independence Avenue SW, Washington, DC 20024, Phone: +1 (202) 260–8789, *neena.anandaraman@usda.gov.*

Worldwide Commodity Codex Committees (Adjourned)

Cocoa Products and Chocolate (adjourned sine die 2001)

(Host Government—Switzerland)

U.S. Delegate: Dr. Michelle Smith, Ph.D., Senior Policy Analyst, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive (HFS–317), College Park, MD 20740–3835, Phone: +1 (240) 402–2024, Fax: +1 (301) 436–2632, *michelle.smith@fda.hhs.gov.*

Fish and Fishery Products (adjourned sine die 2016)

(Host Government—Norway)

U.S. Delegate: Dr. William R. Jones, Principal Deputy Director for Food Safety Science and Policy, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive, College Park, MD 20740, Phone: +1 (240) 402–1422, *William.Jones@fda.hhs.gov.*

Alternate Delegate: Mr. Steven Wilson, Deputy Director, Office of International Affairs and Seafood Inspection, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1315 East-West Highway, Silver Spring, Maryland 20910, Phone: +1 (301) 427–8312, *steven.wilson@noaa.gov.*

Meat Hygiene (adjourned sine die 2003)

(Host Government—New Zealand)

Delegate: Vacant.

Milk and Milk Products (adjourned sine die 2017)

(Host Government—New Zealand)

U.S. Delegate: Mr. Christopher Thompson, Chief, Dairy Standardization Branch, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Mail Stop 0230, Room 2756, Washington, DC 20250, Phone: +1 (202) 720–9382, Fax: +1 (844) 804–4701, *christopher.d.thompson@usda.gov.*

Alternate Delegate: Mr. John F. Sheehan, Senior Advisor for Compliance and Enforcement, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration (HFS–315), Harvey W. Wiley Federal Building, 5001 Campus Drive, College Park, MD 20740, Phone: +1 (240) 402–1488, Fax: +1 (301) 436–2632, *john.sheehan@fda.hhs.gov.*

Natural Mineral Waters (adjourned sine die 2008)

(Host Government—Switzerland)

Delegate: Vacant.

Codex Committee on Sugars (CCS)

(Host Government—Colombia)

U.S. Delegate: Dr. Chia-Pei Charlotte Liang, Chemist, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive, College Park, MD 20740, Phone: +1 (240) 402–2785, *charlotte.liang@fda.hhs.gov.*

Vegetable Proteins (adjourned sine die 1989)

(Host Government—Canada)

Delegate: Vacant.

Ad Hoc Intergovernmental Task Forces (Dissolved)

Animal Feeding (Dissolved 2013)

(Host government—Switzerland)

Delegate: Vacant.

[FR Doc. 2020–11984 Filed 6–1–20; 4:15 pm]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Service Manual 2750; Special Uses Management Manual; Leasing Forest Service Administrative Sites

AGENCY: Forest Service, USDA.

ACTION: Notice of availability for public comment.

SUMMARY: The United States Department of Agriculture (USDA), United States

Forest Service (Forest Service), is issuing proposed new directives on leasing Forest Service administrative sites.

DATES: Comments must be received in writing by July 6, 2020.

ADDRESSES: Proposed directives may be reviewed and electronic comments may be submitted electronically to *https://cara.ecosystem-management.org/Public/CommentInput?project=ORMS-2245.* Written comments may be mailed to Matthew Fountain, Program Analyst, Lands and Realty Management, 201 14th Street SW, Washington, DC 20024. All timely received comments, including names and addresses, will be placed in the record and will be available for public inspection and copying. The public may inspect comments received at *https://cara.ecosystem-management.org/Public/ReadingRoom?project=ORMS-2245.*

FOR FURTHER INFORMATION CONTACT: Matthew Fountain, Program Analyst, at 202–403–8959, by electronic mail to *SM.FS.WO_LandStaff@usda.gov;* or to the Federal eRulemaking portal at *http://www.regulations.gov.* Individuals using telecommunication devices for the deaf may call the Federal Information Relay Service at 800–877–8339 between 8:00 a.m. and 8:00 p.m. Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: This proposed directive would set forth direction for leasing Forest Service administrative sites. Proposed direction would implement section 8623 of the Agriculture Improvement Act of 2018, Public Law 115–334, and leasing provisions of the Forest Service Facility Realignment and Enhancement Act of 2005. The leasing provisions of these Acts provide Forest Service the authority to lease Forest Service administrative sites and up to 10 isolated, undeveloped parcels of not more than 40 acres each, for consideration equivalent to their market value.

This manual is a new addition to the 2700 Special Uses Management series, and sets forth policy, responsibilities, and programmatic direction for leasing Forest Service administrative sites. The Forest Service has determined that this manual formulates a standard, criterion, or guideline applicable to a Forest Service program and is therefore publishing the proposed manual for public comment under 36 CFR part 216.

The Forest Service is seeking public comment on all content within the proposed manual. Comment is also invited on the sufficiency of the proposed manual in meeting its stated objectives, ways to enhance the utility and clarity of information within the manual, or ways to streamline processes outlined in the text.

After the public comment period closes, the Forest Service will consider timely comments that are within the scope of the proposed directive in the development of the final directive. A notice of the final directive, including a response to timely comments, will be posted on the Forest Service's web page at *https://www.fs.fed.us/about-agency/regulations-policies/comment-on-directives.*

Tina Johna Terrell,

Associate Deputy Chief, National Forest System.

[FR Doc. 2020–11466 Filed 6–2–20; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Bighorn National Forest; Wyoming; Invasive and Other Select Plant Management

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service, USDA, will prepare an environmental impact statement (EIS) to disclose the effects of continued control of noxious, invasive, and select native plant species through the integration of manual, mechanical, biological, ground herbicide, and aerial herbicide control methods on the Bighorn National Forest (BNF). Effects analysis of these treatments will be projected over the next 10 to 20 years. The BNF is currently treating noxious weeds and invasive plants under the June 19, 1998 Decision Notice, Noxious Weed Management. There is a need to update this decision since it did not include consideration of aerial application of herbicides, the presence of new invasive plant populations, or herbicide treatments of select native plant species to achieve desired resource conditions.

DATES: Comments concerning the scope of the analysis must be received by July 20, 2020. The draft EIS is expected November 2020 and the final EIS is expected June 2021.

ADDRESSES: Send written comments to Forest Supervisor, Bighorn National Forest, 2013 Eastside Second Street, Sheridan, Wyoming 82801. Comments may also be sent via email to *comments-bighorn@usda.gov,* or via facsimile to 307–674–2668.

FOR FURTHER INFORMATION CONTACT: Christopher D. Jones, Project Coordinator, at the above address, by phone at 307–674–2627, or via email *christopher.d.jones@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:

Purpose and Need for Action

BNF ecosystems are increasingly threatened by invasive plants. These plants include several invasive annual grasses including cheatgrass (*Bromus tectorum*), medusahead (*Taeniatherum caput-medusae*), and ventenata (*Ventenata dubia*). Invasive species are threatening or dominating desired native plant communities, big game winter ranges, sage-grouse habitat, soil and watershed resources, recreation, domestic livestock forage availability, and aesthetic values on the BNF. A shift from desired native vegetation to invasive plants alters wildlife habitat, decreases wildlife and livestock forage, reduces species diversity, increases soil erosion due to a decrease in surface cover, alters the fire return interval, and promotes undesirable monocultures.

In addition, there are select native plant species, such as sagebrush and larkspur, in need of management to meet desired conditions for wildlife and livestock forage. This analysis will consider the use of various treatments to achieve desired conditions for sagebrush including a mix of early-, mid-, and late-structural stages.

The purpose of this project is to prevent and reduce the loss of native plant communities associated with the spread of invasive plant species, to meet desired conditions for select native plant species, and to reduce the impacts from invasive plants on other resources. This purpose would be achieved by addressing the following needs:

- To meet existing law, regulation and agency policy directing the Forest Service to treat non-native and invasive plants and update existing management direction to include new invasive plant species and new treatments.
- To make cooperative treatment and control of invasive plant species more consistent and effective across land ownership boundaries.
- To help meet or maintain desired resource conditions on the BNF. This includes:
  - Limiting the spread of invasive plant species into areas with little or no infestation and reducing fuel loading and the resulting fire hazard and/or risk;

○ achieving desired conditions for select native plant species (for example, sagebrush and larkspur), through the use of herbicides and the other actions;

○ using adaptive management in the treatment of invasive and select native plant species in order to meet desired conditions as existing resource and managerial conditions change over time; and

○ safely and effectively applying herbicides, in uniform applications, on the steeper slopes that characterize critical big game winter ranges.

Proposed Action

The Forest Service, through the application of a revised treatment strategy, proposes to continue to treat invasive and select native plant species on the BNF through a combination of control methods based on site-specific conditions and circumstances, EPA labels, USDA Animal and Plant Health Inspection Service (APHIS) direction, state statute requirements for herbicide application licensing, and resource protection measures to ensure that treatment methods are properly used. The proposed action would utilize a variety of tools, singularly or in combination, to implement an integrated vegetation management strategy. Proposed control methods include:

- Mechanical methods, such as hand-pulling, mowing or cutting;
- Revegetation, where competitive vegetation is seeded to reduce invasive species, possibly after other treatments;
- Grazing with livestock;
- Biological control using predators, parasites, and pathogens;
- Herbicide control using ground-based or aerial application methods;
- Prescribed fire (may be conducted in conjunction with herbicide application);
- Education programs to inform people of the effects of invasive plant infestations, methods of spread, and preventative management opportunities and practices; and
- Prevention by using practices that reduce invasive plant spread, including a weed-free forage and gravel program and washing vehicles to remove seeds and plant parts.

Potential treatment areas include, but are not limited to the following: (1) Any infestations near landownership boundaries, especially where the adjacent landowners are treating their lands; (2) crucial big game winter ranges and other species habitat areas; (3) fuels reduction project areas; (4) burned areas; (5) roads and trails; (6) power lines; (7) rights-of-ways; (8) gravel and rock quarries; (9) timber harvest areas; and (10) areas where invasive weeds already exist. It is anticipated that the Forest Service may receive requests from intermingled and adjacent landowners to be partners on projects that might be proposed to treat invasive and other plant populations that are found on multiple land ownerships that include National Forest System lands. Northeast Wyoming, specifically Sheridan, Johnson, and Campbell Counties, is the only known location in the northern Great Plains eco-region with medusahead and ventenata. The BNF would be unable to effectively perform its shared stewardship responsibilities if unable to aerially treat them.

The selection of control methods is not a choice of one tool over another, but rather a selection of a combination of tools that would be most effective on target species for a location.

The BNF would also utilize the proposed control methods listed above to manage select native plant species, including sagebrush and larkspur, in order to achieve desired ecosystem and habitat conditions. For sagebrush, the BNF has a successful history of burning and mowing with the objective of creating a diversity of early-, mid-, and late-seral stages.

The proposed action would broaden the current plant management methods and strategies by:

- Utilizing best available science to develop desired conditions for other select native plant species prior to identifying treatments;
- Treating new infestations through adaptive management tools for assessing new treatments and new sites;
- Treating new and existing invasive species in addition to those listed as noxious weeds by the State of Wyoming;
- Permitting the use of newly developed, more species-specific, EPA-registered herbicides. A Forest Service and state agency cooperator assessment team would be established to review the EPA-issued registration eligibility decision and determine the new herbicide's appropriateness for use on public lands;
- Broadening control methods to include the use of aerial application of herbicides in limited or specific circumstances;
- Broadening protection measures for ground and aerial applications of herbicides; and
- Broadening management methods to meet desired conditions by treating select native plant species to include the use of herbicides.

Possible Alternatives

The Forest Service will consider a reasonable range of alternatives, including a no action alternative. The action alternatives could vary in the amount and location of areas considered for treatment. The BNF may consider the herbicide treatment of select native plant species, such as sagebrush and larkspur, as an alternative separate from invasive species, in order to better differentiate the environmental consequences.

Responsible Official

The Forest Supervisor for the BNF is the Responsible Official.

Nature of Decision To Be Made

Given the purpose and need, the Responsible Official will review the proposed action, the other alternatives (including the 'cost or benefit' of the no action alternative), and the environmental consequences in order to determine whether to expand current efforts to control and manage invasive species and select native plant species; what control methods and herbicides would be used; what protection and monitoring measures would be required; and whether to include an adaptive management approach to address future spread of invasive weeds or select native plant species.

National and regional policies and Forest Plan direction require consideration of effects of all projects on invasive plant spread and implementation of preventative measures where practical to limit those effects. In addition, Forest Plan direction requires consideration of achievement of desired conditions for native vegetation and habitats.

Reconsideration of other existing project-level decision or programmatically prescribing protection measures or standards for future forest management activities are beyond the scope of this document.

Preliminary Issues

Issues identified by the Forest Service at this time include the effects of treatments on native vegetation, biological diversity, natural productivity, and habitat structure. Preliminary issues also include effects of herbicides on threatened, endangered, or sensitive species and their habitats; on soils, water, and aquatic resources; and on human health. The public is encouraged to identify additional issues in their comments.

Scoping Process

This notice of intent initiates the scoping process, which guides the

development of the EIS. Public participation will be especially important at several points during the analysis, beginning with the scoping process (40 CFR 1501.7). The decision and reasons for the decision will be documented in a Record of Decision. The decision will be subject to Forest Service Project-Level Predecisional Administrative Review Process (Objection Process) (36 CFR part 218, subparts A and B). It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the EIS.

Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. Comments received in response to this solicitation, including names and addresses of those who comment, will become part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the respondent eligibility to participate in subsequent administrative or judicial review.

Allen Rowley,

Associate Deputy Chief, National Forest System.

[FR Doc. 2020–11928 Filed 6–2–20; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Rural Business-Cooperative Service

Notice of Funds Availability for the Higher Blends Infrastructure Incentive Program (HBIIP) for Fiscal Year 2020 and Solicitation of Applications for the Higher Blends Infrastructure Incentive Program (HBIIP) for Fiscal Year 2020; Correction

AGENCY: Commodity Credit Corporation and the Rural Business-Cooperative Service, USDA.

ACTION: Notice; correction.

SUMMARY: The Commodity Credit Corporation and the Rural Business-Cooperative Service, USDA published a notice in the **Federal Register** on May 5, 2020 regarding the Notice of Funds Availability for the Higher Blends Infrastructure Incentive Program (HBIIP) for Fiscal Year 2020 and a notice on May 15, 2020, regarding the Solicitation of Applications for the Higher Blends Infrastructure Incentive Program (HBIIP) for Fiscal Year 2020 announcing the opening date for the application window. These documents referenced an incorrect program name in the **DATES** section of both notices.

FOR FURTHER INFORMATION CONTACT: Anthony Crooks: Telephone (202) 205–9322, email: *EnergyPrograms@usda.gov.* Persons with disabilities that require alternative means for communication should contact the U.S. Department of Agriculture (USDA) Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Correction

(1) In the **Federal Register** of May 5, 2020, in FR Doc. 2020–09685, on page 26657, in the first column, correct the **DATES** caption to read:

DATES: The Agency will finalize the application window for enrollment in the Higher Blends Infrastructure Incentive Program by future notice in the **Federal Register** and *Grants.gov* subject to the opening of the electronic application system.

(2) In the **Federal Register** of May 15, 2020, in FR Doc. 2020–10487, on page 29394, in the third column, correct the **DATES** caption to read:

DATES: Applications for the Higher Blends Infrastructure Incentive Program will be accepted from May 15, 2020 through August 13, 2020. Applications received after 11:59 p.m. Eastern Daylight Time on August 13, 2020, will not be considered. The grant period is not to exceed 18-months, unless otherwise specified in the Grant Agreement or agreed to by CCC.

Robert Stephenson,

Executive Vice President, Commodity Credit Corporation.

Mark Brodziski,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2020–11977 Filed 6–2–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Annual Wholesale Trade Survey

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, 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 on the proposed revision of the Annual Wholesale Trade Survey, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 3, 2020.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov.* Please reference Annual Wholesale Trade Survey in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2020–0014, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to John Dougherty, Chief, Wholesale Trade Branch, Economy-Wide Statistics Division, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233; (301) 763–8936; or *john.dougherty@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Annual Wholesale Trade Survey (AWTS) covers employer firms with establishments located in the United States and classified in the wholesale trade sector, as defined by the North American Industry Classification System (NAICS). This includes distributors, manufacturers' sales branches and offices, and agents and brokers.

Firms are selected for this survey using a stratified simple random sample. For the AWTS, the strata are defined by type of operation, industry, and annual sales size. The sample is drawn from the Business Register (BR), which is the Census Bureau's master business list. The BR contains basic economic information for more than 7.4 million employer businesses and over 22.5 million nonemployer businesses; it is updated through direct data collections and administrative records from other federal agencies. In order to account for new businesses (births) and businesses that discontinue operations (deaths), the AWTS sample is updated quarterly. The sample is also updated to reflect mergers, acquisitions, divestitures, splits, and other changes to the business universe.

Data are collected electronically using Centurion, the Census Bureau's secure online reporting instrument. This system is designed to make the reporting process more flexible and convenient for respondents. The response-driven nature of the instrument also reduces respondent burden. Data are automatically stored, and the results are available immediately to the Census Bureau. If a company does not have access to the internet, the Census Bureau can arrange for the business to provide its data to an analyst via telephone.

The data items requested in the AWTS include annual sales, e-commerce sales, number of establishments, inventories, purchases, operating expenses, commissions, sales on own account, and gross selling value. In response to a request from the Bureau of Economic Analysis (BEA), the 2022 AWTS will also collect detailed operating expenses and sales tax information. Respondents are only asked to provide data for these two items in years ending in 2 and 7, which coincide with the Economic Census collection. For survey year 2020, the AWTS may include additional questions related to the impact coronavirus disease 2019 (COVID–19) had on firms. A final decision has not been made yet on the inclusion of these questions.

From survey year 2016 through survey year 2019, there were five electronic form types (SA–42, SA–42A, SA–42A–MSBO, SA–42–AGBR, and SA–42A–AGBR). Starting with survey year 2020 (which will be collected in 2021), there will only be three electronic form types (SA–42A, SA–42A–MSBO, and SA–42A–AGBR). SA–42 and SA–42–AGBR are being removed to streamline data collection operations and reduce respondent burden. Each of the three remaining form types will continue to ask a different subset of the data items previously mentioned. This ensures businesses only see items that are relevant to their type of operation.

Government agencies, private businesses, and researchers often use the estimates generated from the AWTS. For example, the AWTS serves as a benchmark for the estimates produced from the Census Bureau's Monthly Wholesale Trade Survey (MWTS). BEA utilizes the data when developing its gross domestic product (GDP) estimates and the national accounts' input-output tables. The Bureau of Labor Statistics (BLS) uses the data as an input to its producer price indices and in developing productivity measurements. Furthermore, business and industry groups utilize the data to forecast future demand.

Estimates generated from the AWTS are released to the public approximately 14 months after the reference year has concluded. These national-level estimates are published (for the various items collected) by NAICS code and type of operation. Currently, the data are disseminated through the AWTS website. Beginning with survey year 2020, the Census Bureau also will release the data via the Census Bureau's dissemination platform, *data.census.gov.*

II. Method of Collection

The Census Bureau primarily collects this information via the internet. In the rare situation where a respondent does not have access to the internet, the data are collected by telephone.

III. Data

OMB Control Number: 0607–0195.

Form Number(s): SA–42A, SA–42A–MSBO, SA–42A–AGBR.

Type of Review: Regular submission, Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 7,743.

Estimated Time per Response: 31.2 minutes (2020 and 2021 survey years). 85.2 minutes (2022 survey year—additional items collected).

Estimated Total Annual Burden Hours: 4,026 hours (2020 and 2021 survey years). 10,995 hours (2022 survey year—additional items collected).

Estimated Total Annual Cost to Public: $0 (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. Sections 131 and 182.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, 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.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–11961 Filed 6–2–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Generic Clearance for Internet Panel Pretesting and Qualitative Survey Methods Testing

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice of information collection; request for comment.

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 on the proposed extension of the Generic Clearance for Internet Panel Pretesting, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 3, 2020.

ADDRESSES: Interested persons are invited to submit written comments by mail to *adrm.pra@census.gov.* Please reference OMB Control Number 0607–0978 in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2020–0007, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Jennifer Hunter Childs, U.S. Census Bureau, 4600 Silver Hill Road, Center for Behavioral Science Methods, Washington, DC 20233 or (202)603–4827.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau is committed to conducting research in a cost-efficient manner. The U.S. Census Bureau plans to request an extension of the current OMB approval to conduct a series of medium-scale internet-based tests, as a cost-efficient method of testing questions and contact strategies over the internet through different types of samples. Using internet panel pretesting, we can answer some research questions more thoroughly than in the small-scale testing, but less expensively than in the large-scale field test.

This research program will be used by the Census Bureau and survey sponsors to test alternative contact methods, including emails and text messages, improve online questionnaires and procedures, reduce respondent burden, and ultimately increase the quality of data collected in the censuses and surveys. We will use the clearance to conduct experimental pretesting of decennial and demographic census and survey questionnaires prior to fielding them as well as communications and/or marketing strategies and data dissemination tools for the Census Bureau. The primary method of identifying measurement problems with the questionnaire or survey procedure is split panel tests. This will encompass both methodological and subject matter research questions that can be tested on a medium-scale internet panel.

This research program will also be used by the Census Bureau for remote usability testing of electronic interfaces and to perform other qualitative analyses such as respondent debriefings. An advantage of using remote, medium-scale testing is that participants can test products at their convenience using their own equipment, as opposed to using Census Bureau-supplied computers. A diverse participant pool (geographically, demographically, or economically) is another advantage. Remote usability testing would use click through rates and other paradata, accuracy and satisfaction scores, and written qualitative comments to determine optimal interface designs and to obtain feedback from respondents.

The public is currently offered an opportunity to participate in this research remotely, by signing up for an online research panel. If a person opts in, the Census Bureau will occasionally email (or text, if applicable) the person an invitation to complete a survey for one of our research projects. Invited respondents will be told the topic of the survey, and how long it will take to complete it. Under this clearance, we will also conduct similar-scale and similarly designed research using other email lists to validate preliminary findings and expand the research.

II. Method of Collection

Split sample experiments. This involves testing alternative versions of questionnaires, invitations to questionnaires (*e.g.,* emails or text messages), or websites, at least some of which have been designed to address problems identified in draft versions or versions from previous waves. The use of multiple questionnaires, invitations, or websites, randomly assigned to permit statistical comparisons, is the critical component here; data collection will be via the internet. Comparison of revised questionnaires (or invitations) against a control version, preferably, or against each other facilitates statistical evaluation of the performance of alternative versions of the questionnaire (or invitation or website).

The number of versions tested and the number of cases per version will depend on the objectives of the test. We cannot specify with certainty a minimum panel size, although we would expect that no questionnaire versions would be administered to less than fifty respondents.

Split sample tests that incorporate methodological questionnaire design experiments will have a larger maximum sample size (up to several hundred cases per panel) than other pretest methods. This will enable the detection of statistically significant differences, and facilitate methodological experiments that can extend questionnaire design knowledge more generally for use in a variety of Census Bureau data collection instruments.

Usability Interviews: This method involves getting respondent input to aid in the development of automated questionnaires and websites and associated materials. The objective is to identify problems that keep respondents from completing automated questionnaires accurately and efficiently with minimal burden, or that prevent respondents from successfully navigating websites and finding the information they seek. Remote usability testing may be conducted under this clearance, whereby a user would receive an invitation to use a website or survey, then answer targeted questions about that experience.

Qualitative Interviews: This method involves one-on-one (or sometimes group) interviews in which the respondent is typically asked questions about survey content areas, survey questions or the survey process. A number of different techniques may be involved, including cognitive interviews and focus groups. The objective is to identify problems of ambiguity or misunderstanding, or other difficulties respondents may have answering survey questions in order to improve the information ultimately collected in large scale surveys and censuses.

Data collection for this project is authorized under the authorizing legislation for the questionnaire being tested. This may be Title 13, Sections

131, 141, 161, 181, 182, 193, and 301 for Census Bureau-sponsored surveys, and Title 13 and 15 for surveys sponsored by other Federal agencies. We do not now know what other titles will be referenced, since we do not know what survey questionnaires will be pretested during the course of the clearance.

Literature on and considerations about the use of internet samples for this type of work have been thoroughly covered by a Task Force commissioned by the American Association for Public Opinion Research and are well documented there (Baker, et al., 2013).

The information collected in this program of developing and testing questionnaires will be used by staff from the Census Bureau and sponsoring agencies to evaluate and improve the quality of the data in the surveys and censuses that are ultimately conducted. Because the questionnaires being tested under this clearance are still in the process of development, the data that result from these collections are not considered official statistics of the Census Bureau or other Federal agencies. Data will be included in research reports prepared for sponsors inside and outside of the Census Bureau. The results may also be prepared for presentations related to survey methodology at professional meetings or publications in professional journals.

III. Data

OMB Control Number: 0607–0978.

Form Number(s): TBD.

Type of Review: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 67,600.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 16,900.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority: Data collection for this project is authorized under the authorizing legislation for the questionnaire being tested. This may be Title 13, Sections 131, 141, 161, 181, 182, 193, and 301 for Census Bureau-sponsored surveys, and Title 13 and 15 for surveys sponsored by other Federal agencies. We do not now know what other titles will be referenced, since we do not know what survey questionnaires will be pretested during the course of the clearance.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information shall 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.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–11957 Filed 6–2–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Voting and Registration Supplement

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act: The Voting and Registration Supplement. This survey, conducted in conjunction with the Current Population Survey, is collected biennially from a sample of housing units identified in the monthly CPS sample.

Agency: U.S. Census Bureau.

Title: Voting and Registration Supplement.

OMB Control Number: 0607–0466.

Form Number(s): There are no forms. We conduct all interviews on computers.

Type of Request: Regular submission.

Number of Respondents: 52,000.

Average Hours per Response: Approximately one and one-half minutes per response.

Burden Hours: 1,300.

Needs and Uses: This survey has provided statistical information for tracking historical trends of voter and nonvoter characteristics in each Presidential or Congressional election since 1964. The data collected from the November supplement relates demographic characteristics (age, sex, race, education, occupation, and income) to voting and nonvoting behavior. The November CPS supplement is the only source of data that provides a comprehensive set of voter and nonvoter characteristics distinct from independent surveys, media polls, or other outside agencies. Federal, state, and local election officials use these data to formulate policies relating to the voting and registration process. College institutions, political party committees, research groups, and other private organizations also use the voting and registration data.

Affected Public: Individuals or households.

Frequency: Biennial.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Section 182; and Title 29, United States Code, Section 1 authorize the Census Bureau to collect this information.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

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 and entering either the title of the collection or the OMB Control Number 0607–0466.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–11954 Filed 6–2–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Household Pulse Survey

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the potential for extending data collection for the Household Pulse Survey During COVID–19 Epidemic. The Household Pulse Survey was launched on April 23, 2020 with approval from the Office of Management and Budget to continue data collection through July 31, 2020 (OMB No. 0607–1013). The Department of Commerce may determine it prudent to continue the Household Pulse Survey after July 31, 2020. This notice serves to inform the public about this possible continuance.

DATES: To ensure consideration, comments regarding the continued Household Pulse Survey information collection must be received on or before August 3, 2020.

ADDRESSES: Interested persons are invited to submit written comments to Cassandra Logan, Survey Director, U.S. Census Bureau, by email to *Cassandra.Logan@census.gov* or *PRAcomments@doc.gov.* Please reference OMB Control Number 0607–1013 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 specific questions related to collection activities should be directed to Cassandra Logan, Survey Director, U.S. Census Bureau, 4600 Silver Hill Road, HQ–7H157, Washington, DC 20233, (301) 763–1087, and *Cassandra.Logan@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau has developed the Household Pulse Survey as an experimental endeavor in cooperation with five other federal agencies. The survey is designed to produce near real-time data in a time of urgent and acute need. Changes in the measures over time will provide insight into individuals' experiences on social and economic dimensions during the period of the Covid–19 pandemic. This survey, conducted under the auspices of the Census Bureau's Experimental Data Series (*https://www.census.gov/data/experimental-data-products.html*), is designed to supplement the federal statistical system's traditional benchmark data products with a new data source that provides relevant and timely information based on a high quality sample frame, data integration, and cooperative expertise.

Question domains contributed by the Census Bureau (Census), Economic Research Service (ERS), Bureau of Labor Statistics (BLS), National Center for Health Statistics (NCHS), National Center for Education Statistics (NCES), and the Department of Housing (HUD) seek to measure employment status, spending, food security, housing, health, and education disruptions. Many of the questions that will be asked on this survey have been fielded on other surveys in the past. However, some of the questions are new, designed to explore potential impacts associated with the COVID–19 pandemic response.

II. Method of Collection

The Census Bureau will conduct this information collection online using Qualtrics as the data collection platform. Qualtrics currently is used at the Census Bureau for research and development surveys and provides the necessary agility to deploy the Household Pulse Survey quickly and securely. It operates in the Gov Cloud, is FedRAMP authorized at the moderate level, and has an Authority to Operate from the Census Bureau to collect personally identifiable and Title-protected data.

The Census Bureau will sample approximately 2,159,000 housing units, with an additional approximately 1,100,000 housing units each subsequent week of data collection. The survey will be administered over the course of 24 weeks starting April 23, 2020. Households will be contacted via email and asked to complete approximately 50 questions focused on employment, spending, food security, housing, health and educational disruption. Prior to production the survey was estimated to take 20 minutes; the actual time for survey participants to complete the survey now that it is in production is approximately 11 minutes.

Weekly survey estimates will be produced by weighting the results to various demographic controls from auxiliary sources like the Census Bureau official population estimates and the American Community Survey. Weekly source and accuracy documentation will provide details about the methods and quality of the survey estimates.

III. Data

OMB Control Number: 0607–1013.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Individuals and households.

Estimated Number of Respondents: The total number of respondents is estimated at 93,400 per week (a reduction in the initial estimate of 108,000) for 24 weeks (an extension from the 12 weeks initially planned) for a total estimate of 2,241,600 respondents.

Estimated Time per Response: 11 minutes (actual time in production; initial estimate was 20 minutes).

Estimated Total Annual Burden Hours: 410,960.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 8(b), 182 and 196.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, 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.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–11966 Filed 6–2–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Notice of Request for Public Comments on Section 232 National Security Investigation of Imports of Vanadium

AGENCY: Bureau of Industry and Security, Office of Technology Evaluation, U.S. Department of Commerce.

ACTION: Notice of request for public comments.

SUMMARY: On May 28, 2020, in response to a petition, the Secretary of Commerce (the ''Secretary'') initiated an investigation to determine the effects on the national security from imports of vanadium. This investigation has been initiated under section 232 of the Trade Expansion Act of 1962, as amended.

Interested parties are invited to submit written comments, data, analyses, or other information pertinent to the investigation to the Department of Commerce's (the ''Department'') Bureau of Industry and Security by July 20, 2020. Rebuttal comments will be due by August 17, 2020. While the Department is interested in any information related to this investigation that the public can provide, this notice identifies particular issues of significance.

DATES: The due date for filing comments is July 20, 2020. The due date for rebuttal comments is August 17, 2020. Rebuttal comments may only address issues raised in comments filed on or before July 20, 2020.

ADDRESSES: *Submissions:* All written comments on the notice must be addressed to Section 232 Vanadium Investigation and filed through the Federal eRulemaking Portal: *http://www.regulations.gov.* To submit comments via *http://www.regulations.gov*, enter docket number BIS–2020–0002 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 and click on the link entitled ''Comment Now!'' (For further information on using *http://www.regulations.gov,* please consult the resources provided on the website by clicking on ''How to Use This Site.'')

FOR FURTHER INFORMATION CONTACT: Industrial Studies Division, Bureau of Industry and Security, U.S. Department of Commerce, (202) 482–5481, *Vanadium232@bis.doc.gov.* Unless otherwise protected by law, any information received from the public during the course of this investigation may be made publicly available. For more information about the section 232 program, including the regulations and the text of previous investigations, please see *www.bis.doc.gov/232.*

SUPPLEMENTARY INFORMATION:

Background

On May 28, 2020, in response to a petition, the Secretary initiated an investigation under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effects on the national security from imports of vanadium. If the Secretary finds that vanadium is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, the Secretary shall so advise the President in his report on the findings of the investigation.

Written Comments

This investigation is being undertaken in accordance with part 705 of the National Security Industrial Base Regulations (15 CFR parts 700 to 709) (''NSIBR''). Interested parties are invited to submit written comments, data, analyses, or information pertinent to this investigation to the Department's Office of Technology Evaluation no later than July 20, 2020. Rebuttal comments submitted in response to issues raised in comments received on or before July 20, 2020 may be filed no later than August 17, 2020.

The Department is particularly interested in comments and information directed to the criteria listed in § 705.4 of the NSIBR as they affect national security, including the following:

(i) Quantity of or other circumstances related to the importation of vanadium;

(ii) Domestic production and productive capacity needed for vanadium to meet projected national defense requirements;

(iii) Existing and anticipated availability of human resources, products, raw materials, production equipment, and facilities to produce vanadium;

(iv) Growth requirements of the vanadium industry to meet national defense requirements and/or requirements for supplies and services necessary to assure such growth including investment, exploration, and development;

(v) The impact of foreign competition on the economic welfare of the vanadium industry;

(vi) The displacement of any domestic vanadium production causing substantial unemployment, decrease in the revenues of government, loss of investment or specialized skills and productive capacity, or other serious effects;

(vii) Relevant factors that are causing or will cause a weakening of our national economy; and

(viii) Any other relevant factors, including the use and importance of vanadium in critical infrastructure sectors identified in Presidential Policy Directive 21 (Feb. 12, 2013) (for a listing of those sectors see *https://www.dhs.gov/cisa/critical-infrastructure-sectors*).

Requirements for Written Comments

The *http://www.regulations.gov* website allows users to provide comments by filling in a ''Type Comment'' field, or by attaching a document using an ''Upload File'' field. The Department prefers that comments be provided in an attached document. The Department prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application format other than those two, please indicate the name of the application in the ''Type Comment'' field. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible please include any exhibits, annexes, or other attachments in the same file as part of the submission itself rather than in separate files. Comments will be placed in the docket and open to public inspection, except information determined to be confidential as set forth in § 705.6 of the NSIBR. Comments may be viewed on *http://www.regulations.gov* by entering docket number BIS–2020–0002 in the search field on the home page.

Material submitted by members of the public that is properly marked business confidential information and accepted as such by the Department will be exempted from public disclosure as set forth in § 705.6 of the NSIBR. Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential submission

which can be placed in the public file on *http://www.regulations.gov.* Communications from agencies of the United States Government will not be made available for public inspection. For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. The non-confidential version must be clearly marked ''PUBLIC''. The file name of the non-confidential version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or rebuttal comments. All filers should name their files using the name of the person or entity submitting the comments. If a public hearing is held in support of this investigation, a separate **Federal Register** notice will be published providing the date and information about the hearing.

The Bureau of Industry and Security does not maintain a separate public inspection facility. Requesters should first view the Bureau's web page, which can be found at *https://efoia.bis.doc.gov/* (see ''Electronic FOIA'' heading). If requesters cannot access the website, they may call 202–482–0795 for assistance. The records related to this assessment are made accessible in accordance with the regulations published in part 4 of title 15 of the Code of Federal Regulations (15 CFR 4.1 *et seq.*).

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2020–11926 Filed 6–2–20; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–412–801]

Ball Bearings and Parts Thereof From the United Kingdom: Third Amended Final Results of Antidumping Duty Administrative Review Pursuant to Court Decision; 2010–2011

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On March 26, 2020, the United States Court of International Trade (CIT) sustained the October 2019 final results of redetermination pertaining to the administrative review of the antidumping duty order on ball bearings and parts thereof (ball bearings) from the United Kingdom covering the period May 1, 2010 through April 30, 2011. The Department of Commerce (Commerce) is, therefore, amending the final results with respect to Bayerische Motoren Werke AG (BMW).

DATES: Applicable June 3, 2020.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0410.

SUPPLEMENTARY INFORMATION:

Background

On January 27, 2015, Commerce published the *Final Results* in the above-referenced administrative review.[1] Commerce selected the highest rate from the petition (254.25 percent) as the weighted-average dumping margin for BMW based on adverse facts available (AFA). BMW of North America LLC appealed the *Final Results* to the CIT, and on March 2, 2017, the CIT remanded the *Final Results*.[2] Specifically, the CIT remanded the *Final Results* directing that Commerce either: (1) Provide a new corroboration analysis for the selected petition rate that is consistent with Commerce's obligations and the Court's opinion; or (2) determine a new AFA rate consistent with Commerce's obligations and the Court's opinion.[3]

On May 12, 2017, Commerce issued its final results of redetermination pursuant to remand, in accordance with the CIT's order.[4] On remand, Commerce determined a new AFA rate of 126.44 percent for BMW, consistent with the *First Remand.* On August 23, 2017, the CIT sustained Commerce's *First Redetermination*.[5] On September 2, 2017, Commerce published the *Second Amended Final Results* in the **Federal Register**.[6]

The CIT's ruling was appealed to the U.S. Court of Appeals for the Federal Circuit (CAFC). On appeal, the CAFC concluded that ''Commerce did not set forth its reasoning in sufficient detail to allow review of whether the selected AFA rate was unduly punitive'' and remanded the case.[7] Based on the CAFC's decision, the CIT issued the *Second Remand* on July 3, 2019.[8]

On October 1, 2019, Commerce issued its final results of redetermination in accordance with the *Second Remand*.[9] On remand, Commerce determined a new AFA rate of 61.14 percent for BMW, consistent with the *Second Remand.* On March 26, 2020, the CIT sustained Commerce's *Second Redetermination*.[10]

Amended Final Results

Because there is now a final court decision, Commerce is amending the *Final Results* with respect to BMW. The revised weighted-average dumping margin for BMW for the period May 1, 2010 through April 30, 2011, is as follows:

Exporter or producer	Weighted-average dumping margin (percent)
Bayerische Motoren Werke AG ..	61.14

Liquidation and Assessment of Antidumping Duties

In the event the CIT's ruling is not appealed, or if it is appealed and upheld by a final and conclusive court decision, Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties at a rate equal to the weighted-average dumping margin listed above for all entries of subject merchandise during the period May 1, 2010 through April 30, 2011, that were produced and/or exported by BMW.

[1] *See Ball Bearings and Parts Thereof from Japan and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews; 2010–2011,* 80 FR 4248 (January 27, 2015), amended in *Ball Bearings and Parts Thereof from the United Kingdom: Amended Final Results of Antidumping Duty Administrative Review; 2010–2011,* 80 FR 9694 (February 24, 2015) (*Final Results*).

[2] *See BMW of North America LLC* v. *United States,* Court No. 15–00052, Slip Op. 17–22 (CIT March 2, 2017) (*First Remand*).

[3] *See First Remand* at 12–17.

[4] *See* Results Of Remand Redetermination, *BMW of North America LLC* v. *United States,* Court No. 15–00052, Slip Op. 17–22, dated May 12, 2017 (*First Redetermination*).

[5] *See BMW of North America LLC* v. *United States,* Slip Op. 17–109, Consol. Court No. 15–00052 (CIT 2017).

[6] *See Ball Bearings and Parts Thereof From the United Kingdom: Notice of Court Decision Not in Harmony With Amended Final Results and Notice of Second Amended Results of Antidumping Duty Administrative Review,* 82 FR 42296 (September 2, 2017) (*Second Amended Final Results*).

[7] *See BMW of North America LLC* v. *United States,* 926 F.3d 1291, 1293 and 1302 (CAFC May 9, 2019).

[8] *See BMW of North America LLC* v. *United States,* Court No. 15–00052 Order at 1 (CIT July 3, 2019) (*Second Remand*).

[9] *See* Results Of Remand Redetermination, *BMW of North America LLC* v. *United States,* Court No. 2018–1109, dated October 1, 2019 (*Second Redetermination*).

[10] *See BMW of North America LLC* v. *United States,* Slip Op. 20–41, Consol. Court No. 15–00052 (CIT March 26, 2020).

Cash Deposit Requirements

Because we revoked the antidumping duty order on ball bearings and parts thereof from the United Kingdom effective September 15, 2011, no cash deposits for estimated antidumping duties on future entries of subject merchandise are required.[11]

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1) and 777(i)(1) of the Act. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until May 19, 2020, unless extended.[12]

Dated: March 31, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–11953 Filed 6–2–20; 8:45 am]

BILLING CODE 3510–DS–P

[11] *See Ball Bearings and Parts Thereof from Japan and the United Kingdom: Final Results of Sunset Reviews and Revocation of Antidumping Duty Orders,* 79 FR 16771 (March 26, 2014).

[12] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA212]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Advisory Panel via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, June 18, 2020 at 9 a.m.

ADDRESSES: All meeting participants and interested parties can register to join the webinar at *https://attendee.gotowebinar.com/register/8315070286252690191.*

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Advisory Panel will review Amendment 21: The Council has developed alternatives to address three specific issues in this action: (1) Measures related to the Northern Gulf of Maine (NGOM) Management Area, (2) Limited Access General Category (LAGC) individual fishing quota (IFQ) possession limits, and (3) ability of Limited Access vessels with LAGC IFQ to transfer quota to LAGC IFQ only vessels. Review draft environmental assessment and consider developing preliminary preferred alternatives. They will also discuss the impacts of COVID–19: Discuss the timing and outlook for 2020 surveys and 2021/22 specifications process. Discuss options for completing 2020 Council priorities. Other business may be discussed, as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 29, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–11945 Filed 6–2–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; West Coast Region Highly Migratory Species Vessel Identification Requirements

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

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 August 3, 2020.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0361 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 specific questions related to collection activities should be directed to Shannon Penna, National Marine Fisheries Service (NMFS), West Coast Region (WCR) Long Beach Office, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802, (562) 980–4238 or *shannon.penna@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The success of fisheries management programs depends significantly on tracking catch and effort of participants as well as their history of regulatory compliance. The vessel identification requirement is essential to facilitate these objectives. The ability to link fishing or other activity to the vessel owner or operator is crucial to enforcement of the regulations issued under the authority of the Magnuson-

Stevens Fishery Conservation and Management Act to govern domestic and foreign fishing, and under authority of laws implementing international treaties.

Regulations at 50 CFR 660.704 require that all commercial fishing vessels with permits issued under authority of the National Marine Fishery Service's (NMFS) Fishery Management Plan for United States (U.S.) West Coast Highly Migratory Species Fisheries display the vessel's official number (U.S. Coast Guard documentation number or state registration number). The numbers must be of a specific size and format and located at specified locations. The official number must be affixed to each vessel subject to this section in block Arabic numerals at least 10 inches (25.40 centimeters) in height for vessels more than 25 feet (7.62 meters) but equal to or less than 65 feet (19.81 meters) in length; and 18 inches (45.72 centimeters) in height for vessels longer than 65 feet (19.81 meters) in length. Markings must be legible and of a color that contrasts with the background. The display of the identifying number aids in fishery law enforcement.

In the domestic West Coast Region fisheries regulated under 50 CFR part 660, the vessel's official number, United State Coast Guard (USCG) documentation or state registration number, is required to be displayed on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck. The number identifies each vessel and should be visible at distances at sea and in the air. The requirements affect United States (U.S.) vessels participating in the West Coast Highly Migratory Species (HMS) fisheries and West Coast coastal pelagic fishing vessels, with the exception of HMS Charter Recreational Vessels for which an exemption was granted and became effective September 5, 2007. Charter vessels are no longer bound by the vessel marking requirements under consideration.

The identification number provides law enforcement personnel with a means to monitor fishing, at-sea processing, and other related activities, in order to ascertain whether the vessel's observed activities are in accordance with those authorized for that vessel. The identifying number is used by the National Marine Fisheries Service (NMFS), the USCG, and other marine agencies in issuing citations, prosecutions, and other enforcement actions. Vessels that qualify for specific fisheries are easily identified, and this allows for more cost-effective enforcement. Cooperating fishermen also use this number to report suspicious activities that they observe. Regulation-compliant fishermen ultimately benefit as unauthorized and illegal, unreported, and unregulated (IUU) fishing is deterred and more burdensome regulations are avoided.

II. Method of Collection

The vessels' official numbers are displayed on the vessels.

III. Data

OMB Control Number: 0648–0361.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1700.

Estimated Time per Response: All but purse seine vessels: 45 minutes; purse seine fishing vessels of 400 short tons (362.8 metric tons (mt)) carrying capacity; 1 hour and 30 minutes.

Estimated Total Annual Burden Hours: 643.75 hours.

Estimated Total Annual Cost to Public: $27,400.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act.

IV. Request for Comments

We are soliciting public comments to permit NOAA to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of NOAA, 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.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–11960 Filed 6–2–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA213]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Friday, June 19, 2020 at 9 a.m.

ADDRESSES: All meeting participants and interested parties can register to join the webinar at *https://attendee.gotowebinar.com/register/6883593008306980879.*

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Committee will review Amendment 21: The Council has developed alternatives to address three specific issues in this action: (1) Measures related to the Northern Gulf of Maine (NGOM) Management Area, (2) Limited Access General Category (LAGC) individual fishing quota (IFQ) possession limits, and (3) ability of Limited Access vessels with LAGC IFQ to transfer quota to LAGC IFQ only vessels. Review draft environmental assessment and consider developing preliminary preferred alternatives. They will also discuss the impacts of COVID–19: Discuss the timing and outlook for

2020 surveys and 2021/22 specifications process. Discuss options for completing 2020 Council priorities. Other business may be discussed, as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 29, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–11941 Filed 6–2–20; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2020–0016]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting a new information collection titled, ''Start Small, Save Up Workforce Questionnaire.''

DATES: Written comments are encouraged and must be received on or before August 3, 2020 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: PRA_Comments@cfpb.gov.* Include Docket No. CFPB–2020–0016 in the subject line of the message.
- *Mail/Hand Delivery/Courier:* Comment Intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to Darrin King, PRA Officer, at (202) 435–9575, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Start Small, Save Up Workforce Questionnaire.

OMB Control Number: 3170–XXXX.

Type of Review: Request for a new OMB Control Number.

Affected Public: Individuals and households.

Estimated Number of Respondents: 2,000.

Estimated Total Annual Burden Hours: 1,000.

Abstract: This short questionnaire evaluates the respondent's current savings habits, behaviors, and attitudes. It evaluates the respondent's level of financial well-being, a subjective state wherein a person has a sense of financial security and financial freedom of choices, in the present and for the future.

The questionnaire gives the Bureau an efficient way to measure the effectiveness of financial education and other efforts in increasing consumers' liquid savings and financial well-being. Information will be gathered from those in the Bureau workforce, which includes Federal employees as well as contractors and other job statuses. The questionnaire may also be made available for use by other Federal agencies. The questionnaire asks about the respondent's recent experiences with unexpected financial shocks, the respondent's savings cushion available for emergencies, the respondent's savings behavior and savings vehicles. It includes the five-question version of the Bureau's Financial Well-Being Scale.

The Bureau can use the information collected to connect savings and financial well-being, and to inform future development of employer-sponsored financial education materials and programs.

REQUEST FOR COMMENTS:

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. 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.

Dated: May 28, 2020.

Darrin King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2020–11901 Filed 6–2–20; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2020–SCC–0061]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Assessment of Educational Progress (NAEP) 2021

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 6, 2020.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Department of Education''

under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, 202–245–6347 or email *NCES.Information.Collections@ed.gov.*

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Assessment of Educational Progress (NAEP) 2021.

OMB Control Number: 1850–0928.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 668,461.

Total Estimated Number of Annual Burden Hours: 353,568.

Abstract: The National Assessment of Educational Progress (NAEP), conducted by the National Center for Education Statistics (NCES), is a federally authorized survey of student achievement at grades 4, 8, and 12 in various subject areas, such as mathematics, reading, writing, science, U.S. history, civics, geography, economics, technology and engineering literacy (TEL), and the arts. The National Assessment of Educational Progress Authorization Act (Pub. L. 107–279 Title III, section 303) requires the assessment to collect data on specified student groups and characteristics, including information organized by race/ethnicity, gender, socio-economic status, disability, and limited English proficiency. It requires fair and accurate presentation of achievement data and permits the collection of background, noncognitive, or descriptive information that is related to academic achievement and aids in fair reporting of results. The intent of the law is to provide representative sample data on student achievement for the nation, the states, and subpopulations of students and to monitor progress over time. The nature of NAEP is that burden alternates from a relatively low burden in national-level administration years to a substantial burden increase in state-level administration years when the sample has to allow for estimates for individual states and some of the large urban districts. The request is to conduct NAEP 2021, including operational assessments and pilot tests: Operational national/state Digitally Based Assessments (DBA) in mathematics and reading at grades 4 and 8, and Puerto Rico in mathematics at grades 4 and 8; and operational national DBA in U.S. history and civics at grade 8 was approved in April 2020. This request is the first of two 30D packages that will provide updates to materials for NAEP 2021 and provides the final details of the design for NAEP 2021 as well as some updated communication materials and a new sampling memo. The subsequent Materials Update #2 is scheduled for October of 2020. The NAEP results will be reported to the public through the Nation's Report Card as well as other online NAEP tools.

Dated: May 28, 2020.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2020–11925 Filed 6–2–20; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Meetings

AGENCY: U.S. Election Assistance Commission.

ACTION: Sunshine Act Notice; Notice of Public Hearing Agenda.

SUMMARY: Public Hearing: U.S. Election Assistance Commission Board of Advisors Annual Meeting.

DATES: Tuesday, June 16, 2020 1:30 p.m.–3:30 p.m. Eastern.

ADDRESSES: Virtual via Zoom.

The hearing is open to the public and will be livestreamed on the U.S. Election Assistance Commission YouTube Channel: *https://www.youtube.com/channel/UCpN6i0g2rlF4ITWhwvBwwZw.*

FOR FURTHER INFORMATION CONTACT: Kristen Muthig, Telephone: (202) 897–9285, Email: *kmuthig@eac.gov.*

SUPPLEMENTARY INFORMATION: *Purpose:* In accordance with the Government in the Sunshine Act (Sunshine Act), Public Law 94–409, as amended (5 U.S.C. 552b), the U.S. Election Assistance Commission (EAC) will conduct a virtual annual meeting of the Board of Advisors to discuss the proposed Voluntary Voting System Guidelines (VVSG) 2.0 Requirements as submitted by the Technical Guidelines Development Committee (TGDC).

Agenda: The U.S. Election Assistance Commission (EAC) Board of Advisors will hold their 2020 Annual Meeting primarily to discuss the proposed VVSG 2.0 Requirements. This meeting will include a question and answer discussion between board members. Staff from NIST and the EAC will be available to answer questions, and provide information on the VVSG process and the proposed VVSG 2.0 Requirements.

Board members will also review FACA Board membership guidelines and policies with EAC Associate Counsel and receive a general update about the EAC from the Acting Executive Director.

Background: The VVSG 2.0 Requirements are currently published for a 90-day public comment period that concludes on June 22nd. The first VVSG public hearing on March 27, 2020 covered an introduction to the VVSG process as well a high-level overview of the proposed VVSG 2.0 requirements. A recording of the hearing is available on the EAC's website. The second public hearing on May 6, 2020 addressed the importance of VVSG 2.0 at the state and local level, and the consideration of accessibility and security in VVSG 2.0. A recording of the second hearing is available on the EAC's website. The third public hearing on May 20, 2020 included discussions with voting system manufacturers and voting system testing labs. A recording of the third hearing is available on the EAC's website.

The TGDC unanimously approved to recommend VVSG 2.0 Requirements on February 7, 2020, and sent the Requirements to the EAC Acting Executive Director via the Director of the National Institute of Standards and Technology (NIST), in the capacity of the Chair of the TGDC on March 9, 2020. Upon adoption, the VVSG 2.0 would become the fifth iteration of national level voting system standards. The Federal Election Commission published the first two sets of federal standards in 1990 and 2002. The EAC then adopted Version 1.0 of the VVSG on December 13, 2005. In an effort to update and improve version 1.0 of the VVSG, on March 31, 2015, the EAC commissioners unanimously approved VVSG 1.1.

The full agenda will be posted in advance on the EAC website: *https://www.eac.gov.*

Status: This hearing will be open to the public.

Amanda Joiner,

Associate Counsel, U.S. Election Assistance Commission.

[FR Doc. 2020–12106 Filed 6–1–20; 4:15 pm]

BILLING CODE P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford; Open Meeting

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of meeting.

SUMMARY: This notice announces an online virtual meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act requires that public notice of this online virtual meeting be announced in the **Federal Register**.

DATES: Wednesday, June 24, 2020; 8:30 a.m.–4:30 p.m.; Thursday, June 25, 2020; 8:30 a.m.–4:30 p.m.

ADDRESSES: Online Virtual Meeting. To receive the meeting access information and call-in number, please contact the Federal Coordinator, JoLynn Garcia, at the telephone number or email listed below.

FOR FURTHER INFORMATION CONTACT: JoLynn Garcia, Federal Coordinator, U.S. Department of Energy, Richland Operations Office, P.O. Box 550, Richland, WA 99352; Phone: (509) 376–6244; or Email: *jolynn.garcia@rl.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

- Potential Draft Hanford Advisory Board Advice
- Consider Draft Advice on Stabilization of Disposal Structures at Risk of Failure
- Discussion Topics
- Tri-Party Agreement Agencies' Updates
- Hanford Advisory Board Committee Reports
- Board Business

Public Participation: The meeting is open to the public. The EM SSAB, Hanford, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact JoLynn Garcia at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact JoLynn Garcia. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling JoLynn Garcia's office at the address or telephone number listed above. Minutes will also be available at the following website: *http://www.hanford.gov/page.cfm/hab/FullBoardMeetingInformation.*

Signed in Washington, DC, on May 28, 2020.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2020–11904 Filed 6–2–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Workshop on Predictive Models and High Performance Computing as Tools To Accelerate the Scaling-up of New Bio-Based Fuels

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

ACTION: Notice of public virtual workshop.

SUMMARY: The Department of Energy (DOE) is announcing a public virtual workshop entitled, ''Workshop on Predictive Models and High Performance Computing as Tools to Accelerate the Scaling-up of New Bio-Based Fuels.'' The purpose of this virtual workshop is to determine if predictive models and high performance computing can and should be utilized to reduce biotechnology uncertainty and accelerate scaling-up of biorefinery/chemical production equipment and optimize operations.

DATES: The public virtual workshop will be held June 9 to June 11, 2020, from 10:30 a.m. ET to 4:30 p.m. ET each day. Persons interested in attending this public workshop must register online by 4 p.m., June 5, 2020. Early registration is recommended because facilities are limited and, therefore, DOE may limit the number of participants from each organization. If time and space permit, day of registration for the public virtual workshop will be provided beginning at 8:30 a.m. ET each day of the workshop.

ADDRESSES: The public virtual workshop will be held online via webinar. To register for the public virtual workshop, please visit *www.yesevents.com/BETO_SCALEUP.* Once registered, an email with call-in and webinar login information will be sent to the registrant.

FOR FURTHER INFORMATION CONTACT: Mr. Josh Messner, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; Phone: (240) 562–1287; Email: *joshua.messner@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Workshop

Over the past decade, federal and private investments in the scaling-up of integrated biorefineries have exceeded $2 billion. A majority of these facilities have either been shut down or are struggling to have reliable and continuous operations. Furthermore, mathematical models representing the total system of an integrated biorefinery do not exist currently. Through the use of highly instrumented bench-, pilot-,

and demonstration-scaled facilities along with high performance computing, artificial intelligence, and machine learning it may be possible to reduce technology uncertainty and accelerate scale-up. The purpose of this workshop is to understand how modeling tools can be effectively utilized in conjunction with operational data to augment and accelerate scale-up and integration efforts.

Public Participation

Registration is free and available to the public on a first-come, first-served basis. To register for the public virtual workshop, please visit *www.yesevents.com/BETO_SCALEUP.* Registrants will receive a confirmation email with call-in and webinar login information after they have been accepted. Persons interested in attending this public workshop must register online by 4 p.m., June 5, 2020. Early registration is recommended because facilities are limited and, therefore, DOE may limit the number of participants from each organization. If time and space permit, day of registration for the public virtual workshop will be provided beginning at 8:30 a.m. ET each day of the workshop. DOE recommends that participants have access to high-speed internet and a computer to participate in the brainstorming portions of the virtual workshop. All participants are encouraged to make use of video capabilities during the virtual workshop.

Information on Services for Individuals With Disabilities

If you need special accommodations due to a disability, please email *BETOSCALEUP@thebuildingpeople.com* no later than June 5, 2020.

Signing Authority

This document of the Department of Energy was signed on May 28, 2020, by Michael Berube Acting Director, Bioenergy Technologies Office, Office of Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on May 29, 2020.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2020–11970 Filed 6–2–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy (DOE).

ACTION: Notice and request for comments.

SUMMARY: DOE submitted an information collection request for extension as required by the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of DOE's Form FE–746R, Import and Export of Natural Gas under OMB Control Number 1901–0294. Form FE–746R collects information from import and export authorization holders that enables DOE's Office of Fossil Energy (FE) to monitor natural gas trade under the United States Mexico Canada Agreement (USMCA) and other trade activity falling outside the parameters of USMCA, and supports various market and regulatory analyses done by FE.

DATES: Comments on this information collection must be received no later than July 6, 2020. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://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. Send a copy of your comment to DOE by email to: *marc.talbert@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the forms and instructions should be directed to Mr. Marc Talbert at (202) 586–7991, or by email *marc.talbert@hq.doe.gov.* The forms are available online at *https://www.energy.gov/fe/articles/changes-fe-746-data-collection.* Additional information is available at *https://www.energy.gov/fe/services/natural-gas-regulation.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1901–0294;

(2) *Information Collection Request Title:* Natural Gas Import and Export Data Submissions;

(3) *Type of Request:* Three-year extension with changes;

(4) *Purpose:* DOE's Office of Fossil Energy (FE) has the delegated authority to regulate natural gas imports and exports under section 3 of the Natural Gas Act of 1938, 15 U.S.C. 717b. To carry out its delegated responsibility, FE requires individuals seeking to import or export natural gas to file an application providing basic information on the scope and nature of the import/export activity. Once an importer or exporter receives authorization from FE, they are required to submit monthly reports of their natural gas import and export transactions on Form FE–746R. In addition, a subset of authorization holders—including those that hold long-term import authorizations from any source, long-term export authorizations to both countries that do and do not have a free trade agreement with the United States requiring national treatment of natural gas and with which trade is not prohibited by U.S. law or policy (FTA and non-FTA countries), and short-term authorizations to export to non-FTA countries—must file additional information beyond the required filings on FE–746R. This additional information, including supply and delivery contracts, changes in control or ownership, and semi-annual reports that provide information on the status of the relevant proposed or existing LNG export facilities, provides input DOE needs to assess both the state of the U.S. import and export markets and the adequacy of energy resources to meet near and long term domestic demands. This information also assists FE in determining whether authorization holders are complying with the terms and conditions of their authorization.

Together with the data reported on FE–746R and the additional information required for certain types of authorization holders outlined above, DOE is able to perform market and regulatory analyses to improve the capability of industry and the government to respond to any future energy-related supply problems, and to keep the general public informed on international natural gas trade.

(4a) *Proposed Changes to Information Collection:* FE seeks to include supplementary data reporting items under OMB Control Number 1901–0294. FE proposes to collect this additional information from both long-term import and export authorization holders that have authority to import or export to

both FTA and non-FTA countries, and short-term authorization holders that have authority to export non-FTA countries. The additional information FE seeks to collect from this subset of natural gas import and export authorization holders includes: Long-term contracts associated with the supply and sales of natural gas, including compressed natural gas, liquefied natural gas, and associated products; changes in control of authorization holders; registrations of agents who import and export natural gas; and, for long-term LNG export authorization holders, semi-annual reports providing information on the status of the relevant proposed or existing LNG export facility, and the date the proposed LNG facility is expected to commence first exports of LNG (where applicable).

(5) *Annual Estimated Number of Respondents:* 396 respondents.

(6) *Annual Estimated Number of Total Responses:* 4,752.

(7) *Annual Estimated Number of Burden Hours:* 14,256 hours.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $1,142,476 (14,256 annual burden hours multiplied by $80.14 per hour); FE estimates that respondents will have no additional costs associated with the data proposed for collection other than burden hours.

Statutory Authority: 15 U.S.C. 772(b) and Section 3 of the Natural Gas Act of 1938, codified at 15 U.S.C. 717b.

Signing Authority

This document of the Department of Energy was signed on May 29, 2020, by Shawn Bennett, Deputy Assistant Secretary, Office of Oil and Natural Gas, Office of Fossil Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on May 29, 2020.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2020–11973 Filed 6–2–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–459–000]

Golden Pass LNG Terminal LLC; Notice of Application

Take notice that on May 21, 2020, Golden Pass LNG Terminal LLC (Golden Pass LNG), 811 Louisiana Street, Houston, Texas 77002, filed an application pursuant to sections 3 of the Natural Gas Act and Part 153 of the Commission's regulations, for authority to amend its order issued on December 21, 2016, granting Golden Pass LNG authority (Golden Pass Export Project) to site, construct and operate facilities for the exportation of liquefied natural gas to increase the total LNG production capacity of the Golden Pass Export Project from 15.6 million metric tons per annum (MTPA) to 18.1 MTPA, and from 740 billion cubic feet per year (Bcf/yr) to 937 Bcf/yr.

Any questions regarding this application should be addressed to Blaine Yamagata, Vice President and General Counsel, Golden Pass LNG, 811 Louisiana Street, Suite 1500, Houston, Texas 77002, by telephone: (713) 324–6952; or to Kevin M. Sweeney, Law Office of Kevin M. Sweeney, 1625 K Street NW, Washington, DC 20006, by telephone at (202) 609–7709.

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.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 3 copies of filings made in the proceeding with the Commission and must provide a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of

filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new Natural Gas Act section 3 or section 7 proceeding.[1] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to ''show good cause why the time limitation should be waived,'' and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[2]

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Standard Time on June 18, 2020.

Dated: May 28, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–11951 Filed 6–2–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1801–004; ER10–1805–005; ER10–2370–003.

Applicants: The Connecticut Light and Power Company, Public Service Company of New Hampshire, NSTAR Electric Company.

Description: Supplement to December 23, 2019 Updated Market Power Analysis for Northeast Region of the Eversource Companies, et al.

Filed Date: 5/28/20.

Accession Number: 20200528–5119.

Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER12–1933–011.

Applicants: Interstate Power and Light Company.

Description: Amendment to February 10, 2020 Notification of Change in Status of Interstate Power and Light Company.

Filed Date: 5/27/20.

Accession Number: 20200527–5135.

Comments Due: 5 p.m. ET 6/17/20.

Docket Numbers: ER20–391–003.

Applicants: J. Aron & Company LLC.

Description: Notice of Non-Material Change in Status of J. Aron & Company LLC.

Filed Date: 5/28/20.

Accession Number: 20200528–5247.

Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–547–002.

Applicants: Goldman Sachs Renewable Power Marketing.

Description: Compliance filing: Compliance Filing to be effective 1/2/2020.

Filed Date: 5/28/20.

Accession Number: 20200528–5079.

Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–547–003; ER12–1911–004; ER12–1912–004; ER12–1913–004; ER12–1915–004; ER12–1916–004; ER12–1917–004; ER14–41–004; ER14–42–004; ER16–498–003; ER16–499–003; ER16–500–003; ER19–2463–002.

Applicants: Goldman Sachs Renewable Power Marketing LLC, RE McKenzie 1 LLC, RE McKenzie 2 LLC, RE McKenzie 3 LLC, RE McKenzie 4 LLC, RE McKenzie 5 LLC, RE McKenzie 6 LLC, RE Rosamond One LLC, RE Rosamond Two LLC, RE Mustang LLC, RE Mustang 3 LLC, RE Mustang 4 LLC, Utah Red Hills Renewable Park, LLC.

Description: Notice of Non-Material Change in Status of Goldman Sachs Renewable Power Marketing LLC, et al.

Filed Date: 5/28/20.

Accession Number: 20200528–5152.

Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–752–001.

Applicants: Versant Power.

Description: Compliance filing: Establish Effective Date for Interconnection Agreement—Houlton Water Company to be effective 5/15/2020.

Filed Date: 5/28/20.

Accession Number: 20200528–5262.

Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1905–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3651 Arkansas Electric Cooperative Corp. NITSA NOA to be effective 7/1/2020.

Filed Date: 5/28/20.

Accession Number: 20200528–5059.

Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1906–000.

Applicants: Story County Wind, LLC.

Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 7/27/2020.

Filed Date: 5/28/20.

Accession Number: 20200528–5074.

Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1907–000.

Applicants: Minco Wind I, LLC.

Description: Baseline eTariff Filing: Minco Wind I, LLC Application for MBR Authority to be effective 7/27/2020.

Filed Date: 5/28/20.

Accession Number: 20200528–5081.

Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1908–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Assignment of ISA, SA No. 810, Queue No. A36 to be effective 12/13/2001.

Filed Date: 5/28/20.

Accession Number: 20200528–5123.

Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1909–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: GIA and DSA EF Oxnard LLC SA Nos. 1102–1103 to be effective 5/25/2020.

Filed Date: 5/28/20.

Accession Number: 20200528–5153.

Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1910–000.

Applicants: Desert Harvest, LLC.

Description: Baseline eTariff Filing: Initial Market-Based Rate Petition of Desert Harvest to be effective 7/28/2020.

Filed Date: 5/28/20.

Accession Number: 20200528–5162.

Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1911–000.

Applicants: Desert Harvest II LLC.

Description: Baseline eTariff Filing: Initial Market-Based Rate Petition of Desert Harvest II LLC to be effective 7/28/2020.

Filed Date: 5/28/20.

Accession Number: 20200528–5165.

Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1912–000.

Applicants: Blooming Grove Wind Energy Center LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization to be effective 7/28/2020.

Filed Date: 5/28/20.

Accession Number: 20200528–5173.

Comments Due: 5 p.m. ET 6/18/20.

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[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC ¶ 61,167 at ¶ 50 (2018).

[2] 18 CFR 385.214(d)(1).

Docket Numbers: ER20–1913–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revision to Sch. 12–Appx A (MetEd), 30-Day Comment Period Requested to be effective 8/26/2020.

Filed Date: 5/28/20.

Accession Number: 20200528–5183.

Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1914–000.

Applicants: Versant Power.

Description: Tariff Cancellation: Notice of Termination of Transmission Service Agreement—Houlton Water Company to be effective 5/15/2020.

Filed Date: 5/28/20.

Accession Number: 20200528–5272.

Comments Due: 5 p.m. ET 6/18/20.

Take notice that the Commission received the following electric reliability filings.

Docket Numbers: RD20–9–000.

Applicants: North American Electric Reliability Corporation.

Description: Application of the North American Electric Reliability Corporation for the approval of proposed Reliability Standard BAL–003–2.

Filed Date: 12/19/19.

Accession Number: 20191219–5339.

Comments Due: 5 p.m. ET 6/29/20.

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 28, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–11948 Filed 6–2–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–455–000]

Freeport LNG Development, L.P., FLNG Liquefaction, LLC, FLNG Liquefaction 2, LLC, FLNG Liquefaction 3, LLC; Notice of Application

Take notice that on May 13, 2020, Freeport LNG Development, L.P.; FLNG Liquefaction, LLC; FLNG Liquefaction 2, LLC; and FLNG Liquefaction 3, LLC (collectively, Freeport LNG), 333 Clay Street, Suite 5050, Houston, Texas 77002, filed in Docket No. CP20–455–000 an application pursuant to section 3(a) of the Natural Gas Act (NGA), and Part 153 of the Commission's regulations requesting authorization to site, construct, and operate modifications to Freeport LNG's existing Pretreatment Facility in Brazoria County, Texas to allow for the extraction of helium from the compressed boiled-off gas pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to John Tobola, Freeport LNG Development, L.P., 333 Clay Street, Suite 5050, Houston, Texas 77002, by phone (713) 980–2888 or by email at *JTobola@freeportlng.com.*

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit five copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of meetings associated with the Commission's environmental review

process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new NGA section 3 or section 7 proceeding.[1] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to ''show good cause why the time limitation should be waived,'' and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[2]

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit original and five copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on June 18, 2020.

Dated: May 28, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–11950 Filed 6–2–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–460–000]

Northern Natural Gas Company; Notice of Application

Take notice that on March 21, 2020, Northern Natural Gas Company (Northern Natural), 1111 South 103rd Street, Omaha, NE 68124–1000, filed in Docket No. CP20–460–000 an application (Clifton to Palmyra A-line Abandonment Project) pursuant to section 7(b) and 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations for authorization to abandon in-place approximately 96 miles Northern Natural's 24 inch-diameter A-line and approximately 19 miles of its 20-inch-diameter J-line located in Clay and Washington counties in Kansas, and in Gage, Jefferson, Lancaster and Otoe counties in Nebraska. Northern Natural further seeks authorization to construct and operate an additional natural gas-driven ISO rated 15,900-Solar Mars turbine unit compressor unit at Northern Natural 's existing Beatrice compressor station located in Gage County, Nebraska at an estimated cost of $29,730,000, all as more fully described in their application which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Michael T. Loeffler, Senior Director Certificates and External Affairs, Northern Natural Gas Company, P.O. Box 3330, Omaha, NE 68103–0330, by telephone at (402) 398–7103, by facsimile at (402) 398–7592, or by email at *mike.loeffler@nngco.com.*

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the environmental assessment (EA) for this proposal. The issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No.

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[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC ¶ 61,167 at ¶ 50 (2018).

[2] 18 CFR 385.214(d)(1).

CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new NGA section 3 or section 7 proceeding.[1] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to ''show good cause why the time limitation should be waived,'' and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[2]

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Standard Time on June 18, 2020.

Dated: May 28, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–11949 Filed 6–2–20; 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: PR20–62–000.

Applicants: Black Hills Wyoming Gas, LLC.

Description: Tariff filing per 284.123(b),(e)/: Black Hills Wyoming Gas, LLC SOC Baseline Filing to be effective 5/12/2020.

Filed Date: 5/26/2020.

Accession Number: 202005265158.

Comments/Protests Due: 5 p.m. ET 6/16/2020.

Docket Number: PR20–63–000.

Applicants: Southwest Gas Corporation.

Description: Tariff filing per 284.224/.123: Application for Blanket Certificate to be effective 5/26/2020.

Filed Date: 5/27/2020.

Accession Number: 202005275096.

Comments/Protests Due: 5 p.m. ET 6/17/2020.

Docket Numbers: RP20–885–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—Keyspan to Castleton 802264 to be effective 6/1/2020.

Filed Date: 5/27/20.

Accession Number: 20200527–5026.

Comments Due: 5 p.m. ET 6/8/20.

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 28, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–11947 Filed 6–2–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[CERCLA–04–2020–2500; FRL–10007–80–Region 4]

Hydromex Superfund Site, Yazoo City, Mississippi Notice of Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of settlement.

SUMMARY: Under 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency (EPA) has entered into an Administrative Settlement Agreement and Order on Consent for Removal Actions with potentially responsible parties (PRPs) concerning the Hydromex Superfund Site located in Yazoo City, Mississippi. The settlement is for the performance of a removal action.

DATES: The Agency will consider public comments on the settlement until July 6, 2020. The Agency will consider all comments received and may modify or withdraw its consent to the proposed settlement if comments received disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Program Analyst, using information within this notice or can be accessed on the Agency's web page *https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices.* Comments may be submitted by referencing the Site's name or Docket #CERCLA–04–2020–2500 through email at *Painter.Paula@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at 404/562–8887.

Dated: April 14, 2020.

Maurice Horsey,

Chief, Enforcement Branch, Superfund & Emergency Management Division.

[FR Doc. 2020–11929 Filed 6–2–20; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

TIME AND DATE: Thursday, June 11, 2020, 1:00 p.m. Eastern Time.

PLACE: The meeting will be open to the public. *Note:* Because of the COVID–19 pandemic, the meeting will be held as an audio-only conference. The public may observe/listen to the audio-only conference by following the instructions that will be posted on *www.eeoc.gov* 24 hours before the meeting. Closed captioning services will be available.

STATUS: The meeting will be open to the public.

MATTER TO BE CONSIDERED: The following item will be considered at the meeting: Americans with Disabilities Act, Notice of Proposed Rulemaking on Wellness.

Note: In accordance with the Sunshine Act, the public will be able to observe/listen to the Commission's deliberations and voting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides information about Commission meetings on its website, *www.eeoc.gov.,* and provides a recorded announcement a week in advance on future Commission sessions.) Please telephone (202) 663–7100 (voice) or email *commissionmeetingcomments@eeoc.gov*

[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC ¶ 61,167 at ¶ 50 (2018).

[2] 18 CFR 385.214(d)(1).

at any time for information on this meeting.

CONTACT PERSON FOR MORE INFORMATION: Bernadette B. Wilson, Executive Officer on (202) 663–4077.

Raymond L. Peeler,

Assistant Legal Counsel.

[FR Doc. 2020–12108 Filed 6–1–20; 4:15 pm]

BILLING CODE 6570–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0844; FRS 16790]

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 can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before July 6, 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 Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@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 Cathy Williams at (202) 418–2918. 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: 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.

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: 3060–0844.

Title: Carriage of the Transmissions of Television Broadcast Stations: Section 76.56(a), Carriage of qualified noncommercial educational stations; Section 76.57, Channel positioning; Section 76.61(a)(1)–(2), Disputes concerning carriage; Section 76.64, Retransmission consent.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 4,902 respondents and 7,082 responses.

Estimated Time per Response: 0.5 to 5 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this action is contained in Sections 1, 4(i) and (j), 325, 338, 614, 615, 631, 632, and 653 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and (j), 325, 338, 534, 535, 551, 552, and 573.

Total Annual Burden: 4,486 hours.

Total Annual Cost: No cost.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Under Section 614 of the Communications Act and the implementing rules adopted by the Commission, commercial TV broadcast stations are entitled to assert mandatory carriage rights on cable systems located within the station's television market. Under Section 325(b) of the Communications Act, commercial TV broadcast stations are entitled to negotiate with local cable systems for carriage of their signal pursuant to retransmission consent agreements in lieu of asserting must carry rights. This system is therefore referred to as ''Must-Carry and Retransmission Consent.'' Under Section 615 of the Communications Act, noncommercial educational (NCE) stations are also entitled to assert mandatory carriage rights on cable systems located within the station's market; however, noncommercial TV broadcast stations are not entitled to retransmission consent.

In 2019, the Commission adopted new rules governing the delivery and form of carriage election notices. Electronic Delivery of MVPD Communications, Modernization of Media Regulation Initiative, MB Docket Nos. 17–105, 17–317, Report and Order and Further Notice of Proposed Rulemaking, FCC 19–69, 34 FCC Rcd 5922(2019) (2019 Report and Order). That decision modernized the carriage election notice rules by moving the process online for most broadcasters and multichannel video programming distributors (MVPDs), but the Commission sought comment on how to apply these updated rules to certain small broadcast stations and MVPDs.

In 2020, the Commission adopted a Report and Order that resolved the remaining issues regarding carriage election notice rules for small broadcast stations and MVPDs. Electronic Delivery of MVPD Communications, Modernization of Media Regulation Initiative, MB Docket Nos. 17–105, 17–317, Report and Order, FCC 20–14, 2020 WL 948697 (rel. Feb. 25, 2020) (2020 Report and Order). Pursuant to that decision, the obligations of certain small broadcasters and MVPDs were slightly modified.

This information collection is being revised to reflect the changes to 47 CFR 76.64(h) as well as other new obligations adopted in the 2020 Report and Order, which require review and approval from the Office of Management and Budget (OMB).

47 CFR 76.64(h)(5) is amended to require low power television stations and non-commercial educational translator stations that are qualified under 47 CFR 76.55 and retransmitted by an MVPD to, beginning no later than July 31, 2020, respond as soon as is reasonably possible to messages or calls from MVPDs that are received via the email address or phone number the station provides in the Commission's Licensing and Management System (LMS) database.

A qualified Low Power Television (LPTV) station that changes its carriage election must send an election change notice to each affected MVPD's carriage election-specific email address by the carriage election deadline. Such change notices must include, with respect to each station covered by the notice: The station's call sign, the station's community of license, the DMA where the station is located, the specific change being made in election status, and an email address and phone number for carriage-related questions. LPTV notices to cable operators need to identify specific cable systems for which a carriage election applies only if the broadcaster changes its election for some systems of the cable operator but not all. In addition, the broadcaster must carbon copy *ElectionNotices@FCC.gov,* the Commission's election notice verification email inbox, when sending its carriage elections to MVPDs.

All qualified LPTV stations, whether being carried pursuant to must carry or retransmission consent, must send an email notice to all MVPDs that are or will be carrying the station no later than the next carriage election deadline of October 1, 2020. Qualified LPTVs must do so even if they are not changing their carriage status from the current election cycle. These notifications must be sent to an MVPD's carriage election-specific email address, must be copied to *ElectionNotices@FCC.gov,* and must include the same information required for a change notification except that the notification may simply confirm the existing carriage status rather than a change in status.

All qualified NCE translator stations must provide email notice to all MVPDs that are or will be carrying the translator no later than the next carriage election deadline of October 1, 2020. Similar to qualified LPTVs, these notifications must be sent to an MVPD's carriage election-specific email address, must be copied to *ElectionNotices@FCC.gov,* and must include the station's call sign, the station's community of license, and the DMA where the station is located and within which it has elected to be carried.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–11909 Filed 6–2–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0390, OMB 3060–1003; FRS 16802]

Information Collections 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 July 6, 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: 3060–0390.

Title: Broadcast Station Annual Employment Report, FCC Form 395–B.

Form Number: FCC–395–B.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, Not-for-profit institutions.

Number of Respondents and Responses: 14,000 respondents, 14,000 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority of this collection of information is contained in 47 U.S.C. 154(i) and 334.

Total Annual Burden: 14,000 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 395–B, the ''Broadcast Station Annual Employment Report,'' is a data collection device used by the Commission to assess industry employment trends and provide reports to Congress. By the form, broadcast licensees and permittees identify employees by gender and race/ethnicity in ten specified major job categories in the form.

OMB Control Number: 3060–1003.

Title: Communications Disaster Information Reporting System (DIRS).

Form No.: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; Federal Government; and/or State, local or tribal governments.

Number of Respondents and Responses: 400 respondents and 104,000 responses.

Estimated Time per Response: 0.1–0.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Mandatory and Voluntary. For Support Recipients, the obligation to report is mandatory. For all other DIRS participants, the obligation to report is voluntary. Statutory authority for collecting this information from satellite providers is contained in 47 U.S.C. 151 et. seq., 154(i), 218, 303(r) of the Communications Act of 1934, as amended.

Total Annual Burden: 16,320 hours.

Total Annual Costs: No Cost(s).

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The information collection from respondents shall be treated as presumptively confidential upon filing. The Commission will limit direct access to DIRS reports to select Commission staff and, with protections at least as strong as required by the Freedom of Information Act (FOIA), with select federal and potentially state agency partners, including the Department of Homeland Security (DHS). The Commission will not publish the individual submissions but may publish this information on an aggregated basis in daily communications status reports. The Commission will also work with respondents to ensure that any concerns regarding the confidentiality of their DIRS filings are resolved in a manner consistent with Commission rules.

Needs and Uses: The Commission launched DIRS in 2007 pursuant to its mandate to promote the safety of life and property through the use of wire and radio communication as required by the Communications Act of 1934, as amended. DIRS is a voluntary, efficient and web-based system that communications companies may use to report their infrastructure status during times of crisis (*e.g.,* related to a disaster). DIRS uses a number of template forms tailored to different communications sectors (*i.e.,* wireless, wireline, broadcast, and cable) to facility the entry of this information. To use DIRS, a company first inputs its emergency contact information. After this, they submit information using the template form appropriate for their communications sector. OMB initially approved the DIRS information collection in 2007 under OMB Control Number 3060–1003, and OMB has approved multiple revisions and extensions of the collection since that time. (*See* OMB Control No. 3060–1003; 07/21/2007; 06/08/2012; 07/02/2015; 07/17/2018.)

The Commission is now revising the DIRS information collection to provide for one new form tailored to satellite communications providers and to update its previous burden estimates. First, the new form has the same general scope as existing forms, already approved by OMB, but is tailored to satellite providers' networks. Since OMB's 2007 approval, satellite providers have been expressly authorized to participate in DIRS, but DIRS does not currently include a tailored form for them to do so. Collecting this information from satellite providers via DIRS is necessary to meet the Commission's goals of restoring communications quickly and ensuring that emergency and defense personnel have access to effective communications during disaster events, thus helping fulfill the Commission's public safety mandate.

Second, as a part of the Commission's response to the 2017 hurricane season, the Commission adopted the *PR and USVI Funds Order* to improve Puerto Rico and the U.S. Virgin Island's communications networks' resiliency and recovery efforts, amongst other purposes. (*PR and USVI Funds Order,* FCC 19–95, para. 1–9). The *PR and USVI Funds Order* requires Support Recipients to report in DIRS. The Commission requests a revision of the currently approved collection to include mandatory DIRS reporting for Support Recipients. Mandatory DIRS reporting will allow the Commission to track networking hardening efforts and increase Support Recipients' accountability, which the Commission expects will improve network hardening efforts and make networks more resilient in future. The *PR and USVI Funds Order* does not otherwise alter DIRS.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–11908 Filed 6–2–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of the FDIC's Response to Exception Requests Pursuant to Recordkeeping for Timely Deposit Insurance Determination

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of the FDIC's response to exception requests pursuant to the Recordkeeping for Timely Deposit Insurance Determination rule.

SUMMARY: In accordance with its rule regarding recordkeeping for timely deposit insurance determination, the FDIC is providing notice to covered institutions that it has granted a time-limited exception concerning the information technology system requirements and general recordkeeping requirements for certain accounts that

require data cleanup, system updates, or customer outreach to make a deposit insurance determination and a time-limited exception from information technology system requirements and general recordkeeping requirements for certain internal (work-in-process) accounts that require an additional 24 hours (48 hours in total) post failure to obtain beneficial ownership information from internal business lines necessary to make a deposit insurance determination.

DATES: The FDIC's grants of exception relief were effective as of May 28, 2020.

FOR FURTHER INFORMATION CONTACT: Benjamin Schneider, Section Chief, Division of Complex Institution Supervision and Resolution; *beschneider@fdic.gov;* 917–320–2534.

SUPPLEMENTARY INFORMATION: The FDIC has granted two exception requests pursuant to the FDIC's rule entitled ''Recordkeeping for Timely Deposit Insurance Determination,'' codified at 12 CFR part 370 (part 370).[1] Part 370 generally requires covered institutions to implement the information technology system and recordkeeping capabilities needed to quickly calculate the amount of deposit insurance coverage available for each deposit account in the event of failure. Pursuant to section 370.8(b)(1), one or more covered institutions may submit a request in the form of a letter to the FDIC for an exception from one or more of the requirements of part 370 if circumstances exist that would make it impracticable or overly burdensome to meet those requirements. Pursuant to section 370.8(b)(3), a covered institution may rely upon another covered institution's exception request which the FDIC has previously granted by notifying the FDIC that it will invoke relief from certain part 370 requirements and demonstrating that the covered institution has substantially similar facts and circumstances to those of the covered institution that has already received the FDIC's approval. The notification letter must also include the information required under section 370.8(b)(1) and cite the applicable notice published pursuant to section 370.8(b)(2). Unless informed otherwise by the FDIC within 120 days after receipt of a complete notification for exception, the exception will be deemed granted subject to the same conditions set forth in the FDIC's published notice.

These grants of relief may be rescinded or modified upon material change of circumstances or conditions related to the subject accounts, or upon failure to satisfy conditions applicable to each. These grants of relief will be subject to ongoing FDIC review, analysis, and verification during the FDIC's routine part 370 compliance tests. The following exceptions were granted by the FDIC as of May 28, 2020.

I. Certain Deposit Accounts for Which the Covered Institution's Information Technology System Is Not Capable of Completing Deposit Insurance Calculation Process Because Additional Time Is Required for Data Clean Up, System Updates, and Customer Outreach

The FDIC granted a time-limited exception from the information technology requirements set forth in section 370.3 and general recordkeeping requirements set forth in section 370.4(a) of the rule to allow a covered institution to perform data cleanup, system updates, or customer outreach for certain legacy deposit accounts (including a limited number of joint accounts, formal trust accounts, informal revocable trust accounts, accounts with limited instances of erroneous or missing data, and government accounts) so that the covered institution's deposit account records and part 370-compliant IT system capabilities can be used to calculate deposit insurance for those accounts. The covered institution did not collect, or have a mechanism to collect, such account information prior to the FDIC's adoption of part 370 and anticipates that it may not be able to collect such information before its compliance date.

In connection with the FDIC's grant of relief, the covered institution has represented that it will confirm evidence of joint ownership for a limited number of joint accounts; review records and obtain the number of beneficiaries for informal revocable trusts accounts; classify formal trust accounts with the proper ownership, right and capacity code; review and update records for accounts with missing or incomplete information in limited instances; obtain official custodian information needed to calculate deposit insurance coverage for government deposit accounts; and perform system updates. The covered institution will also perform, when necessary, customer outreach to update deposit records for the subject accounts. As conditions of relief, the covered institution will ensure that holds can be placed on all deposit accounts subject to this time-limited exception in the event of its failure until sufficient information is obtained to enable calculation of deposit insurance coverage; submit a status report to the FDIC when deemed appropriate by the FDIC during the exception relief period; and immediately notify the FDIC of any change in relevant circumstances or conditions.

II. Certain Internal Accounts That Require an Additional 24 Hours Post Failure for the Covered Institution To Obtain Beneficial Ownership Information From Internal Business Lines Necessary To Make a Deposit Insurance Determination

The FDIC granted a time-limited exception from the information technology requirements set forth in section 370.3 and general recordkeeping requirements set forth in section 370.4(a) of the rule for certain internal (work-in-process) accounts that will require an additional 24 hours (48 hours in total) post failure to obtain beneficial ownership information from internal business lines necessary to make a deposit insurance determination. The covered institution identified these internal accounts as accounts utilized for functions such as clearing, settlement, suspense, funding, transfers, escheatment, holding unclaimed property or seized assets, garnishment, work-in-process, or other functions where an institution acts as an intermediary to facilitate a transaction. Such accounts do not qualify for alternative recordkeeping and most transactions in the accounts settle more than 48 hours after initiation of the instruction.

In connection with the FDIC's grant of relief, the covered institution described the internal (work-in-process) accounts in detail, including, account titling, the number of accounts, account balances, data and trends regarding transaction settlement cycles, business-as-usual processes in place, funds above and below $250,000, and zero-balance accounts. The covered institution has represented that it will maintain the capability to place holds on the deposit accounts subject to the exception in the event of its failure until a deposit insurance determination can be made; place all such accounts into the pending file of the covered institution's part 370 output files; document procedures and processes to upload the data into the covered institution's deposit insurance calculation engine; and certify that the covered institution can obtain information from internal business lines necessary to make a deposit insurance determination within 48 hours after appointment of the FDIC as receiver. As conditions of relief, the covered institution will be capable of conducting a deposit insurance determination for

[1] 12 CFR part 370.

all subject internal accounts within 48 hours after appointment of the FDIC as receiver; provide annually, data regarding the number of and amount of deposits held in such covered internal accounts; provide a final copy of the documentation that describes the processes put in place to obtain beneficial ownership information necessary to make an insurance determination within 48 hours of failure for the internal accounts; make reasonable efforts, in the ordinary course of upgrading its information technology systems, to implement an information technology solution that would permit a deposit insurance determination for the excepted accounts within 24 hours; and immediately bring to the FDIC's attention any change of circumstances or conditions.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on May 29, 2020.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2020–11987 Filed 6–2–20; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2020–N–11]

Notice of Order: Revisions to Data Requirements for Enterprise Public Use Database To Include New Home Mortgage Disclosure Act Data Elements

AGENCY: Federal Housing Finance Agency.

ACTION: Notice of order.

SUMMARY: An Order issued by the Federal Housing Finance Agency (FHFA) on May 27, 2020 revises data requirements for the Enterprise Public Use Database (PUDB) and modifies FHFA's previous Enterprise PUDB Orders issued in 2010 and 2011. The Enterprise PUDB contains data related to single-family and multifamily mortgages purchased by the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) (collectively, the Enterprises) in a calendar year. FHFA publishes the PUDB annually pursuant to the requirements of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act). The Order revises the PUDB to include data elements that the Enterprises collected in 2018 from their loan sellers that are the same as those required to be reported under the Home Mortgage Disclosure Act of 1975 (HMDA), and sets out the privacy protections for the HMDA data. The Order also adds geographic indicators related to the Enterprise Duty to Serve program to the Enterprise PUDB to provide greater transparency to the public about the Enterprises' Duty to Serve activities. All the data specifications set out in the Order apply to future annual PUDB releases, until further modified by FHFA. A new 2018 PUDB will be released by FHFA containing the data elements added by the Order, replacing an interim PUDB released on September 23, 2019 that does not include the new HMDA data elements or Duty to Serve geographic indicators. The revised matrices setting out the PUDB data requirements and privacy and proprietary protection modifications are available on FHFA's website at *https://www.fhfa.gov/DataTools/Downloads/Pages/Public-Use-Databases.aspx.* The expansion of the PUDB data requirements will enhance transparency about the Enterprises' mortgage purchase activities.

DATES: The Order is applicable May 27, 2020.

FOR FURTHER INFORMATION CONTACT: For questions on data or methodology, contact Ian Keith, Senior Program Analyst, (202) 649–3114, *Ian.Keith@fhfa.gov;* for legal questions, contact Maura Dundon, Assistant General Counsel, (202) 649–3961, *Maura.Dundon@fhfa.gov,* or Sharon Like, Managing Associate General Counsel, (202) 649–3057, *Sharon.Like@fhfa.gov* (these are not toll-free numbers); Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. The Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory and Regulatory Requirements

The Safety and Soundness Act, as amended by the Housing and Economic Recovery Act of 2008 (HERA), requires FHFA to make publicly available, by September 30 of each year, certain loan-level mortgage data elements related to single-family and multifamily mortgages purchased by the Enterprises in the previous calendar year.[1] FHFA publishes the required Enterprise mortgage data annually in the Enterprise PUDB.[2] The data elements in the PUDB, and their privacy or proprietary modifications, are set out in matrices and data dictionaries.[3]

The PUDB must contain the mortgage data elements required to be reported to FHFA by the Enterprises, which include the same data elements required to be reported under HMDA.[4] The HMDA data must be disclosed in the PUDB at the census tract level.[5] The HMDA data may not be withheld from the PUDB to protect any Enterprise proprietary interests, but must be withheld or modified to protect borrower privacy, subject to the privacy considerations set forth in section 304(j) of HMDA.[6] The non-HMDA data in the PUDB may receive proprietary and privacy protections.[7]

HMDA is a mortgage data disclosure statute enacted in 1975. HMDA requires that covered financial institutions annually submit to the appropriate Federal agency loan-level data related to the loans they originated or purchased in a calendar year.[8] The CFPB

[1] 12 U.S.C. 4543, 4546(d). Section 1122 of HERA transferred authority over these public data requirements from the Department of Housing and Urban Development (HUD) to FHFA. Public Law 110–289, 122 Stat. 2689 (July 30, 2008). A HUD regulation still in effect at FHFA sets out the general standards and procedures governing the Enterprise PUDB. 24 CFR Subpart F (§§ 81.71–81.75). HERA section 1302 provides that all HUD regulations ''shall remain in effect . . . until modified, terminated, set aside, or superseded'' by FHFA. 12 U.S.C. 4511 note. Because FHFA has not yet adopted its own regulation governing the PUDB, FHFA administers the PUDB under the HUD regulation's general standards and procedures and FHFA Orders applying them to the data published in the PUDB.

[2] The Enterprise PUDBs are available on FHFA's website at *https://www.fhfa.gov/DataTools/Downloads/Pages/Public-Use-Databases.aspx.* HUD continues to host the pre-HERA PUDB datasets at *https://www.huduser.gov/portal/datasets/gse.html.*

[3] The matrices for the PUDB prior to this revision are published at 76 FR at 60037–60046. The updated matrices have been published on the FHFA website at the link indicated in the **SUMMARY** above. The data dictionaries will also be published on the FHFA website.

[4] The Safety and Soundness Act requires the PUDB to include data submitted by the Enterprises to FHFA in the mortgage reports required under the Federal National Mortgage Association Charter Act, 12 U.S.C. 1723a(m), and the Federal Home Loan Mortgage Corporation Act, 12 U.S.C. 1456(e) (Charter Acts). 12 U.S.C. 4543(a)(1). These mortgage reports and the PUDB are required to include the same data elements required to be reported under HMDA, 12 U.S.C. 2801 *et seq.,* subject to the privacy considerations in 12 U.S.C. 2803(j). 12 U.S.C. 4543(a)(2), 4546(d)(1).

[5] 12 U.S.C. 4543(a)(2). ''Census tract level'' means that the mortgage data is disclosed in individual loan records, which include the census tract location of the mortgaged property as a geographic identifier.

[6] 12 U.S.C. 4543(b)(2), 4546(d).

[7] 12 U.S.C. 4543(b)(1), 4546(a); 24 CFR 81.72(b)(3), (c)(1).

[8] The Enterprises are not subject to HMDA reporting requirements under Regulation C because they do not originate mortgage loans, which is prohibited by their Charter Acts, and Regulation C only applies to institutions that originate mortgage loans. *See* 12 U.S.C. 1719(a)(2), 1454(a)(5), and 12 CFR 1003.2(g). Instead, the Safety and Soundness

implements HMDA through Regulation C, which was amended in 2015 to add new data HMDA elements, effective January 1, 2018.[9]

FHFA interprets the HMDA data publication requirement in the Safety and Soundness Act as an obligation to use the same data definitions as HMDA for the Enterprise data published in the PUDB, where possible. The Safety and Soundness Act does not require FHFA to republish in the PUDB the same data that is in the CFPB's public dataset issued under Regulation C. Rather, the Enterprises must report to FHFA the data elements they collect that generally conform with the HMDA definitions set out in Regulation C. For example, the Enterprises must report data about their purchased loans that would not be reported for purchased loans under Regulation C,[10] as well as data elements that only partially conform to the Regulation C data definitions.[11] This reflects FHFA's view that the HMDA data specifications in Regulation C should be used as a guide to the types of data included in the PUDB that will be useful for the public and policymakers to monitor Enterprise activities. The differences between the PUDB and the CFPB's dataset published under Regulation C reflect Congress's intent that the PUDB supplement HMDA.[12]

While the Enterprises are in conservatorship, FHFA has implemented the Safety and Soundness Act to require the Enterprises to provide to FHFA only the data they collect from their loan sellers as part of their established mortgage purchasing activities.[13]

In 2010, FHFA added HMDA data elements to the PUDB to implement the Safety and Soundness Act requirement.[14] In 2018, new definitions for HMDA data elements added by the CFPB to Regulation C took effect. As a result, new Enterprise data elements that generally conform to the HMDA definitions must be added to the PUDB starting with the PUDB released in 2019 that contains 2018 data (2018 PUDB). FHFA reviewed the data collected by the Enterprises from their loan sellers in 2018 and identified the HMDA data elements to be disclosed starting with the 2018 PUDB. These data specifications will apply to future PUDB annual releases, until further modified by FHFA.

B. Structure of the PUDB

The PUDB is a loan-level dataset containing data elements related to the single-family and multifamily loans acquired by the Enterprises in the previous calendar year. It includes seasoned loans originated in years prior to acquisition, and loans originated in the same year as acquisition.

The data elements for each loan are split into multiple files called National Files and Census Tract Files. The multi-file system reduces the likelihood of sensitive data elements being linked to other data elements, which could compromise borrower privacy or Enterprise proprietary interests. The National Files in the PUDB have no geographic identifiers. This reduces the likelihood of re-identification of borrowers through linking the PUDB data to other public sources containing personally identifying data that include the census tract (such as county property records). It also protects Enterprise proprietary interests by masking their regional business strategies.[15] The Census Tract Files contain the census tract location of the mortgaged property, and generally contain data statutorily required to be disclosed with the census tract. The data elements in both the National Files and Census Tract Files are in some cases further modified by rounding or disclosing in ranges to protect private and proprietary information.

For Enterprise single-family data, the PUDB comprises a Census Tract File containing loan-level data that identifies the census tract location of the mortgaged properties; a National File A containing loan-level data on owner-occupied one-unit properties without the census tract or other geographic identifier; a National File B containing unit-level data on all single-family properties without the census tract or other geographic identifier; and a National File C containing the high-cost securitized loan data required by 12 U.S.C. 4546(d)(2) without the census tract or other geographic identifier.

For Enterprise multifamily data, the PUDB comprises a Census Tract File containing loan-level data that identifies the census tract location of the mortgaged properties; and a National File that does not identify the census tract or other geographic location of the mortgaged properties but contains property-level data and unit class-level data on all multifamily properties.

All new HMDA data added to the PUDB starting in 2018 will be added to the Census Tract Files, as required by the Safety and Soundness Act. It will not be added to the National Files in order to preserve existing privacy and proprietary protections in these Files, as the data could increase the ability to link the National Files to the Census Tract Files.

C. Proprietary Protections in the PUDB

The Safety and Soundness Act provides generally that Enterprise proprietary data must be protected from public disclosure.[16] However, the statute exempts certain types of data elements from proprietary protection, requiring their public disclosure subject only to borrower privacy protections. The exempted data elements are income, census tract location, race, and gender of single-family mortgagors, and all other HMDA data.[17] Some data elements that were previously protected as proprietary in the PUDB are now

Act requires FHFA to publish any HMDA data the Enterprises possess. *See* Notice of Order: Revisions to Enterprise Public Use Database, 75 FR 41180, 41184 (July 15, 2010) (FHFA 2010 Order). Regulation C also requires covered entities to report on activities that are not relevant to the PUDB, such as loan application denials. The PUDB only includes loan purchase records.

[9] CFPB, Final Rule, Home Mortgage Disclosure (Regulation C), 80 FR 66128 (Oct. 28, 2015); 12 CFR part 1003. The CFPB amended Regulation C twice in 2019, but these amendments do not change the HMDA data elements, and therefore do not impact the Safety and Soundness Act requirement for the PDUB to include HMDA data. *See* 84 FR 69994 (Dec, 20, 2019) and 84 FR 58003 (Oct. 29, 2019).

[10] The Regulation C reporting requirements distinguish between loan purchases and loan originations, and exclude loan purchases from some data reporting requirements that apply to loan originations. FHFA has determined that because the Enterprises are not purchasers under Regulation C, they do not qualify for any of the exemptions for HMDA loan purchasers when reporting HMDA data to FHFA for the PUDB. *See, e.g.,* FHFA 2010 Order, 75 FR at 41185 (adding Rate Spread to the PUDB despite the fact that Regulation C did not require loan purchasers to report Rate Spread at that time). Instead, the PUDB records include data elements that would only be required for loan originations in the CFPB's dataset. In addition, the CFPB's public dataset only includes records for loans sold to the Enterprises in the same calendar year as origination, but the PUDB includes records for all loans purchased by the Enterprises in a calendar year, regardless of year of origination. The PUDB also may contain HMDA data for loans that were exempt or partially exempt from HMDA reporting requirements under Regulation C because the Enterprises have uniform seller data requirements that generally are not based on the loan originator's status as a HMDA reporter covered by Regulation C.

[11] For example, as discussed below in Section II.B.1, the PUDB includes Enterprise Application Channel data, although it does not completely align with the Application Channel data in the CFPB's public dataset.

[12] *See* 60 FR 61846, 61875 (Dec. 1, 1995) (HUD final rule) (citing Senate Committee on Banking, Housing, and Urban Affairs, S. Rep. No. 282, 102d Cong., 2d Sess. at 39 (1992)).

[13] *See* FHFA 2010 Order, 75 FR at 41181.

[14] *Id.* at 41180.

[15] HUD Final Order—Proprietary Data Submitted by the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac), 61 FR 54322, 54323 (Oct. 17, 1996).

[16] 12 U.S.C. 4543(b)(1); 4546(d).

[17] 12 U.S.C. 4543(b)(2).

HMDA data elements, so they no longer receive proprietary protections.

The factors for determining proprietary protection of the Enterprise data in the PUDB are set forth in the HUD regulation which FHFA still administers. HUD applied the regulatory factors in a series of Orders determining the proprietary protections for specific data elements published in the PUDB. The HUD Orders (but not the HUD regulation) were superseded by FHFA Orders that adopted the HUD proprietary determinations for the specific data elements to be published in the PUDB and added the new data required by HERA.[18]

FHFA protects proprietary data in the PUDB through two methods. First, data is protected through the multi-file system discussed above in Section I.B. Second, the individual data elements may be completely withheld from publication, or modified to reduce re-identification risk by disclosing in ranges or rounding.

D. Privacy Protections in the PUDB

The HUD regulation, which was issued prior to the HERA amendments to the Safety and Soundness Act, provides that private data shall be withheld from the PUDB if publication of the data would ''constitute a clearly unwarranted invasion of personal privacy if such data or information were released to the public.'' [19] HERA amended the Safety and Soundness Act to add a requirement that FHFA publish the HMDA data ''[s]ubject to privacy considerations, as described in section 304(j) of [HMDA] (12 U.S.C. 2803(j)).'' [20] Section 304(j)(2)(B) of HMDA requires the CFPB to ''require, by regulation, such deletions as [CFPB] may determine to be appropriate to protect—(i) any privacy interest'' of borrowers, and protect depository institutions reporting HMDA data from liability under privacy laws.[21] The CFPB implemented this requirement through policy guidance (CFPB Privacy Guidance) setting out how the agency intends to exclude or modify data to protect borrower privacy and reporter liability, in balance with the purposes of public disclosure.[22]

The Safety and Soundness Act provides that FHFA publish the PUDB ''[s]ubject to privacy considerations, as described in section 304(j) of [HMDA],'' which requires the CFPB to prescribe deletions that are appropriate to protect borrowers' privacy interests. FHFA interprets this provision as authorizing FHFA to follow the CFPB's intended privacy determinations. Where FHFA determines that privacy or other factors in the context of the PUDB call for different or more restrictive disclosure of HMDA data elements than the CFPB Privacy Guidance, FHFA may reasonably make such distinctions. Accordingly, FHFA is following the CFPB's intended privacy determinations for the PUDB (with one minor change to conform to FHFA's regulatory definition of small multifamily properties).

II. Changes to Enterprise Reporting Requirements and PUDB Disclosures

A. HMDA Data Review and New Reporting Requirements

As discussed above in Section I.A., FHFA requires the Enterprises to report the HMDA data they collect from loan sellers for publication in the PUDB. Accordingly, FHFA must periodically review Enterprise data collections to ascertain whether they contain HMDA data that must be included in the PUDB.

At the same time as the HMDA expansion in Regulation C, the Enterprises updated their single-family data collection through the Uniform Mortgage Data Program (UMDP) datasets.[23] The UMDP is a joint Enterprise project to develop and implement mortgage data standards for the single-family loans they purchase or securitize. Improving Enterprise mortgage data standardization has been an annual Conservatorship Scorecard goal since 2012. The UMDP data requirements are generally aligned between the Enterprises. As a result of the expansion of HMDA and updates to the UMDP datasets, many new HMDA data elements are now available for inclusion in the PUDB Single-Family Census Tract File.

The Enterprises' multifamily data collections are not included in the UMDP datasets. However, some HMDA data elements are now collected by the Enterprises for multifamily loans and are available for inclusion in the PUDB Multifamily Census Tract File.

Since both HMDA and Enterprise data collections have changed substantially since FHFA last added HMDA data to the PUDB in 2010, FHFA undertook a new review of all HMDA data elements. To identify the new HMDA data eligible for inclusion in the PUDB, FHFA requested that the Enterprises map their single-family and multifamily data collections to the HMDA data definitions in the amended Regulation C. Based on the data mapping and discussions with the Enterprises, FHFA identified the new HMDA data elements collected by the Enterprises and available to be included in the PUDB Census Tract Files. FHFA also identified data elements already disclosed in the PUDB that are defined as HMDA data elements for the first time under the amended Regulation C in 2018 and, therefore, no longer qualify for proprietary protection in the PUDB.

In addition, FHFA identified groups of HMDA data elements collected by the Enterprises that will be excluded from the PUDB. One group of HMDA data elements will be excluded in conformance with the CFPB Privacy Guidance, which intends to exclude them entirely from publication in the CFPB's public dataset. Another group of HMDA data elements drawn from updated Enterprise seller data collections will be excluded because the Enterprises recently began collecting them and they require further analysis in order to ensure data quality before inclusion in the PUDB.

The new HMDA data elements, and any previous PUDB data elements that are now defined as HMDA data, are not eligible to receive proprietary protections under the Safety and Soundness Act and will, therefore, be disclosed in the PUDB Census Tract Files. They will be modified to protect borrower privacy only.

As a result of FHFA's review of the HMDA data elements, FHFA issued the appended Order, which added the appropriate HMDA data elements to the PUDB matrices and required the Enterprises to report them to FHFA. The Order modifies the 2010 and 2011 PUDB Orders previously issued by FHFA.[24] The Order and this Notice of Order contain a link to the revised matrices on *FHFA.gov* and fulfill the Safety and Soundness Act requirement that FHFA issue an order or regulation to make the HMDA data available to the public, subject to privacy protections.[25] The expansion of the PUDB data requirements will enhance transparency about the Enterprises' mortgage purchase activities.

The new HDMA data added by the Order will be published in a dataset that replaces an interim PUDB released on

[18] *See* 59 FR 29514 (June 7, 1994); 60 FR 61846, 62001 (App. F) (Dec. 1, 1995); 61 FR 54322 (Oct. 17, 1996); 69 FR 59476 (Oct. 4, 2004); FHFA 2010 Order, 75 FR at 41189; FHFA Notice of Order, 76 FR 60031 (Sept. 28, 2011) (FHFA 2011 Order).

[19] 24 CFR 81.72(b)(3).

[20] 12 U.S.C. 4546(d).

[21] 12 U.S.C. 2803(j)(2)(B).

[22] CFPB, Disclosure of Loan-Level HMDA Data, Final Policy Guidance, 84 FR 649 (Jan. 31, 2019) (CFPB Privacy Guidance); Regulation C, 80 FR at 66132–66134.

[23] *See* UMDP Overview, at *https://www.fanniemae.com/content/fact_sheet/umdp-overview.pdf* (April 2018) (joint document authored by both Fannie Mae and Freddie Mac).

[24] FHFA 2010 Order, 75 FR 41180, and FHFA 2011 Order, 76 FR 60031.

[25] 12 U.S.C. 4546(d).

September 23, 2019, which does not include the new HMDA data elements or Duty to Serve geographic indicators. The data specifications set out in the Order will apply to future annual PUDB releases, until further modified by FHFA.

FHFA's review of each HMDA data element is detailed below in Section II.B. for single-family data and Section II.C. for multifamily data.

B. Single-Family PUDB

1. New HMDA Single-Family Data Elements Added to the PUDB

The HMDA single-family data elements collected by the Enterprises that are listed below will be reported to FHFA and added to the PUDB Single-Family Census Tract File starting with the 2018 PUDB, as set forth in the revised PUDB matrices. Most of these data elements were new Regulation C reporting requirements in 2018. The list below indicates whether the data element was a new HMDA data element added for the first time in 2018 by Regulation C, or a pre-2018 HMDA data element that was modified in 2018 by Regulation C amendments.

Discount Points: Discount Points is a new HMDA data element collected by the Enterprises that indicates the points paid by the home buyer or home seller to the lender to reduce the interest rate.[26] It will be disclosed without modification in the PUDB Single-Family Census Tract File, in conformance with the CFPB Privacy Guidance.[27] The data collected by the Enterprises may include origination or discount points paid by the borrower, home seller, or other third party, and may not correspond exactly to the Regulation C Discount Points disclosed by the CFPB.

Introductory Rate Period: Introductory Rate Period is a new HMDA data element collected by the Enterprises that indicates the number of months until the first date the interest rate may change.[28] It will be disclosed without modification in the PUDB Single-Family Census Tract File, in conformance with the CFPB Privacy Guidance.[29]

Property Value: Property Value is a new HMDA data element collected by the Enterprises that discloses the value of the property securing the loan, in exact dollars, that was relied on by the lender in making the credit decision to originate the loan.[30] Because Property Value can be highly unique within a census tract, the CFPB Privacy Guidance discloses it as the midpoint of the $10,000 interval in which the actual value falls in order to reduce the ability to match it with other sources of data and facilitate re-identification of the borrower.[31] Beginning with the 2018 PUDB, the Single-Family Census Tract File will disclose Property Value with the same modification as in the CFPB Privacy Guidance.

Preapproval:[32] Preapproval is a modified HMDA data element that indicates whether preapproval of the loan was requested by the applicant under a financial institution's covered preapproval program.[33] Fannie Mae indicated that it collects some preapproval data. Freddie Mac indicated that it does not collect any preapproval data. The available Preapproval data will be disclosed without modification in the PUDB Single-Family Census Tract File, in conformance with the CFPB Privacy Guidance.[34]

Credit Scoring Model: Credit Scoring Model is a new HMDA data element that provides the name of the credit scoring model (if any) used to evaluate the loan.[35] Both Enterprises collect this data. The available Credit Scoring Model data will be disclosed without modification for up to two borrowers in the PUDB Single-Family Census Tract File, in conformance with the CFPB Privacy Guidance.[36]

Manufactured Home Land Property Interest: Manufactured Home Land Property Interest is a new HMDA data element that indicates whether the borrower has a direct ownership, indirect ownership, or a paid or unpaid leasehold interest in the land on which the manufactured home being financed will be sited.[37] Freddie Mac indicated that it does not collect this data. Fannie Mae indicated that it collects data showing direct ownership, indirect ownership (*i.e.,* a manufactured home cooperative), or the presence of a lease (*i.e.,* ground rent), but its data cannot discern whether there is an unpaid leasehold. Accordingly, this data element will be added to the PUDB Single-Family Census Tract File but with only the values that conform with the data Fannie Mae collects. It will be disclosed without modification, in conformance with the CFPB Privacy Guidance.[38]

Application Channel: Application Channel is a new HMDA data element partially collected by the Enterprises that indicates whether the loan application was submitted directly to the party making the credit decision, and whether the loan was initially payable to that party. Both Enterprises indicated that they collect data relating to the broker and retail channel that correspond to HMDA Application Channel values.[39] The values that correspond to the HMDA Application Channel values will be disclosed in the PUDB Single-Family Census Tract File without modification, in conformance with the CFPB Privacy Guidance.[40]

Automated Underwriting System (AUS) Name: AUS Name is a new HMDA data element collected by the Enterprises that discloses the name(s) of the AUS(s) used by the lender to evaluate a loan application.[41] Both Enterprises indicated that they collect only a single AUS name in connection with the AUS(s) used by a lender to evaluate a loan application.[42] Accordingly, the Enterprises will report the AUS Name data they possess, and this data will be disclosed without modification in the PUDB Single-Family

[26] 12 CFR 1003.4(a)(19); CFPB Home Mortgage Disclosure Act FAQs, *https://www.consumerfinance.gov/policy-compliance/guidance/hmda-implementation/home-mortgage-disclosure-act-faqs/#discount-points* (Aug. 28, 2019).

[27] 84 FR at 656.

[28] 12 CFR 1003.4(a)(26).

[29] 84 FR at 656.

[30] 12 CFR 1003.4(a)(28).

[31] 84 FR at 663. *E.g.,* for a reported value of $117,834, the dataset will disclose it as $115,000, which is the midpoint between values equal to $110,000 and less than $120,000. *Id.* at 673.

[32] In the FHFA 2010 Order, FHFA stated that a HMDA Preapproval data element would not be included in the PUDB because it does not relate to originated loans that could then be purchased by the Enterprises. 75 FR at 41186. However, upon further analysis, FHFA concludes that the HMDA Preapproval data element does apply to originated loans. The ''Preapproval'' data element is defined in 12 CFR 1003.4(a)(4) as whether a ''covered loan involved a request for a preapproval of a home purchase loan under a preapproval program.'' In contrast, the HMDA Action Taken values relating to preapproval, 12 CFR 1003.4(a)(8)(i)(C), specifically apply only to loans that were not originated (whether a preapproval request that did not result in the origination of a home purchase loan was denied or approved but not accepted). Accordingly, beginning with the 2018 PUDB, the Preapproval data element parallel to 12 CFR 1003.4(a)(4) will be included, but not the Action Taken values related to preapproval in 12 CFR 1003.4(a)(8)(i)(C).

[33] 12 CFR 1003.4(a)(4); 24 CFR 1003.2(b)(2).

[34] 84 FR at 656.

[35] 12 CFR 1003.4(a)(15).

[36] 84 FR at 656.

[37] 12 CFR 1003.4(a)(30).

[38] 84 FR at 656.

[39] 80 FR at 66299; 12 CFR 1003.4(a)(33). The CFPB does not use the terms ''broker'' and ''retail,'' but the Enterprises' data use these terms in a way that corresponds to the HMDA Application Channel values.

[40] 84 FR at 656.

[41] 12 CFR 1003.4(a)(35).

[42] The CFPB's Official Interpretation to Regulation C sets out how multiple AUSs used to evaluate a single loan application are reported. *See* Supplement I to Part 1003—Official Interpretations, comment 4(a)(35) (Official Interpretations). The PUDB data will not fully align with the Regulation C data since the Enterprises do not collect data on all of the AUSs that may have been used prior to origination.

Census Tract File, in conformance with the CFPB Privacy Guidance.[43]

Debt-to-Income (DTI): DTI is a new HMDA data element representing the ratio of the borrower's total monthly debt to total monthly income relied on by the lender to make the credit decision.[44] Both Enterprises indicated that they can calculate and report DTI based on data they receive from their loan sellers. Accordingly, DTI will be added to the PUDB Single-Family Census Tract File and disclosed in conformance with the CFPB Privacy Guidance.[45]

Loan Purpose (Cash-Out Refinancing): Loan Purpose is a modified HMDA data element that indicates whether the loan was for Home Purchase, Home Improvement, Refinancing, Cash-Out Refinancing, or Other. The Regulation C amendments added Cash-Out Refinancing and Other.[46] Both Enterprises indicated that they collect Cash-Out Refinancing, but not Other. Cash-Out Refinancing will be added to the PUDB Single-Family Census Tract File and disclosed unmodified, in conformance with the CFPB Privacy Guidance.[47] (The current PUDB includes the other HMDA Loan Purpose values, which will continue to be disclosed.)

Loan Amount (Note Amount): Loan Amount is a modified HMDA data element that identifies the amount to be repaid as disclosed on the legal obligation (Note Amount), and the unpaid principal balance (UPB) at the time of purchase (discussed below).[48] The current PUDB Single-Family Census Tract File does not include the HMDA Note Amount. To conform with HMDA, the PUDB Single-Family Census Tract File will add a new field called Note Amount to indicate the amount to be repaid as disclosed on the legal obligation. Note Amount will be disclosed as the midpoint of the $10,000 interval in which the actual amount falls, in conformance with the CFPB Privacy Guidance.[49]

2. HMDA Single-Family Data Elements Already in the PUDB

FHFA identified several HMDA single-family data elements that were added, modified, or unchanged by the Regulation C amendments and are already reported by the Enterprises and disclosed in the current PUDB. The Enterprises' reporting requirements thus generally will not change for these data elements. However, the disclosure in the PUDB will change in some cases to conform with the CFPB Privacy Guidance. In addition, some of the data elements were defined as HMDA data for the first time in 2018 in Regulation C and, therefore, any proprietary protections they received in the PUDB are no longer permissible under the Safety and Soundness Act and will be removed. All of the data elements will be released in the PUDB Single-Family Census Tract File, with modifications as appropriate to conform with the CFPB Privacy Guidance.

i. Disclosure Changes in the PUDB

The single-family data elements listed below were previously withheld from the PUDB or disclosed in the PUDB with proprietary protections, but are defined as HMDA data elements in 2018 and must be disclosed, with modifications as appropriate to conform with the CFPB Privacy Guidance. In some cases, the data element was defined as a HMDA data element for the first time in 2018 and, thus, is no longer eligible for the proprietary protections it had been receiving in the PUDB. The data elements previously disclosed only in the National Files that must now be disclosed in the PUDB Single-Family Census Tract File will continue to be disclosed in the National Files as well as being added to the Census Tract File.

Interest Rate: Interest Rate is a new HMDA data element that discloses the actual note rate on the loan as a percentage to at least three decimal places.[50] Interest Rate is currently disclosed in the PUDB Single-Family National File C in bins of 0.5 percent. Interest Rate will be disclosed in the PUDB Single-Family Census Tract File as the actual note rate to at least three decimal places, consistent with the Regulation C definition and CFPB Privacy Guidance.[51]

Construction Method and Total Units: The HMDA Property Type data element was disaggregated in 2018 by Regulation C into two new data elements: Construction Method; and Total Units.[52] Property Type previously had values for Manufactured Home, Multifamily, and Single-Family Home (1–4 Units, Other Than Manufactured). The new HMDA Construction Method and Total Units data elements provide a clearer disclosure of the type of housing and number of units. Construction Method indicates Site Built or Manufactured Home. Total Units indicates the number of units. There are no longer values for Multifamily or Single-Family Home, although ''multifamily'' is defined elsewhere in Regulation C as ''five or more individual dwelling units.'' [53]

The Property Type data element is currently disclosed in the PUDB Single-Family Census Tract File, aligned with the previous Regulation C definition. In addition, the PUDB Single-Family National Files A and B already publish a data element named Number of Units, which corresponds to the HMDA Total Units data element. These existing data fields will be changed in the PUDB Single-Family Census Tract File to conform with HMDA by adding a new Construction Method field and disclosing Number of Units in the Census Tract File. Construction Method will be disclosed without modification, in conformance with the CFPB Privacy Guidance.[54] Number of Units will be disclosed as 1, 2, 3, or 4 units for single-family loans. Number of Units will also continue to be disclosed in the PUDB Single-Family National Files A and B.

Loan Term: Loan Term is a new HMDA data element that discloses the number of months until the loan reaches

[43] 84 FR at 656.

[44] 12 CFR 1003.4(a)(23).

[45] 84 FR at 665–666. The CFPB intends to disclose DTI as follows: ''a. Bin reported values into the following ranges, as applicable: 20 percent to less than 30 percent; 30 percent to less than 36 percent; and 50 percent to less than 60 percent; b. Bottom-code reported values under 20 percent; c. Top-code reported values of 60 percent or higher; and d. Disclose, without modification, reported values greater than or equal to 36 percent and less than 50 percent.'' 84 FR at 672.

[46] 12 CFR 1003.4(a)(3). Cash-Out Refinancing is defined as a loan that the institution considered to be a cash-out refinancing in processing the loan application or setting the terms (such as the interest rate or origination charges) under its guidelines or an investor's guidelines. Official Interpretations, comment 4(a)(3)–2.

[47] 84 FR at 656.

[48] 12 CFR 1003.4(a)(7)(i). Regulation C loan purchasers are required to report the UPB at the time of purchase, and Regulation C loan originators are required to report the Note Amount. Because the Enterprises collect both values, FHFA is requiring that the Enterprises report both for inclusion in the PUDB. As noted earlier, the Enterprises' reporting obligations for the PUDB extend to all of the HMDA data they possess, not the same data as reported by HMDA loan purchasers. In 2010, FHFA determined not to include the HMDA Note Amount in the PUDB because there was likely to be no difference between the Note Amount and the UPB at the time of purchase for most loans acquired by the Enterprises. *See* FHFA 2010 Order, 75 FR at 41188. However, on further consideration, FHFA will now add Note Amount to the PUDB to identify the subset of seasoned loans purchased by the Enterprises where there is a difference between the Note Amount and the UPB at the time of purchase.

[49] 84 FR at 661–663, 671–673.

[50] 12 CFR 1003.4(a)(21); CFPB, 2018 Reportable HMDA Data: A Regulatory and Reporting Overview Reference Chart for HMDA Data Collected in 2018 at 27, *https://files.consumerfinance.gov/f/documents/201710_cfpb_reportable-hmda-data_regulatory-and-reporting-overview-reference-chart.pdf* (Aug. 31, 2018).

[51] 84 FR at 656.

[52] 80 FR at 66180–81; 12 CFR 1003.4(a)(5) and (31).

[53] 12 CFR 1003.2(n). The Safety and Soundness Act also defines multifamily as five or more dwelling units. 12 U.S.C. 4502(18).

[54] 84 FR at 656.

maturity.[55] For purchased loans, Loan Term is measured from origination.[56] The PUDB Single-Family National File C currently includes the data element Term of Mortgage at Origination, which corresponds to HMDA Loan Term. Loan Term will be disclosed in the PUDB Single-Family Census Tract File without modification, in conformance with the CFPB Privacy Guidance.[57]

Combined Loan-to-Value (CLTV): CLTV is a new HMDA data element that discloses the ratio at origination of the total amount of debt secured by the property to the value of the property relied on in making the credit decision (discussed above in Section II.B.1.), disclosed as a percentage.[58] LTV or CLTV if available is currently disclosed in the PUDB Single-Family National Files A and C in ranges, without disclosing whether the value is LTV or CLTV. To conform with HMDA, the actual ratio for LTV or CLTV will be disclosed in the PUDB Single-Family Census Tract File without modification, and without disclosing whether it is LTV or CLTV, in conformance with the CFPB Privacy Guidance.[59]

Age: Age is a new HMDA data element that indicates the borrower and co-borrower ages at the time of loan application.[60] The PUDB Single-Family Census Tract File currently includes data elements called Age of Borrower and Age of Co-borrower disclosed in exact years. Age of Borrower and Age of Co-borrower will be disclosed in the PUDB Single-Family Census Tract File in ranges, in conformance with the CFPB Privacy Guidance to mask the exact year.[61]

Occupancy Type: The HMDA Occupancy Type data element was modified in 2018 by Regulation C to add new values. Previously, Occupancy Type had values for Owner-Occupied as a Principle Residence, Not-Owner Occupied as a Principal Residence, and Not Applicable. The Regulation C amendments replaced Not-Owner Occupied as a Principle Residence with two new values: Second Residence; and Investment Property.[62] The new HMDA Occupancy Type values for Second Residence and Investment are already reported to FHFA by the Enterprises in a data element called Occupancy Code, but the current PUDB Single-Family Census Tract File discloses only Owner-Occupied, Investment, and Not Applicable. Occupancy Code will be changed in the PUDB Single-Family Census Tract File to align with HMDA by disclosing Second Residence, and will continue to be disclosed without modification, in conformance with the CFPB Privacy Guidance.[63]

Action Taken Date (Loan Originated): Action Taken Date is an unchanged HMDA data element that reports the action, and the date the action was taken.[64] For the Enterprise data and PUDB purposes, the relevant HMDA Action Taken Date values are Loan Originated and Purchased Loan (discussed below in Section II.B.2.ii.).[65] The CFPB intends to withhold all Action Taken Dates from its public dataset since the exact dates could be used to match to other public datasets with individually identifying information.[66] However, the year of origination or year of purchase can always be inferred from the CFPB's public dataset because it only contains loans that were originated or purchased in that year—*e.g.,* the dataset with 2018 data only contains loans originated or purchased in 2018.

The current PUDB Single-Family National File B includes a field for Date of Mortgage Note, which conforms with the HMDA Loan Originated value. Date of Mortgage Note is modified in the current PUDB to indicate whether the loan was originated in the same year it was acquired, or in any prior year. This modification conforms with the CFPB's intended withholding of the month and day from its public dataset. Accordingly, Date of Mortgage Note will be disclosed in the PUDB Single-Family Census Tract File in the same manner, in conformance with the CFPB Privacy Guidance.[67]

Loan Amount (UPB): Loan Amount is a modified HMDA data element that identifies the Note Amount (discussed above in Section II.B.1.) and the UPB at the time of purchase.[68] The current PUDB Single-Family Census Tract File includes a data element called Acquisition UPB, rounded to the nearest $1,000. To conform with the CFPB Privacy Guidance, Acquisition UPB in the PUDB Single-Family Census Tract File will be changed to the midpoint of the $10,000 interval in which the actual amount falls.[69]

ii. No Disclosure Changes in the PUDB

The HMDA single-family data elements listed below are currently disclosed in the PUDB Single-Family Census Tract File and were unchanged by the Regulation C amendments or were modified in a way irrelevant to Enterprise data. Accordingly, they will continue to be disclosed in the same manner in this File. No changes in reporting or disclosure are necessary to conform with HMDA.

Action Taken Date (Purchased Loan): Action Taken Date is an unchanged HMDA data element that reports the action, and the date the action was taken.[70] For the Enterprise data and PUDB purposes, the relevant HMDA Action Taken Date values are Loan Originated (discussed above in Section II.B.2.i.) and Purchased Loan. Purchased Loan is an unchanged HMDA data element value indicating the exact date the loan was purchased from an originator.[71] The PUDB does not disclose the exact date of acquisition. The year of acquisition can be inferred from the year of the PUDB, which contains only the Enterprises' loan acquisitions in a single calendar year. The CFPB likewise intends to withhold the exact date of loan purchase from its public dataset to protect privacy, but the year of purchase can be inferred in the dataset. Accordingly, no changes need to be made to the Single-Family PUDB to conform to HMDA definitions or privacy modifications for this data element value.

Loan Type: Loan Type is an unchanged HMDA data element that discloses whether the loan is insured by the Federal Housing Administration,

[55] 12 CFR 1003.4(a)(25).

[56] Official Interpretations, comment 4(a)(25)–3.

[57] 84 FR at 656.

[58] 12 CFR 1003.4(a)(24).

[59] 84 FR at 656, 662.

[60] 12 CFR 1003.4(a)(10)(ii).

[61] 84 FR at 664–665, 672. The age ranges are: 25 to 34; 35 to 44; 45 to 54; 55 to 64 (with a flag for 62 or higher); and 65 to 74. Below 25 and above 74 are bottom- and top-coded, respectively.

[62] 12 CFR 1003.4(a)(6).

[63] 84 FR at 656.

[64] 12 CFR 1003.4(a)(8)(i)(A) and (ii). The PUDB combines Action Taken and Action Taken Date since there is only one possible action by the Enterprises (purchase) and there are two available dates in the Enterprise data (origination and purchase).

[65] Action Taken also requires reporting actions that do not apply to originated loans (*e.g.,* application denied). 12 CFR 1003.4(a)(8)(i)(B) and (C). Since the PUDB only contains data on originated loans, the HMDA values that do not apply to originated loans are not relevant.

[66] 84 FR at 663.

[67] In the FHFA 2010 Order, Date of Mortgage Note was withheld from the PUDB Single-Family Census Tract File to conform to HMDA privacy protections in 12 U.S.C. 2803(j). 75 FR at 41186. However, FHFA has now concluded that disclosing Date of Mortgage Note as same year or any prior year in the PUDB Single-Family Census Tract File is consistent with the CFPB Privacy Guidance, since the year of origination can be inferred from the date of the CFPB's public dataset. Although the CFPB's public dataset does not include information on the origination year of purchased loans, the PUDB disclosure that a loan was originated in the year of purchase or any prior year does not increase privacy risks and aligns with the CFPB Privacy Guidance to withhold the day and month of origination.

[68] 12 CFR 1003.4(a)(7)(i).

[69] 84 FR at 661.

[70] 12 CFR 1003.4(a)(8)(i)(A) and (ii).

[71] *Id.*

guaranteed by the Department of Veterans Affairs, guaranteed by the Rural Housing Service or the Farm Service Agency, or Conventional.[72] The current PUDB Single-Family Census Tract File includes a data field for Federal Guarantee, which conforms with HMDA Loan Type. Federal Guarantee will continue to be disclosed without modification in the PUDB Single-Family Census Tract File, in conformance with the CFPB Privacy Guidance.[73]

Property Location: Property Location is an unchanged HMDA element that includes values for the State, County, and Census Tract location of the mortgaged property.[74] Data elements for these values are currently disclosed in the PUDB Single-Family Census Tract File without modification, in conformance with the CFPB Privacy Guidance.[75] They will continue to be disclosed without modification in this File.

Income: Income is an unchanged HMDA data element disclosing the gross annual borrower income relied on in making the credit decision.[76] The current PUDB Single-Family Census Tract File discloses this data as Borrower's Annual Income rounded to the nearest $1,000, which conforms with the CFPB Privacy Guidance.[77] Income will continue to be disclosed in this manner in this File.

Type of Purchaser: Type of Purchaser is a modified HMDA data element reported by a loan originator that indicates the type of purchaser for loans sold within the same calendar year as origination.[78] This includes separate values for Fannie Mae and Freddie Mac.[79] All Files in the current Single-Family PUDB include an Enterprise Flag, which is equivalent to the HMDA Type of Purchaser values for Fannie Mae and Freddie Mac. For the PUDB, the other Type of Purchaser values are not relevant because, by definition, all PUDB loans were purchased by the Enterprises.[80] The Enterprise Flag will continue to be disclosed in all Single-Family PUDB Files, including the Census Tract File, without modification.

HOEPA Status: HOEPA Status is an unchanged HMDA data element that indicates whether the loan is a HOEPA loan.[81] HOEPA Status is disclosed in the current PUDB Single-Family Census Tract File without modification, in conformance with the CFPB Privacy Guidance.[82] HOEPA Status will continue to be disclosed in this File without modification.

Lien Status: Lien Status is a modified HMDA data element that indicates whether the loan is Secured by a First Lien, or Secured by a Subordinate Lien.[83] The current PUDB Single-Family Census Tract File discloses Lien Status without modification, in conformance with the CFPB Privacy Guidance.[84] Lien Status will continue to be disclosed in this File without modification.

Loan Purpose (Purchase, Refinancing, and Home Improvement): Loan Purpose is a modified HMDA data element that indicates whether the loan was for Purchase, Refinancing, Cash-Out Refinancing, Home Improvement, or Other.[85] The Loan Purpose values for Purchase, Refinancing, and Home Improvement are disclosed in the current PUDB Single-Family Census Tract File without modification and will continue to be disclosed in this manner in the Census Tract File, in conformance with the CFPB Privacy Guidance.[86] As discussed above in Section II.B.1, the new Cash-Out Refinancing value will be added to the PUDB.

3. HMDA Single-Family Data Elements Excluded From the PUDB Due to Data Quality Questions

FHFA has identified several new HMDA single-family data elements in recently updated Enterprise single-family loan seller data collections. They include data elements drawn from the Enterprises' Uniform Closing Datasets (UCD), and new data elements added in the Uniform Loan Delivery Dataset (ULDD) Phase 3. These data elements have not been included in the Single-Family PUDB in the past, but are now subject to inclusion because they are HMDA data elements that were collected by the Enterprises in 2018. However, because these are new data collections requiring further analysis to ensure data quality before inclusion in the PUDB, FHFA is not requiring the Enterprises to report them at this time for the PUDB. The data elements are discussed below.

Total Loan Costs, Origination Charges, and Lender Credits: These are new HMDA data elements that incorporate certain loan cost items from the closing disclosure required by the Truth in Lending Act/Real Estate Settlement Procedures Act Integrated Disclosure (TRID).[87] Total Loan Costs indicates the loan cost amount in dollars.[88] Origination Charges indicates the total borrower-paid origination costs for the loan.[89] Lender Credits indicates any amounts the lender paid to the borrower to offset closing costs.[90]

Ethnicity, Race, and Sex: These are HMDA data elements that indicate the ethnicity, race, and sex of the borrower and co-borrower. The Regulation C amendments expanded the ethnicity and race categories to include new sub-groups.[91] The Enterprises required loan sellers to begin reporting the new HMDA ethnicity and race data starting in mid-2019, although some sellers voluntarily reported the new data in 2018. During this transition period, the PUDB Single-Family Census Tract File will continue to disclose ethnicity, race, and sex data in conformance with the former HMDA reporting categories.

Legal Entity Identifier (LEI): LEI is a new HMDA data element that is a unique identification number associated

[72] 12 CFR 1003.4(a)(2). ''Conventional'' is the value used by HMDA and the PUDB to indicate a loan that is not insured or guaranteed by one of the listed federal agencies. *See* CFPB, 2018 Reportable HMDA Data: A Regulatory and Reporting Overview Reference Chart at 3, *https://files.consumerfinance.gov/f/documents/201710_cfpb_reportable-hmda-data_regulatory-and-reporting-overview-reference-chart.pdf* (Aug. 31, 2018).

[73] 84 FR at 656.

[74] 12 CFR 1003.4(a)(9)(ii).

[75] 84 FR at 656.

[76] 12 CFR 1003.4(a)(10)(iii).

[77] 84 FR at 659.

[78] 12 CFR 1003.4(a)(11).

[79] For all Type of Purchaser reporting codes, *see* 2018 CFPB, 2018 Reportable HMDA Data: A Regulatory and Reporting Overview Reference Chart at 19, *https://files.consumerfinance.gov/f/documents/201710_cfpb_reportable-hmda-data_regulatory-and-reporting-overview-reference-chart.pdf* (Aug. 31, 2018). The CFPB's 2015 modifications to Type of Purchaser are not relevant to the Enterprise data. 80 FR at 66197.

[80] *See* FHFA 2010 Order, 75 FR at 41186.

[81] 12 CFR 1003.4(a)(13). A HOEPA loan is a loan subject to the Home Ownership and Equity Protection Act of 1994, as implemented by Regulation Z, 12 CFR 1026.32, by reason of its interest rate or its points and fees. The Enterprises purchase very few such loans.

[82] 84 FR at 656.

[83] 12 CFR 1003.4(a)(14). The CFPB modified this data element to add the lien status for purchased loans, which is already included in the PUDB. 80 FR at 66201; FHFA 2010 Order, 75 FR at 41184.

[84] 84 FR at 656.

[85] 12 CFR 1003.4(a)(3).

[86] 84 FR at 656.

[87] The CFPB implemented the TRID closing disclosure to provide a single disclosure to help consumers understand all of the costs of a mortgage transaction prior to closing, in accordance with the direction of the Dodd-Frank Wall Street Reform and Consumer Protection Act. *See* CFPB, Integrated Mortgage Disclosures Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth In Lending Act (Regulation Z), Final Rule, 78 FR 79730 (Dec. 31, 2013). Regulation C incorporates some items exactly from the TRID closing disclosure. *See, e.g.,* 80 FR at 66211 (defining Regulation C Origination Charges as the same as data entered on the closing disclosure). The Enterprises' UCD includes the data from the TRID closing disclosure. *See* Uniform Closing Dataset FAQ Updates, at *https://www.fanniemae.com/content/faq/uniform-closing-dataset-faqs.pdf* (June 28, 2019) (joint Enterprise publication).

[88] 12 CFR 1003.4(a)(17)(i).

[89] 12 CFR 1003.4(a)(18).

[90] 12 CFR 1003.4(a)(20).

[91] 12 CFR 1003.4(a)(10)(i); Appendix B to Part 1003.

with the single legal entity that originated the loan.[92] LEI is the first 20 characters of the 45-character Universal Loan Identifier (ULI), which is a new HMDA data element that is collected by the Enterprises (discussed below in Section II.B.5.).[93] LEI is intended to be published by the CFPB without modification, although the ULI is excluded to protect borrower privacy.[94]

Rate Spread: Rate Spread is a modified HMDA data element that discloses the difference between the loan's Annual Percentage Rate and the ''average prime offer rate'' for a comparable transaction, to the third decimal place. Regulation C previously required that Rate Spread only be reported for loans where the spread is at least 1.50 percentage points.[95] The modified HMDA Rate Spread must report the Rate Spread of any amount for all loans.[96] Rate Spread meeting the previous HMDA definition is collected by the Enterprises and currently disclosed in the PUDB Single-Family Census Tract File.[97] The PUDB Single-Family Census Tract File will continue to disclose Rate Spread as previously defined under HMDA.

4. HMDA Single-Family Data Elements Not Collected by the Enterprises and Not Included in the PUDB

Based on the review of the Enterprises' data mapping submissions, FHFA concluded that the HMDA single-family data elements listed below are not collected by the Enterprises from loan sellers. All of the data elements except one relate to loan types not purchased by the Enterprises and, thus, are not available for reporting. The remaining data element, Business or Commercial Purpose, is partially represented by other data elements in the PUDB and FHFA does not require the Enterprises, while in conservatorship, to collect the rest of the data from loan sellers solely to populate the PUDB. Accordingly, these data elements are not available for inclusion in the Single-Family PUDB.

Reverse Mortgage, Open-End Line of Credit, and Prepayment Penalty Term: Reverse Mortgage indicates that the loan was a reverse mortgage.[98] Open-End Line of Credit indicates an open-end line of credit secured by a dwelling, such as a home equity line of credit.[99] Prepayment Penalty Term discloses the length of any prepayment penalty term during which a charge is imposed for pre-paying all or part of the principal prior to the contractual due date.[100] The Enterprises do not collect these new HMDA data elements because they relate to loan types the Enterprises do not purchase and, thus, are not available for reporting. Accordingly, these data elements are not available for inclusion in the Single-Family PUDB.

Business or Commercial Purpose: Business or Commercial Purpose indicates whether the loan was used for a business or commercial primary purpose.[101] The Enterprise data partially aligns with the Business or Commercial Purpose definition in Regulation C. The Enterprises do not collect the data needed to determine whether principal or second residence single-family loans are Business or Commercial Purpose under Regulation C.[102] FHFA will not require the Enterprises to collect this data solely to populate the PUDB. However, all Enterprise single-family investor loans are, by definition, Business or Commercial Purpose under Regulation C.[103] Because the single-family investor loan data is already captured in other PUDB data elements (Number of Units and Occupancy Code (Investment Property)), a separate Business or Commercial Purpose data element will not be added to the PUDB.

Manufactured Home Secured Property Type: Manufactured Home Secured Property Type is a new HMDA data element that indicates whether a manufactured home loan was secured by the land and home, or only the home.[104] Because the Enterprises did not purchase manufactured home loans secured only by the home in 2018, they did not collect this data element and, therefore, it is not available for inclusion in the Single-Family PUDB. The Enterprises did purchase manufactured home loans secured by both the land and the home in 2018. These loan purchases will be disclosed in the PUDB Single-Family Census Tract File under the Construction Method data element, which, as discussed above in Section II.B.2.i., identifies whether the property is Site Built or a Manufactured Home.

Total Points and Fees: Total Points and Fees is a new HMDA data element that applies to loans covered by the Ability to Repay rule that were not subject to the TRID closing disclosure requirement and, therefore, cannot report the TRID Total Loan Costs.[105] According to the CFPB, these loans generally are manufactured home loans secured only by the home as personal property.[106] Such loans must report the total amount of points and fees calculated pursuant to Regulation Z,[107] which may differ from the TRID Total Loan Costs. Because neither Enterprise acquired such loans in 2018, they did not collect this data element and, therefore, it is not available for inclusion in the Single-Family PUDB.

Non-Amortizing Features: Non-Amortizing Features is a new HMDA data element that indicates whether the loan has any non-amortizing features, such as Balloon Payments, Interest-Only Payments, or Negative Amortization.[108] The Enterprises indicated that they do not purchase single-family loans with any non-amortizing features and, thus, do not collect this data. This data element, therefore, is not available for inclusion in the Single-Family PUDB.

Reason for Denial: Reason for Denial is a modified HMDA data element that reports the reason a loan application was denied.[109] Since the PUDB only contains loans that were purchased by the Enterprises, this data element is inapplicable and, thus, not available for inclusion in the Single-Family PUDB.[110]

5. HMDA Single-Family Data Elements Excluded From the PUDB to Protect Borrower Privacy

FHFA identified several new HMDA single-family data elements that will be wholly excluded from the Single-Family PUDB to protect borrower privacy, in conformance with the CFPB Privacy Guidance. In general, these data

[92] 12 CFR 1003.4(a)(1) and 1003.5(a)(3). For purposes of HMDA, the ''originator'' represented in the LEI is the ''the financial institution that made the credit decision approving the application before closing or account opening.'' Official Interpretations, comment 4(a)–2(i).

[93] LEI is reported both as part of the ULI under 12 CFR 1003.4(a)(1) and in the HMDA transmittal sheets under 12 CFR 1003.5(a)(3)(vii). The Enterprises do not collect HMDA transmittal sheets, so they currently collect the LEI only via the ULI.

[94] 84 FR at 657, 660.

[95] 80 FR at 66197–66198.

[96] 12 CFR 1003.4(a)(12).

[97] FHFA 2010 Order, 75 FR at 41185 (adding a Rate Spread data element to the PUDB that aligned with the HMDA 2010 definition).

[98] 12 CFR 1003.4(a)(36).

[99] 12 CFR 1003.4(a)(37).

[100] 12 CFR 1003.4(a)(22); 1026.32(b)(6)(i).

[101] 12 CFR 1003.4(a)(38).

[102] Regulation C requires applying the factors set out in the Official Interpretation of Regulation Z, 12 CFR 1026.3(a), to determine whether single-family principle or second residence loans are Business or Commercial Purpose. *See* Official Interpretations to Regulation C, 12 CFR 1003.4(a)(38) and 1003.3(c)(10) (comment 3(c)(10)–2). The Enterprises do not collect data required to make such determinations.

[103] *See* Official Interpretations, 4(a)(38), 3(c)(10)–3(i) and 3(iii).

[104] 12 CFR 1003.4(a)(29).

[105] 80 FR at 66208; 12 CFR 1003.4(a)(17).

[106] *Id.*

[107] 12 CFR 1026.32(b)(1).

[108] 12 CFR 1003.4(a)(27).

[109] 12 CFR 1003.4(a)(16).

[110] This data element was excluded from the Single-Family PUDB by the FHFA 2010 Order, 75 FR at 41186.

elements are unique and could facilitate re-identification of the borrower. These data elements are not currently disclosed in the Single-Family PUDB and will continue to be withheld. Accordingly, they are not required to be reported by the Enterprises to FHFA for PUDB purposes.

Universal Loan Identifier (ULI): ULI is a new HMDA data element that provides a unique identifier for each HMDA loan record. As discussed above in Section II.B.3., the ULI includes the LEI.[111] The Enterprises collect ULI from some loan sellers. Because the ULI is uniquely identifying, the CFPB Privacy Guidance intends to exclude it from the Regulation C dataset.[112] In conformance with the CFPB Privacy Guidance, the ULI will be excluded from the Single-Family PUDB.[113]

Application Date: Application Date is an unchanged HMDA data element that indicates the date the loan application was received or the date shown on the loan application form.[114] The Enterprises collect Application Date. Because Application Date presents borrower privacy concerns, the CFPB intends to exclude it from its public dataset.[115] In conformance with the CFPB Privacy Guidance, Application Date will continue to be excluded from the Single-Family PUDB.

Property Address: Property Address is a new HMDA data element that indicates the address of the property securing the loan.[116] The Enterprises collect Property Address. Because Property Address is uniquely identifying, the CFPB intends to exclude it from its public dataset.[117] In conformance with the CFPB Privacy Guidance, Property Address will continue to be excluded from the Single-Family PUDB.

Credit Score: Credit Score is a new HMDA data element indicating the credit score relied on by the lender to make the decision on the loan application.[118] Credit Score is currently published in ranges in the PUDB Single-Family National File C, in accordance with FHFA's statutory requirement to publish high-cost securitized mortgage data, which includes data about borrower creditworthiness.[119] The CFPB requires Credit Score to be reported by lenders, but intends to exclude it from disclosure in its public dataset.[120] FHFA will continue disclosing Credit Score in the PUDB Single-Family National File C in ranges to fulfill its separate statutory obligation to publish high-cost securitized mortgage data, but will not add it to the Census Tract File in order to remain aligned with the CFPB Privacy Guidance.

Nationwide Mortgage Licensing System and Registry ID (NMLSR ID): NMLSR ID is a new HMDA data element that identifies the mortgage loan originator, as defined in Regulation G[121] or Regulation H,[122] as applicable.[123] The Enterprises collect NMLSR ID. Because NMLSR ID could identify a borrower, the CFPB Privacy Guidance intends to exclude it from the CFPB's public dataset.[124] In conformance with the CFPB Privacy Guidance, NMLSR ID will continue to be excluded from the Single-Family PUDB.

Automated Underwriting System Result (AUS Result): AUS Result is a new HMDA data element that identifies the result provided by any AUS used to evaluate a loan application.[125] The Enterprises collect AUS Result. The CFPB Privacy Guidance intends to exclude AUS Result from the CFPB's public dataset because it presents borrower privacy concerns.[126] In conformance with the CFPB Privacy Guidance, AUS Result will continue to be excluded from the Single-Family PUDB.

C. Multifamily PUDB

1. New or Modified HMDA Multifamily Data Elements Added to the PUDB

The following multifamily data elements added or modified by the amended Regulation C will be added to the PUDB Multifamily Census Tract File.

Prepayment Penalty Term: Prepayment Penalty Term is a new HMDA data element that indicates the length of any prepayment penalty term during which a charge is imposed for pre-paying all or part of the principal prior to the contractual due date.[127] The Enterprises collect this data element. Prepayment Penalty Term will be disclosed without modification in the PUDB Multifamily Census Tract File, in conformance with the CFPB Privacy Guidance.[128]

Property Value: Property Value is a new HMDA data element that indicates the value of the property securing the loan, in exact dollars, that was relied on by the lender in making the credit decision to originate the loan.[129] The Enterprises collect this data element. Because Property Value can be highly unique within a census tract, the CFPB Privacy Guidance intends to require that it be disclosed as the midpoint of the $10,000 interval in which the reported value falls in order to reduce the ability to match the loan with other sources of data and facilitate re-identification of the borrower.[130] The PUDB Multifamily Census Tract File will disclose Property Value with the same modification, in conformance with the CFPB Privacy Guidance.

Combined Loan-to-Value (CLTV): CLTV is a new HMDA data element that indicates the ratio at origination of the total amount of debt secured by the property to the value of the property relied on in making the credit decision (discussed above), disclosed as a percentage.[131] The Enterprises collect this data element as LTV or CLTV where available. LTV or CLTV will be disclosed without modification in the PUDB Multifamily Census Tract File, without disclosing whether the value is CLTV or LTV, in conformance with the CFPB Privacy Guidance.[132]

Interest Rate: Interest Rate is a new HMDA data element that reports the actual note rate on the loan as a percentage to at least three decimal places.[133] The Enterprises collect this data element. Interest Rate will be disclosed in the PUDB Multifamily Census Tract File without modification, in conformance with the CFPB Privacy Guidance.[134]

Non-Amortizing Features: Non-Amortizing Features is a new HMDA data element that indicates whether the loan has non-amortizing loan features, including Balloon Payment, Interest-Only Payments, Negative Amortization, or Other Non-Amortizing Feature.[135]

[111] 12 CFR 1003.4(a)(1)(i).

[112] 84 FR at 660.

[113] Any reported Non-Universal Loan Identifier (NULI) would also be excluded from the PUDB to conform to the CFPB Privacy Guidance. *Id.*

[114] 12 CFR 1003.4(a)(1)(ii).

[115] 84 FR at 660.

[116] 12 CFR 1003.4(a)(9)(i).

[117] 84 FR at 663.

[118] 12 CFR 1003.4(a)(15)(i).

[119] 12 U.S.C. 4546(d)(2); FHFA 2011 Order, 76 FR at 60034.

[120] 84 FR at 665.

[121] 12 CFR 1007.102.

[122] 12 CFR 1008.23.

[123] 12 CFR 1003.4(a)(34).

[124] 84 FR at 667.

[125] 12 CFR 1003.4(a)(35).

[126] 84 FR at 668.

[127] 12 CFR 1003.4(a)(22); 1026.32(b)(6)(i).

[128] 84 FR at 656.

[129] 12 CFR 1003.4(a)(28).

[130] 84 FR at 663.

[131] 12 CFR 1003.4(a)(24). Some multifamily CTLV data reported by the Enterprises may reflect multiple loans and/or multiple properties.

[132] 84 FR at 656.

[133] 12 CFR 1003.4(a)(21); CFPB, 2018 Reportable HMDA Data: A Regulatory and Reporting Overview Reference Chart at 27, *https://files.consumerfinance.gov/f/documents/201710_cfpb_reportable-hmda-data_regulatory-and-reporting-overview-reference-chart.pdf* (Aug. 31, 2018).

[134] 84 FR at 656.

[135] 12 CFR 1003.4(a)(27).

The Enterprises indicated that they collect the same HMDA data values for this data element. Accordingly, Non-Amortizing Features will be disclosed without modification in the PUDB Multifamily Census Tract File, in conformance with the CFPB Privacy Guidance.[136]

Multifamily Affordable Units: Multifamily Affordable Units is a new HMDA data element that indicates the exact number of individual dwelling units related to the property that are income-restricted under federal, state, or local affordable housing programs.[137] The Enterprises indicated that they collect this data. Multifamily Affordable Units will be disclosed as a percentage of total units in the PUDB Multifamily Census Tract File, in conformance with the CFPB Privacy Guidance.[138]

Loan Amount (Note Amount): Loan Amount is a modified HMDA data element that identifies the Note Amount and the UPB at the time of purchase (discussed below in Section II.C.2.i.). The Enterprises collect both data element values. The current PUDB Multifamily Census Tract File does not include Note Amount. A new data element for Note Amount that will identify the amount to be repaid as disclosed on the legal obligation will be added to the PUDB Multifamily Census Tract File. Note Amount will be disclosed as the midpoint of the $10,000 interval in which the actual amount falls, in conformance with the CFPB Privacy Guidance.[139]

Loan Purpose (Cash-Out Refinancing): Loan Purpose is a modified HMDA data element that indicates whether the loan was for Purchase, Refinancing, Home Improvement, Cash-Out Refinancing, or Other. The Regulation C amendments added the values for Cash-Out Refinancing [140] and Other. (The other Loan Purpose values are discussed separately below in Section II.C.2.ii.). Fannie Mae indicated that it collects Cash-Out Refinancing for multifamily loans, but Freddie Mac indicated that it does not. Cash-Out Refinancing will be added without modification to the PUDB Multifamily Census Tract File as a value for Loan Purpose, in conformance with the CFPB Privacy Guidance.[141]

Construction Method: Construction Method is a new HMDA data element that discloses some of the same information as the former HMDA Property Type.[142] Construction Method indicates whether the property is Site Built or a Manufactured Home. In the multifamily context, Manufactured Home refers to manufactured home communities.[143] Construction Method is collected by the Enterprises but is not currently disclosed in the Multifamily PUDB. Construction Method will be disclosed without modification in the PUDB Multifamily Census Tract File, in conformance with the CFPB Privacy Guidance.[144]

Loan Term: Loan Term is a new HMDA data element that indicates the number of months until the loan reaches maturity.[145] For purchased loans, Loan Term is measured from origination.[146] Loan Term will be disclosed without modification in the PUDB Multifamily Census Tract File, in conformance with the CFPB Privacy Guidance.[147] Previously, Loan Term had been withheld from the PUDB on proprietary grounds.

2. HMDA Multifamily Data Elements Already in the PUDB

i. Disclosure Changes in the PUDB

The multifamily data elements listed below were previously withheld from the PUDB or disclosed in the PUDB with proprietary protections, but were defined by the Regulation C amendments as HMDA data elements in 2018 and must now be disclosed.[148] The data elements previously disclosed only in the National File that must now be disclosed in the Census Tract File will continue to be disclosed in the National File as well as being added to the Census Tract File. All of the data elements will be modified as appropriate in the PUDB to conform to the CFPB Privacy Guidance.

Total Units: The Regulation C amendments added a new Total Units data element that discloses the number of units in ranges.[149] The PUDB Multifamily National File previously included a data element called Total Number of Units that disclosed the actual number of units without modification. Because Total Number of Units is now a HMDA data element, it will be added to the Census Tract File. It will now be disclosed in the National File in ranges, rather than as the actual number of units as previously disclosed. This conforms to the CFPB Privacy Guidance, except for a minor change to the CFPB's intended ranges.[150]

Action Taken Date (Loan Originated): Action Taken Date is an unchanged HMDA data element that reports the action, and the date that action was taken.[151] For the Enterprise data and PUDB purposes, the relevant HMDA Action Taken Date values are Loan Originated and Purchased Loan (discussed below in Section II.C.2.ii.).[152] The CFPB intends to withhold all Action Taken Dates from its public dataset since the exact dates could be used to match to other public datasets with individually identifying information.[153] However, the year of origination or purchase can always be inferred from the CFPB's public dataset because it only contains loans that were originated or purchased in that year—*e.g.,* the dataset with 2018 data only contains loans originated or purchased in 2018. The current PUDB Multifamily National File includes a field for Date of Mortgage Note that conforms with the HMDA Loan Originated value. Date of Mortgage Note is modified in the current PUDB to disclose whether the loan was originated in the same year it was acquired, or in any prior year. To conform with the CFPB Privacy Guidance, Date of Mortgage Note will be disclosed in the Census Tract File. This modification conforms with the CFPB's intended withholding of the actual date since the year of origination can be inferred from the year of the CFPB's public dataset.

Loan Amount (UPB): Loan Amount is a modified HMDA data element that identifies the Note Amount (discussed above in Section II.C.1.) and the UPB at the time of purchase.[154] The current

[136] 84 FR at 656.

[137] 12 CFR 1003.4(a)(32).

[138] 84 FR at 666–667.

[139] 84 FR at 661.

[140] 12 CFR 1003.4(a)(3). ''Cash-Out Refinancing'' is defined as a loan that ''the institution considered to be a cash-out refinancing in processing the application or setting the terms (such as the interest rate or origination charges) under its guidelines or an investor's guidelines.'' Official Interpretations, comment 4(a)(3)–2.

[141] 84 FR at 656.

[142] 12 CFR 1003.4(a)(5) and (31).

[143] Official Interpretations, comment 4(a)(5)–2.

[144] 84 FR at 656.

[145] 12 CFR 1003.4(a)(25).

[146] Official Interpretations, comment 4(a)(25)–3.

[147] 84 FR at 656.

[148] 12 U.S.C. 4543(b)(2).

[149] 80 FR at 66157, 66227.

[150] 84 FR at 666–667. FHFA's Total Units ranges will differ slightly from the CFPB's intended ranges. The CFPB discloses the number of units in the ranges 5 to 24, 25 to 49, 50 to 99, and 100 to 149, with top-coding. FHFA will change the 25–49 and 50–99 bins to 25–50 and 51–99, to align with FHFA's definition of ''small multifamily property.'' *See* 12 CFR 1282.1.

[151] 12 CFR 1003.4(a)(8)(i)(A) and (ii). The PUDB combines Action Taken and Action Taken Date, since there is only one possible action by the Enterprises (purchase) but two available dates in the Enterprise data (origination and purchase).

[152] Action Taken also requires reporting actions that do not apply to originated loans (*e.g.,* application denied). 12 CFR 1003.4(a)(8)(i)(B) and (C). Since the PUDB only contains data on originated loans, and the Enterprises do not collect data on loans that were not originated, these values are not relevant.

[153] 84 FR at 663.

[154] 12 CFR 1003.4(a)(7)(i). Where more than one property collateralizes a loan and/or loans, the

Continued

PUDB Multifamily Census Tract File includes a data element named Acquisition UPB that aligns with the UPB at the time of purchase. Acquisition UPB was previously rounded to the nearest $1,000 in the PUDB. Acquisition UPB will continue to be disclosed in the Census Tract File, but the disclosure will be changed to the midpoint of the $10,000 interval in which the actual amount falls, in accordance with the CFPB Privacy Guidance.[155]

ii. No Disclosure Changes in the PUDB

The HMDA multifamily data elements listed below are currently disclosed in the PUDB Multifamily Census Tract File and were unchanged by the Regulation C amendments, or modified in a way that is irrelevant to Enterprise data. Accordingly, they will continue to be disclosed in the same manner in this File. No changes in reporting or disclosure are necessary to conform with Regulation C.

Action Taken Date (Purchased Loan): Action Taken Date is an unchanged HMDA data element that indicates the action, and the date that action was taken.[156] For the Enterprise data and PUDB purposes, the relevant HMDA Action Taken Date values are Loan Originated (discussed above in Section II.C.2.i.) and Purchased Loan. Action Taken Date for Purchased Loans is the date the loan was purchased from an originator.[157] To protect borrower privacy, the CFPB intends to withhold this date from its public dataset, but the year of purchase can be inferred from the year of the dataset, which contains data on loans purchased in a single calendar year. Likewise, the year of Enterprise acquisition can be inferred from the year of the PUDB, which only contains data on loans acquired by the Enterprises in a single calendar year. Accordingly, no data elements need to be added to the PUDB Multifamily Census Tract File to conform with Regulation C.

Loan Type: Loan Type is an unchanged HMDA data element that indicates whether the loan was insured by the Federal Housing Administration, guaranteed by the Department of Veterans Affairs, guaranteed by the Rural Housing Service or the Farm Service Agency, or Conventional.[158] The current PUDB Multifamily Census Tract File includes a data element for Federal Guarantee which conforms with HMDA Loan Type. Federal Guarantee will continue to be disclosed without modification in the PUDB Multifamily Census Tract File, in conformance with the CFPB Privacy Guidance.[159]

Property Location: Property Location is an unchanged HMDA element that indicates the State, County, and Census Tract location of the mortgaged property.[160] These data values are currently disclosed without modification in the PUDB Multifamily Census Tract File, in conformance with the CFPB Privacy Guidance.[161] They will continue to be disclosed in this manner in this File.

Type of Purchaser: Type of Purchaser is a modified HMDA data element that indicates the type of purchaser for loans sold within the same calendar year as origination.[162] This includes separate values for Fannie Mae and Freddie Mac.[163] All Files in the current Multifamily PUDB include an Enterprise Flag, which is equivalent to the HMDA Type of Purchaser values for Fannie Mae and Freddie Mac. For purposes of the PUDB, the other Type of Purchaser values are not relevant because, by definition, all PUDB loans were purchased by the Enterprises. The Enterprise Flag will continue to be disclosed without modification in all Multifamily PUDB Files, including the Census Tract File.

Lien Status: Lien Status is a modified HMDA data element that indicates whether the property is Secured by a First Lien, or Secured by a Subordinate Lien.[164] The current PUDB Multifamily Census Tract File discloses lien status for purchased loans without modification, in conformance with the CFPB Privacy Guidance, and will continue to do so.[165]

Loan Purpose (Purchase, Refinancing, and Home Improvement): Loan Purpose is a modified HMDA data element that indicates whether the loan was for Purchase, Refinancing, Cash-Out Refinancing, Home Improvement, or Other.[166] The Loan Purpose values for Purchase, Refinancing, and Home Improvement are disclosed in the current PUDB Multifamily Census Tract File without modification, and will continue to be disclosed in this manner in the Census Tract File, in conformance with the CFPB Privacy Guidance.[167] (The new Loan Purpose value for Cash-Out Refinancing is discussed separately above in Section II.C.1.)

3. HMDA Multifamily Data Elements Not Collected by the Enterprises and Not Included in the PUDB

Based on the review of the Enterprises' data mapping submissions, FHFA concluded that the HMDA multifamily data elements listed below are not collected by the Enterprises from loan sellers, or are related to loan types not purchased by the Enterprises, and are, thus, not available for reporting. FHFA does not require the Enterprises, while in conservatorship, to collect data from loan sellers solely to populate the PUDB. Accordingly, these data elements are not available for inclusion in the Multifamily PUDB.

The data elements are: Universal Loan Identifier/Legal Entity Identifier, Occupancy Type, Ethnicity/Race/Sex, Age, Reason for Denial, Total Loan Costs, Total Points and Fees, Origination Charges, Discount Points, Lender Credits, HOEPA Status, Introductory Rate Period, NMLSR ID, AUS Name, AUS Result, Reverse Mortgage, Business or Commercial Purpose,[168] Open-End Line of Credit, Credit Scoring Model, Application Channel, and Rate Spread.

4. HMDA Multifamily Data Elements Excluded From the PUDB To Protect Borrower Privacy

FHFA identified three HMDA multifamily data elements that are collected by the Enterprises and will be wholly excluded from the Multifamily PUDB to protect borrower privacy, in conformance with the CFPB Privacy Guidance. These data elements, discussed below, are not currently disclosed in the Multifamily PUDB and are not required to be reported by the Enterprises to FHFA for PUDB purposes.[169]

Application Date: Application Date is an unchanged HMDA data element that indicates the date the loan application

acquisition UPB is allocated among the properties in the multifamily data collected by the Enterprises.

[155] 84 FR at 661.

[156] 12 CFR 1003.4(a)(8)(i)(A) and (ii).

[157] 12 CFR 1003.4(a)(8)(A).

[158] 12 CFR 1003.4(a)(2).

[159] 84 FR at 656.

[160] 12 CFR 1003.4(a)(9)(ii).

[161] 84 FR at 656.

[162] 12 CFR 1003.4(a)(11).

[163] *See* FHFA 2010 Order, 75 FR at 41186.

[164] 12 CFR 1003.4(a)(14). The CFPB modified this data element to include the lien status for purchased loans. 80 FR at 66201. Since FHFA already requires the Enterprises to report all data they possess, regardless of HMDA loan purchaser requirements, this modification does not impact the Enterprise data.

[165] 84 FR at 656.

[166] 12 CFR 1003.4(a)(3).

[167] 84 FR at 656.

[168] Although the Enterprises do not collect any specific data on Regulation C's Business or Commercial Purpose data element, all multifamily loans are, by definition, Business or Commercial loans under HMDA. *See* Official Interpretations, comment 3(c)(10)–3(i). Thus, all loans in the PUDB Multifamily Files are Business or Commercial Purpose and no additional data element is required to be reported or disclosed in the PUDB.

[169] FHFA may, however, require the Enterprises to report these data elements to FHFA for other purposes.

was received or the date shown on the loan application form. Application Date is collected by the Enterprises.[170] Because Application Date presents borrower privacy concerns, the CFPB Privacy Guidance intends to exclude it from the CFPB's public dataset.[171] Accordingly, Application Date will not be included in the Multifamily PUDB, in conformance with the CFPB Privacy Guidance.

Property Address: Property Address is a new HMDA data element that indicates the address of the property securing the loan.[172] Property Address is collected by the Enterprises. Because Property Address is uniquely identifying, the CFPB Privacy Guidance intends to exclude it from its public dataset.[173] Accordingly, Property Address will not be included in the Multifamily PUDB, in conformance with the CFPB Privacy Guidance.

Credit Score: Credit Score is a new HMDA data element that indicates the credit score relied on by the lender to make the decision on the application.[174] The Enterprises collect Credit Score for some natural person multifamily borrowers. The CFPB requires Credit Score to be reported, but the CFPB Privacy Guidance intends to exclude it from disclosure in the CFPB's public dataset.[175] Accordingly, Credit Score will not be included in the Multifamily PUDB, in conformance with the CFPB Privacy Guidance.

5. Multifamily Data Elements Exempt From HMDA

Under Regulation C, Preapproval, Income, Debt-to-Income, Manufactured Home Secured Property Type, and Manufactured Home Land Property Interest data are not reported for multifamily loans.[176] Accordingly, these are not HMDA data elements for PUDB purposes. They are not included in the current Multifamily PUDB and will not be added to the Multifamily PUDB.

IV. Duty To Serve Geographic Indicators Added to the PUDB

FHFA's Order revises the PUDB single-family and multifamily matrices to add in the Census Tract Files geographic indicators that correspond to regions of focus under the Duty to Serve program.[177] The geographic identifiers include codes for Rural, Lower Mississippi Delta, Middle Appalachia, Persistent Poverty County, Area of Concentrated Poverty, and High Opportunity Area. These codes will not flag individual loans purchased by the Enterprises that actually qualified for Duty to Serve credit, but rather whether the mortgage property is located in one of these geographical areas that the Duty to Serve regulation identifies for Enterprise efforts.

Since the geographic indicators can already be derived from the census tract disclosed in the PUDB Census Tract Files and other public data, they will not introduce any new privacy or proprietary data concerns, nor will they necessitate any additional reporting by the Enterprises.

The Safety and Soundness Act provides that the Director shall make the required PUDB data elements public in forms useful to the public.[178] Adding the geographic indicators in the PUDB will provide greater transparency to the public about the Enterprises' Duty to Serve activities.

V. Order

For the convenience of the affected parties, and the public, the Order is recited below in its entirety. The Order is also available for public inspection and copying at FHFA's Freedom of Information Act (FOIA) Reading Room at *https://www.fhfa.gov/AboutUs/FOIAPrivacy/Pages/Reading-Room.aspx* by clicking on ''Click here to view Orders'' under the Final Opinions and Orders heading.

The text of the Orders is as follows:

Federal Housing Finance Agency

Order Nos. 2020–OR–FNMA–2; and 2020–OR–FHLMC–2.

Revisions to Data Requirements for Enterprise Public Use Database To Include New Home Mortgage Disclosure Act Data Elements

Whereas, the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act) (12 U.S.C. 4543) requires the Federal Housing Finance Agency (FHFA) to make available annually to the public certain loan-level mortgage data elements related to single-family and multifamily mortgages purchased by the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) (collectively, the Enterprises) in a calendar year;

Whereas, FHFA publishes annually the required Enterprise mortgage data elements in an Enterprise Public Use Database (PUDB);

Whereas, the mortgage data elements for the PUDB are submitted by Fannie Mae and Freddie Mac to FHFA in the reports required under section 309(m) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m)) and section 307(e) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e)), respectively, and in other submissions to FHFA;

Whereas, the Safety and Soundness Act (12 U.S.C. 4543(a)(2), 4546(d)(1)) further provides that the mortgage data elements must include data elements that are the same as those required to be reported under the Home Mortgage Disclosure Act of 1975 (HMDA) (12 U.S.C. 2801 *et seq.*), which must be made available to the public at the census tract level, subject to privacy considerations, as described in section 304(j) of HMDA (12 U.S.C. 2803(j)), and thus may not be withheld from public disclosure notwithstanding any Enterprise proprietary interests;

Whereas, in 2015, the Consumer Financial Protection Bureau (CFPB) added new definitions for HMDA data elements in amendments to Regulation C (12 CFR part 1003), which took effect on January 1, 2018 for mortgages originated in 2018 and thereafter;

Whereas, as a result of the Regulation C amendments, any new data elements collected by the Enterprises that conform to the new HMDA definitions in Regulation C must be added to the PUDB;

Whereas, FHFA identified the data elements collected by the Enterprises in 2018 that conform to the new HMDA definitions in Regulation C that are of appropriate data quality for public disclosure;

Whereas, section 304(j)(2)(B) of HMDA (12 U.S.C. 2803(j)(2)(B)) provides that the CFPB shall protect any privacy interest of borrowers in the release of HMDA data elements, and the CFPB has issued privacy guidance to implement the HMDA statutory privacy requirements (84 FR 649 (Jan. 31, 2019));

Whereas, pursuant to the requirement under the Safety and Soundness Act to consider the HMDA privacy requirements for HMDA data elements published in the PUDB, FHFA is following the CFPB privacy guidance for all of the HMDA data elements in the PUDB, with one minor change to the manner of disclosure of multifamily Total Units;

Whereas, pursuant to the Safety and Soundness Act (12 U.S.C. 4543(a)(1)), the Director shall make the required data elements public in forms useful to the public, and has determined that

[170] 12 CFR 1003.4(a)(1)(ii).

[171] 84 FR at 660.

[172] 12 CFR 1003.4(a)(9)(i).

[173] 84 FR at 663.

[174] 12 CFR 1003.4(a).

[175] 84 FR at 665.

[176] Official Interpretations, comment 2(n)–2.

[177] 12 CFR part 1282, subpart C.

[178] 12 U.S.C. 4543(a)(1).

adding certain geographic indicators that correspond to certain regions of focus under the Enterprise Duty to Serve program (12 CFR part 1282, subpart C) will help provide greater transparency to the public about the Enterprises' Duty to Serve activities;

Whereas, to comply with the Safety and Soundness Act, it is necessary for FHFA to make changes to the data fields in the single-family and multifamily matrices of the PUDB, which set forth the data required to be submitted for the PUDB and the privacy and proprietary modifications to that data, as directed in this Order;

Now, therefore, it is hereby ordered as follows:

1. The data fields in the single-family and multifamily matrices of the PUDB are revised as set forth in the matrices published on the FHFA website at *https://www.fhfa.gov/DataTools/Downloads/Pages/Public-Use-Databases.aspx,* which are incorporated herein by reference, to include:

(a) The data elements that are the same as those required to be reported under HMDA, pursuant to 12 U.S.C. 4543(a)(2) and 4546(d)(1), except for certain newly collected data elements that require further analysis to ensure data quality before inclusion in the PUDB;

(b) Revised proprietary and privacy protections, including the disclosure of data elements previously withheld or modified on proprietary grounds that are no longer eligible for proprietary protection under 12 U.S.C. 4543(b)(2); and

(c) Certain Duty to Serve geographic indicators;

2. The Enterprises shall provide to FHFA the mortgage data elements required to populate the data fields described in the single-family and multifamily matrices for inclusion in the 2018 PUDB no later than four weeks from the date of this Order, pursuant to instructions issued by FHFA staff, and shall provide such data elements annually thereafter to FHFA for future PUDBs in accordance with applicable FHFA regulations and any additional instructions issued by FHFA staff;

3. This Order modifies the FHFA Order on the Public Use Database for Enterprise Mortgage Purchases, dated July 1, 2010 (75 FR 41180, 41189) (July 15, 2010), and the FHFA Order on Revisions to Enterprise Public Use Database Incorporating High-Cost Single-Family Securitized Loan Data Fields and Technical Data Field Changes, dated Sept. 21, 2011 (76 FR 60031, 60036) (Sept. 28, 2011); and

4. A new 2018 PUDB shall be released by FHFA containing the data elements for loans acquired by the Enterprises in 2018 added by this Order, replacing the interim PUDB released on September 23, 2019, which does not include the new HMDA data elements or Duty to Serve geographic indicators.

It is so ordered, this the 27th day of May, 2020.

This Order is effective immediately.

Signed at Washington, DC, this 27th day of May, 2020.

Mark A. Calabria,

Director, Federal Housing Finance Agency.

[FR Doc. 2020–11819 Filed 6–2–20; 8:45 am]

BILLING CODE 8070–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012426–005.

Agreement Name: The OCEAN Alliance Agreement.

Parties: American President Lines, LLC; APL Co. Pte. Ltd.; CMA CGM S.A.; COSCO SHIPPING Lines Co., Ltd.; Evergreen Line Joint Service Agreement; OOCL (Europe) Limited, and Orient Overseas Container Line Limited.

Filing Party: Robert Magovern; Cozen O'Connor.

Synopsis: The Amendment adds Bahrain, Iraq, and Oman to the geographic scope of the Agreement.

Proposed Effective Date: 7/11/2020.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/1214.

Dated: May 29, 2020.

Rachel Dickon,

Secretary.

[FR Doc. 2020–11940 Filed 6–2–20; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each application is available for inspection at the Federal Reserve Bank as indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than June 22, 2020.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Bath State Bancorp Employee Stock Ownership Plan With 401(k) Provisions, Bath, Indiana;* to acquire voting shares of Bath State Bancorp, and indirectly acquire voting shares of Bath State Bank, both of Bath, Indiana, and thereby engage in extending credit and servicing loans pursuant to Section 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, May 28, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–11903 Filed 6–2–20; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank

Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than June 17, 2020.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *S.C. Investments, L.P., Gerald F. Fitzgerald, general partner, the Fitzgerald Dynasty Trust, Denise M. Fitzgerald, trustee, all of Palatine, Illinois; the James G. Fitzgerald 1988 Trust, James G. Fitzgerald, trustee, the Timothy E. Fitzgerald 2011 Trust, Timothy J. Fitzgerald and James G. Fitzgerald, as co-trustees, the Whooper Trust, Jane M. Fitzgerald, trustee, all of Naples, Florida; the Andrew J. Fitzgerald 2011 Trust, Andrew J. Fitzgerald, trustee, Santa Barbara, California*; to join the Fitzgerald Family Control Group, a group acting in concert, and retain voting shares of LaSalle Bancorp, and thereby indirectly retain voting shares of Hometown National Bank, both of LaSalle, Illinois.

Board of Governors of the Federal Reserve System, May 28, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–11902 Filed 6–2–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10170]

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 August 3, 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–10170 Retiree Drug Subsidy Payment Request and Instructions

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:* Extension without change of a currently approved collection; *Title of Information Collection:* Retiree Drug Subsidy Payment Request and Instructions; *Use:* Under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and implementing regulations at 42 CFR part 423 subpart R plan sponsors (*e.g.,* employers, unions) who offer prescription drug coverage to their qualified covered retirees are eligible to receive a 28% subsidy for allowable drug costs. In order to qualify, plan sponsors must submit a complete

application to the Centers for Medicare & Medicaid Services (CMS) with a list of retirees for whom it intends to collect the subsidy. Once CMS reviews and analyzes the information on the application and the retiree list, notification will be sent to the plan sponsor about its eligibility to participate in the Retiree Drug Subsidy (RDS) Program.. *Form Number:* CMS–10170 (OMB control number: 0938–0977); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 1,803; *Total Annual Responses:* 1,803; *Total Annual Hours:* 115,392. (For policy questions regarding this collection contact Ivan Iveljic at 410) 786–3312.)

Dated: May 29, 2020.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2020–11992 Filed 6–2–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Refugee Support Services (RSS) and RSS Set Aside Sub-Agency List (New Collection)

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) seeks approval for a new information collection requesting Refugee Support Services (RSS) grantees and RSS Set Aside grantees to provide the agency name, city, state, phone number, and funding amount for each contracted sub-grantee.

DATES: *Comments due within 30 days of publication.* The Office of Management and Budget (OMB) is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget; Paperwork Reduction Project; Email: *OIRA_SUBMISSION@OMB.EOP.GOV*; Attn: Desk Officer for the Administration for Children and Families.

Copies of the proposed collection may be obtained by emailing *infocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: This new data collection will request RSS grantees and RSS Set Aside grantees to provide the agency name, city, state, phone number, and funding amount for each contracted sub-grantee. Without having this information regarding RSS sub-grantees, the ACF Office of Refugee Resettlement (ORR) does not know whether an agency is, or is not, receiving ORR funds. This makes it difficult to ensure communications with, provide access to targeted assistance for, and keep abreast of the activities of all ORR-funded refugee service providers.

Respondents: State governments and replacement designees.

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
RSS and RSS Set Aside Sub-grantee List	56	3	2	336	112

Estimated Total Annual Burden Hours: 112.

Authority: Refugee Act of 1980 [Immigration and Nationality Act, Title IV, Chapter 2 Section 412(e)] and 45 CFR 400.28.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–11985 Filed 6–2–20; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Organization, Functions and Delegations of Authority

This notice amends Part R of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA) (60 FR 56605, as amended November 6, 1995; as last amended at 84 FR 49535–49540 dated September 20, 2019).

HRSA is making changes within both the HIV/AIDS Bureau and Office of Global Health in order to generate efficiencies in the delivery of technical assistance and global activities by better aligning staff within HRSA to maximize the impact of their focus areas.

This reorganization updates the organization, functions, and delegation of authority of the HIV/AIDS Bureau (RV) and the Office of Global Health (RAI) within the Office of the Administrator. Specifically this reorganization: (1) Transfers the functions of the Division of Domestic Programs (RVT1) to the Office of Program Support (RV3) and the Division of Policy and Data (RVA) within the HIV/AIDS Bureau; (2) abolishes the Division of Domestic Programs (RVT2); transfers the organization and functions of the Division of Global Programs (RVT2) to the Office of Global Health (RAI); (3) abolishes the Office of HIV/AIDS Training and Capacity Development (RVT); and (4) updates the functional statement for the HIV/AIDS Bureau, Office of the Associate Administrator (RV).

Chapter RV—HIV/AIDS Bureau

Section RV.10 Organization

Delete the organization for the HIV/AIDS Bureau (RV) in its entirety and replace with the following:

The HIV/AIDS Bureau (RV) is headed by the Associate Administrator, who reports directly to the Administrator, HRSA. The HIV/AIDS Bureau includes the following components:

(1) Office of the Associate Administrator (RV);

(2) Office of Operations and Management (RV2);

(2) Office of Program Support (RV3);

(3) Division of Policy and Data (RVA);

(4) Division of Metropolitan HIV/AIDS Programs (RV5);

(5) Division of State HIV/AIDS Programs (RVD); and

(6) Division of Community HIV/AIDS Programs (RV6).

Section RV.20 Function

Delete the functional statement for The Office of the Associate Administrator (RV), Office of Program Support (RV3) and Division of Policy and Data (RVA) in its entirety and replace with the following:

Office of the Associate Administrator (RV)

The Office of the Associate Administrator provides leadership and direction for the HIV/AIDS programs and activities of the Bureau and oversees its relationship with other national health programs. Specifically: (1) Promotes the implementation of the National HIV/AIDS Strategy within the Agency and among Agency-funded programs; (2) coordinates the formulation of an overall strategy and policy for programs established by Title XXVI of the PHS Act as amended by the Ryan White HIV/AIDS Treatment Extension Act of 2009, Public Law 111–87; (3) coordinates internal functions of the Bureau and its relationships with other Agency Bureaus and Offices; (4) establishes HIV/AIDS program objectives, alternatives, and policy positions consistent with broad Administration guidelines; (5) provides leadership for and oversight of the Bureau's budgetary development and implementation processes; (6) provides clinical leadership to Ryan White-funded programs; (7) serves as a principal contact and advisor to the Department and other parties on matters pertaining to the planning and development of HIV/AIDS-related health delivery systems; (8) reviews HIV/AIDS related program activities to determine their consistency with established policies; (9) develops and oversees operating policies and procedures for the Bureau; (10) oversees and directs the planning, implementation, and evaluation of special studies related to HIV/AIDS and public health within the Bureau; (11) prioritizes technical assistance needs in consultation with each division/office; (12) plans, implements, and evaluates the Bureau's national technical assistance resource training center website and other distance learning modalities; (13) represents the Agency in HIV/AIDS related conferences, consultations, and meetings with other Operating Divisions, Office of the Assistant Secretary for Health, and the White House; and (14) oversees Bureau Executive Secretariat functions and coordinates HRSA responses and comments on HIV/AIDS-related reports, position papers, guidance documents, correspondence, and related issues, including Freedom of Information Act requests.

Office of Program Support (RV3)

The Office of Program Support provides expertise, guidance, leadership, and support in the areas of organizational development, communications, fiscal oversight, grants policy, training and technical assistance to the Bureau staff and grant recipients, and customer service to support program implementation. Specifically, the Office of Program Support: (1) Coordinates grants management and grants policy for the Bureau, including grants liaison functions; (2) supports training and technical assistance (TA) for grant recipients through the AIDS Education and Training Centers (AETCs), TA contracts, and other TA initiatives; (3) plans, implements and evaluates HIV/AIDS Bureau staff development and education to enable employees to meet the mission of the Bureau; (4) streamlines communications, clearance activities and development of consistent, quality presentations; (5) improves the Bureau's external facing communication efforts; (6) facilitates transparency in sharing the Bureau's data using internal and external resources; (7) supports systems development to improve program efficiencies and management; (8) provides support with the implementation of staff development, organizational development and training activities; (9) plans, develops, implements and evaluates the Bureau's organizational and staff development, and staff training activities inclusive of guiding action steps addressing annual Employee Viewpoint Survey results; (10) coordinates the development and distribution of all Bureau communication activities, materials and products internally and externally; (11) supports fiscal oversight and technical assistance to grant recipients; (12) serves as the Bureau's primary liaison with the HRSA Office of Federal Assistance Management (OFAM); (13) provides statutory and programmatic coordination, guidance, and expertise on grants and fiscal compliance to funded programs and Bureau staff; (14) identifies and develops resources to sustain statutory, programmatic and fiscal compliance of funded programs (15) coordinates with HRSA's OFAM for grants processes; (16) coordinates with HRSA's OFAM for fiscal oversight and compliance; (17) as needed, coordinates grant recipient site visits and site specific consultations; (18) supports grant recipients in meeting project goals and deliverables related to fiscal compliance and grants policy; (19) develops grant recipients training and technical assistance plans related to fiscal compliance and grants policy; (20) leads distance learning opportunities; and (21) is responsible for activities associated with the planning, development, implementation, evaluation, and coordination of the HIV/AIDS Education and Training Center Program.

Division of Policy and Data (RVA)

The Division of Policy and Data serves as the Bureau's principal source of program data collection and evaluation and the focal point for coordination of program performance activities, policy analysis, and development of policy guidance. The division coordinates policy and data related technical assistance activities for the Bureau in collaboration with each division and conducts evaluation studies on emerging health service delivery issues and their effects upon clients, providers, grant recipients, systems of care and coordinates clinical quality improvement activities. The division also manages Special Projects of National Significance funding which supports the development of innovative models of HIV care to quickly respond to the emerging needs of clients served by the Ryan White HIV/AIDS Program.

Section RV.30, Delegation of Authority

All delegations of authority and re-delegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegation, if allowed, provided they are consistent with this reorganization.

Chapter RAI—Office of Global Health

Delete the organization for the Office of Global Health (RAI) in its entirety and replace with the following:

Section RAI.10 Organization

The Office of Global Health (RAI) is headed by the Director, who reports directly to the Administrator, HRSA. The Office of Global Health includes the following components:

(1) Office of the Director (RAI) and

(2) Division of Global Programs (RAI1).

Section RAI.20 Function

Delete the functional statement for the Office of Global Health (RAI) in its entirety and replace with the following:

Office of Global Health (RAI)

The Office of Global Health serves as the principal advisor to the Administrator on global health issues. Specifically, the Office of Global Health (1) provides leadership, coordination, and advancement of global health programs relating to sustainable health systems for vulnerable and at-risk populations; (2) provides leadership within HRSA for the support of global health and coordinates policy development with the HHS Office of Global Affairs, other departmental agencies, bilateral/multilateral organizations, and other international organizations and partners; (3) monitors HRSA's border health activities and investments, in partnership with HRSA's Office of Regional Operations, to promote collaboration and improve health care access to those living along the U.S. borders, such as the U.S.-Mexico border and the U.S. Affiliated Pacific Islands; (4) provides management and oversight of international programs aimed at improving quality and innovation in human resources for health, health professions recruitment, education, retention, and applied research systems; (5) supports and conducts programs associated with the international migration and recruitment of health personnel, foreign, and immigrant health workers; (6) provides support for the agency's international travel and the Department of State's International Visitors Leadership Program; and (7) provides national leadership, including serving as the Deputy Principal representative and providing support to the HRSA Administrator, implements training, and systems strengthening functions of the Global HIV/AIDS Program as part of the President's Emergency Plan for AIDS Relief (PEPFAR).

Division of Global Programs (RAI1)

The Division of Global HIV/AIDS Program provides national leadership, implements training, and systems strengthening functions of the Global HIV/AIDS Program as part of PEPFAR. This includes strengthening health systems for delivery of prevention, care and treatment services for people with HIV/AIDS in PEPFAR-funded countries and providing management and oversight of international programs aimed at improving quality and innovation in health professions education and training. The Division will translate lessons learned from both the domestic and Global HIV/AIDS Programs grant recipient community.

The Division of Global HIV/AIDS Program provides leadership in improving care, treatment and support services for People with HIV/AIDS outside of the United States and its territories. Specifically, the Division: (1) In coordination with the Department of State's Office of the Global AIDS Coordinator, plans, develops, implements, evaluates, and coordinates the activities of the clinical assessment system strengthening; (2) provides guidance and expertise to funded programs; (3) develops funding opportunity announcements and program guidance documents; (4) conducts on-site program reviews and reviews of pertinent and required reports, and activities to assess compliance with program policies and country priorities; (5) in conjunction with other division, Bureau, and agency entities, assists in the planning and implementation of priority HIV activities such as workgroups, meetings, and evaluation projects; (6) collaborates with other federal agencies and in-country partners in the implementation of the PEPFAR program, and; (7) provides management and oversight of international programs aimed at improving quality and innovation in health professions education, retention, training, faculty development and applied research systems.

Section RAI.30, Delegation of Authority

All delegations of authority and re-delegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegation, if allowed, provided they are consistent with this reorganization.

This reorganization is effective upon date of signature.

Authority: 44 U.S.C. 3101.

Dated: April 2, 2020.

Alex M. Azar II,

Secretary.

[FR Doc. 2020–11769 Filed 6–1–20; 4:15 pm]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; 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: Office of Research Infrastructure Programs Special Emphasis Panel; Member Conflict: Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (STOD).

Date: July 24, 2020.

Time: 11:00 a.m. to 3:00 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: Kenneth Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3218, MSC 7717, Bethesda, MD 20892, 301–435–0229, *kenneth.ryan@nih.hhs.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: May 28, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–11911 Filed 6–2–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Secretary; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Task Force on Research Specific to Pregnant Women and Lactating Women.

The meeting will be open to the public and held as a virtual meeting. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Task Force on Research Specific to Pregnant Women and Lactating Women (PRGLAC).

Date: June 24, 2020, 3:00 p.m. to 5:00 p.m. (EDT).

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development/NIH, 31 Center Drive, MSC 2425, Building 31, Room 2A03, Bethesda, MD 20892 (Virtual Meeting).

Agenda: The Task Force is charged with providing advice and guidance to the Secretary of HHS regarding Federal activities related to identifying and addressing gaps in knowledge and research regarding safe and effective therapies for pregnant women and lactating women, including the development of such therapies and the collaboration on and coordination of such activities. The Task Force will be discussing implementation steps to carry out the recommendations made in the 2018 PRGLAC Report to the Secretary.

Contact Person: Lisa Kaeser, Executive Secretary, Office of Legislation and Public Policy, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 31 Center Drive, MSC 2425, Building 31, Room 2A03, Bethesda, MD 20892, (301) 496–0536, *kaeserl@mail.nih.gov*.

Registration: Attendees should register prior to the meeting by going to the following: *https://nih.webex.com/nih/onstage/g.php?MTID=e7c4f50704d72bbe20584c279a3ec07b5*. Password: NICHD.

Details and additional information about this meeting, prior meetings, and the Task Force's 2018 Report and Recommendations can be found on the NICHD website for the Task Force on Research Specific to Pregnant Women and Lactating Women: *https://www.nichd.nih.gov/about/advisory/PRGLAC*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Dated: May 29, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–11980 Filed 6–2–20; 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; Topics in Bacterial Pathogenesis.

Date: June 30, 2020.

Time: 10:00 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: Richard G. Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 240–519–7808, *kostrikr@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Early and Late Stage Clinical Trials for the Spectrum of Alzheimer's Disease and Age-related Cognitive Decline.

Date: June 30, 2020.

Time: 11:00 a.m. to 5:30 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: Unja Hayes, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–6830, *unja.hayes@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR19–367: Maximizing Investigators' Research Award (R35—Clinical Trial Optional).

Date: July 1–2, 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 Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Anita Szajek, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–827–6276, *anita.szajek@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Aging and Development, Auditory, Vision and Low Vision Technologies.

Date: July 1–2, 2020.

Time: 9:00 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 G. Rudolph, Ph.D., Chief and Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892, 301–408–9098, *josephru@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: 4D Nucleome Data Integration, Modeling, Visualization, Coordination and Organizational Centers and Hubs.

Date: July 1–2, 2020.

Time: 9:30 a.m. to 4:30 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*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Psycho/Neuropathology Lifespan Development, STEM Education.

Date: July 1–2, 2020.

Time: 10:30 a.m. to 5:30 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: Elia K.Ortenberg, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, Bethesda, MD 20892, 301–827–7189, *femiaee@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurogenetics and Neurological Disorders.

Date: July 1, 2020.

Time: 11:00 a.m. to 2:00 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: Vilen A. Movsesyan, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, *movsesyanv@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cerebrovascular Disorders, Traumatic Brain Injury and Epilepsy.

Date: July 1, 2020.

Time: 11:00 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: Paula Elyse Schauwecker, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5211, Bethesda, MD 20892, 301–760–8207, *schauweckerpe@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR19–367: Maximizing Investigators' Research Award (R35—Clinical Trial Optional).

Date: July 1, 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 Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: C–L Albert Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7806, Bethesda, MD 20892, 301–435–1016, *wangca@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 28, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–11910 Filed 6–2–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Special Emphasis Panel; Fine-Mapping Genome-Wide Associated Loci to Identify Proximate Causal Mechanisms of Serious Mental Illness.

Date: June 24, 2020.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Vinod Charles, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892–9606, 301–443–1606, *charlesvi@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Genetic Architecture of Mental Disorders in Ancestrally Diverse Populations.

Date: June 26, 2020.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Vinod Charles, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892–9606, 301–443–1606, *charlesvi@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Rapid-Acting Interventions for Severe Suicide Risk (R01).

Date: June 30, 2020.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: David W. Miller, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–9734, *millerda@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: May 28, 2020.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–11913 Filed 6–2–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Heart, Lung, and Blood Institute Special Emphasis Panel; Career Development Program to Promote Diversity in Health Research (K01).

Date: July 1, 2020.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH/NHLBI, 6705 Rockledge Drive, Bethesda, MD 20814 (Telephone Conference Call).

Contact Person: Zhihong Shan, Ph.D., MD, Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 205–J, Bethesda, MD 20892, (301) 827–7985, *zhihong.shan@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Catalyze Review for Small Molecules and Biologics.

Date: July 14, 2020.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH/NHLBI, 6705 Rockledge Drive, Bethesda, MD 20814 (Telephone Conference Call).

Contact Person: Melissa E. Nagelin, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–R, Bethesda, MD 20892, (301) 827–7951, *nagelinmh2@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; PPG Special Emphasis Panel.

Date: July 16, 2020.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health (NIH), Rockledge 1, 6705 Rockledge Drive, Bethesda, MD 22192 (Telephone Conference Call).

Contact Person: Stephanie J. Webb, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–V, Bethesda, MD 20892, (301) 827–7992, *stephanie.webb@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Mentored Career Development Awards—K23, K24, K99.

Date: July 16, 2020.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, RKLI, 6705 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lindsay M. Garvin, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Suite 208–Y, Bethesda, MD 20892, (301) 827–7911, *lindsay.garvin@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI Diversity Education Program.

Date: July 20, 2020.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Shelley S. Sehnert, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Suite 208–T, Bethesda, MD 20892–7924, (301) 827–7984, *ssehnert@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Short Term Institutional Training Awards.

Date: July 23, 2020.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20872 (Telephone Conference Call).

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 207–Q, Bethesda, MD 20892–7924, (301) 827–7913, *creazzotl@mail.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; R35 Outstanding Investigator Award.

Date: July 28–29, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH/NHLBI, 6705 Rockledge Drive, Bethesda, MD 20814 (Telephone Conference Call).

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 209–B, Bethesda, MD 20892, (301) 827–7953, *kristen.page@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 29, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–11982 Filed 6–2–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2020–N066; FXES11140400000–201–FF04E00000]

Endangered Species; 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 species under the Endangered Species Act of 1973, as amended. 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 written data or comments on the applications by July 6, 2020.

ADDRESSES: *Reviewing Documents:* Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act. Submit a request for a copy of such documents to Karen Marlowe (see **FOR FURTHER INFORMATION CONTACT**).

Submitting Comments: If you wish to comment, you may submit comments by one of the following methods:

- *U.S. mail:* U.S. Fish and Wildlife Service Regional Office, Ecological Services, 1875 Century Boulevard, Atlanta, GA 30345 (Attn: Karen Marlowe, Permit Coordinator).
- *Email: permitsR4ES@fws.gov.* Please include your name and return address in your email message. If you do not receive a confirmation from the U.S. Fish and Wildlife Service that we have received your email message, contact us directly at the telephone number listed in **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Karen Marlowe, Permit Coordinator, 404–679–7097 (telephone), *karen_marlowe@fws.gov* (email), or 404–679–7081 (fax). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: We invite review and comment from local, State, and Federal agencies and the public on applications we have received for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17. With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activities. The ESA's definition of ''take'' includes hunting, shooting, harming, wounding, or killing, and also such activities as pursuing, harassing, trapping, capturing, or collecting.

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 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.

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.

Permit application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE 41955C–1	Anthony Miller, Lexington, KY.	BATS: Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), northern long-eared bats (*Myotis septentrionalis*), and Virginia big-eared bats (*Corynorhinus townsendii virginianus*); FISH: Blackside dace (*Phoxinus cumberlandensis)* and Kentucky arrow darter (*Etheostoma spilotum*); MUSSELS: Clubshell (*Pleurobema clava*), Cumberland bean (*Villosa trabilis*), Cumberland elktoe (*Alasmidonta atropurpurea*), Cumberlandian combshell (*Epioblasma brevidens*), fanshell (*Cyprogenia stegaria*), fat pocketbook (*Potamilus capax*), littlewing pearlymussel (*Pegias fabula*), northern riffleshell (*Epioblasma torulosa rangiana*), orangefoot pimpleback (*Plethobasus cooperianus*), oyster mussel (*Epioblasma capsaeformis*), pink mucket (*Lampsilis abrupta*), purple cat's paw (*Epioblasma obliquata obliquata*), ring pink (*Obovaria retusa*), and rough pigtoe (*Pleurobema plenum*).	Bats: Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming; Fish and Mussels: Kentucky.	Presence/absence surveys	Bats: Enter hibernacula and summer roost caves, capture with mist nets or harp traps, handle, identify, band, radio-tag, collect hair samples, light-tag, wing-punch; Fish: Capture with hand nets and seines, handle, identify, and release; Mussels: Remove from the substrate for identification, data collection, and return.	Renewal.
TE 67197D–0	Tyler Black, Chapel Hill, NC.	CRAYFISH: Big Sandy crayfish (*Cambarus callainus*), Guyandotte River crayfish (*Cambarus veteranus*), and Nashville crayfish (*Orconectes shoupi*); FISH: Laurel dace (*Chrosomus saylori*), blue shiner (*Cyprinella caerulea*), bluemask darter (*Etheostoma akatulo*), relict darter (*Etheostoma chienense*), candy darter (*Etheostoma osburni*), duskytail darter (*Etheostoma percnurum*), Maryland darter (*Etheostoma sellare*), Kentucky arrow darter (*Etheostoma spilotum*), Cumberland darter (*Etheostoma susansae*), trispot darter (*Etheostoma trisella*), boulder darter (*Etheostoma wapiti*), Barrens topminnow (*Fundulus julisia*), palezone shiner (*Notropis albizonatus*), Cape Fear shiner (*Notropis mekistocholas*), smoky madtom (*Noturus baileyi*) chucky madtom (*Noturus crypticus*), pygmy madtom (*Noturus stanauli*), amber darter (*Percina antesella*), goldline darter (*Percina aurolineata*), Conasauga logperch (*Percina jenkinsi*), Roanoke logperch (*Percina rex*), snail darter (*Percina tanasi*), and blackside dace (*Phoxinus cumberlandensis*); MUSSELS: Cumberland elktoe (*Alasmidonta atropurpurea*), dwarf wedgemussel (*Alasmidonta heterodon*), Appalachian elktoe (*Alasmidonta raveneliana*), spectaclecase (*Cumberlandia monodonta*), fanshell (*Cyprogenia stegaria*), dromedary pearlymussel (*Dromus dromas*), yellow lance (*Elliptio lanceolata*), Tar River spinymussel (*Elliptio steinstansana*), Cumberlandian combshell (*Epioblasma brevidens*), oyster mussel (*Epioblasma capsaeformis*), yellow blossom (*Epioblasma florentina florentina*), tan riffleshell (*Epioblasma florentina walkeri*), upland combshell (*Epioblasma metastriata*), purple cat's paw (*Epioblasma obliquata obliquata*), southern acornshell (*Epioblasma othcaloogensis*), green blossom (*Epioblasma torulosa gubernaculum*), northern riffleshell (*Epioblasma torulosa rangiana*), tubercled blossom (*Epioblasma torulosa torulosa*), snuffbox mussel (*Epioblasma triquetra*), turgid blossom (*Epioblasma turgidula*), shiny pigtoe (*Fusconaia cor*), finerayed pigtoe (*Fusconaia cuneolus*), Atlantic pigtoe (*Fusconaia masoni*), cracking pearlymussel (*Hemistena lata*), pink mucket (*Lampsilis abrupta*), finelined pocketbook (*Lampsilis altilis*), Alabama lampmussel (*Lampsilis virescens*), Carolina heelsplitter (*Lasmigona decorata*), birdwing pearlymussel (*Lemiox rimosus*), scaleshell mussel (*Leptodea leptodon*), Alabama moccasinshell (*Medionidus acutissimus*), Coosa moccasinshell (*Medionidus parvulus*), ring pink (*Obovaria retusa*), littlewing pearlymussel (*Pegias fabula*), white wartyback (*Plethobasus cicatricosus*), orangefoot pimpleback (*Plethobasus cooperianus*), sheepnose (*Plethobasus cyphyus*), clubshell (*Pleurobema clava*), James spinymussel (*Pleurobema collina*), southern clubshell (*Pleurobema decisum*), southern pigtoe (*Pleurobema georgianum*), Cumberland pigtoe (*Pleurobema gibberum*), Georgia pigtoe (*Pleurobema hanleyianum*), ovate clubshell (*Pleurobema perovatum*), rough pigtoe (*Pleurobema plenum*), slabside pearlymussel (*Pleuronaia dolabelloides*), fat pocketbook (*Potamilus capax*), triangular kidneyshell (*Ptychobranchus greenii*), fluted kidneyshell (*Ptychobranchus subtentum*), rabbitsfoot (*Quadrula cylindrica cylindrica*), rough rabbitsfoot (*Quadrula cylindrica strigillata*), winged mapleleaf (*Quadrula fragosa*), Cumberland monkeyface (*Quadrula intermedia*), Appalachian monkeyface (*Quadrula sparsa*), pale lilliput (*Toxolasma cylindrellus*), rayed bean (*Villosa fabalis*), purple bean (*Villosa perpurpurea*), and Cumberland bean (*Villosa trabalis*); SNAILS: Anthony's riversnail (*Athearnia anthonyi*).	Delaware, Kentucky, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	Presence/ absence surveys, population monitoring, genetic sampling, collection for propagation and translocation.	Capture, handle, identify, mark, tag, collect tissue samples, and release.	New.
TE 66039A–1	Arkansas Game and Fish Commission, Benton, AR.	AMPHIBIANS: Ozark hellbender (*Cryptobranchus alleganiensis bishopi*); MUSSELS: Ouachita rock pocketbook (*Arkansia wheeleri*), snuffbox mussel (*Epioblasma triquetra*), Arkansas fatmucket (*Lampsilis powellii*), speckled pocketbook (*Lampsilis streckeri*), Neosho mucket (*Lampsilis rafinesqueana*), rabbitsfoot (*Quadrula cylindrica cylindrica*), and winged mapleleaf (*Quadrula fragosa*).	Arkansas	Captive propagation and release.	Capture, transport, artificially propagate, and release.	Renewal and amendment.
TE 68453D–0	Andrew Edelman, University of West Georgia, Carrolton, GA.	Gray bat (*Myotis grisescens*), northern long-eared bat (*Myotis septentrionalis*), and Indiana bat (*Myotis sodalis*).	Alabama, Georgia, and South Carolina.	Presence/absence surveys, population monitoring.	Enter hibernacula and maternity roost caves, mist-net, capture, handle, band, radio-tag, and collect hair samples.	New.

Permit application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE 040792–5	US Forest Service—Savannah River Site, New Ellenton, SC.	Red-cockaded woodpecker (*Picoides borealis*)	Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.	Population management and monitoring.	Capture, band, monitor nest cavities, construct and monitor artificial nest cavities and restrictors, and translocate.	Renewal and amendment.
TE 697819–5	US Fish and Wildlife Service, Atlanta, GA.	All endangered species in the Southeast Region	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Commonwealth of Puerto Rico, and U.S. Virgin Islands.	All activities in furtherance of the U.S. Fish and Wildlife Service's mission to conserve endangered wildlife and plants and the ecosystems upon which they depend.	Conduct take of endangered species of wildlife wherever found and removal and reduction to possession of endangered species of plants from lands under Federal jurisdiction in the Southeast Region.	Renewal.
TE 075925–3	Shaw Air Force Base, Columbia, SC.	Red-cockaded woodpecker (*Picoides borealis*)	Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia.	Population management and monitoring.	Capture, band, monitor nest cavities, construct and monitor artificial nest cavities and restrictors, and translocate.	Renewal and amendment.
TE 70041D–0	Kristina Witter, Jacksonville, FL.	Red-cockaded woodpecker (*Picoides borealis*)	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.	Population management and monitoring.	Capture, band, monitor nest cavities, construct and monitor artificial nest cavities and restrictors, and translocate.	New.
TE 35594A–4	Alabama Power Company, Birmingham, AL.	Rush darter (*Etheostoma phytophilum*) and trispot darter (*Etheostoma trisella*)	Alabama	Presence/absence surveys	Capture with hand nets and seines, handle, identify, and release.	Amendment.
TE 108584–7	Tim Nehus, Lebanon, TN.	CRAYFISH: Nashville crayfish (*Orconectes shoupi*); MUSSELS: Birdwing pearlymussel (*Conradilla caelata*), oyster mussel (*Epioblasma capsaeformis*), tan riffleshell (*Epioblasma walkeri),* Cumberland monkeyface (*Quadrula intermedia*), orangefoot pimpleback (*Plethobasus cooperianus*), Cumberland elktoe (*Alasmidonta atropurpurea*), Appalachian elktoe (*Alasmidonta raveneliana*), fanshell *(Cyprogenia stegaria*), dromedary pearlymussel (*Dromus dromas*), Cumberlandian combshell (*Epioblasma brevidens*), yellow-blossom pearlymussel (*Epioblasma florentina*), upland combshell (*Epioblasma metastriata*), Southern acornshell (*Epioblasma othcaloogensis*), green blossom pearlymussel (*Epioblasma torulosa gubernaculum*), tuberculed-blossom pearlymussel (*Epioblasma torulosa torulosa*), turgid blossom pearlymussel (*Epioblasma turgidula*), purple cat's paw (*Epioblasma obliquata obliquata*), fine-lined pocketbook (*Lampsilis altilis*), pink mucket pearlymussel (*Lampsilis abrupta*), Alabama lampmussel (*Lampsilis virescens*), Alabama moccasinshell (*Medionidus acutissimus*), Coosa moccasinshell (*Medionidus parvulus*), ring pink mussel (*Obovaria retusa*), little-wing pearlymussel *(Pegias fabula*), white wartyback (*Plethobasus cicatricosus*), clubshell (*Pleurobema clava*), Southern clubshell (*Pleurobema decisum*), Southern pigtoe (*Pleurobema georgianum*), Cumberland pigtoe (*Pleurobema gibberum*), ovate clubshell (*Pleurobema perovatum),* rough pigtoe (*Pleurobema plenum*), triangular kidneyshell (*Ptychobranchus greeni*), rough rabbitsfoot (*Quadrula cylindrica strigillata*), winged mapleleaf *(Quadrula fragosa*), Appalachian monkeyface (*Quadrula sparsa*), pale lilliput (*Toxolasma cylindrellus*), Cumberland bean pearlymussel (*Villosa trabalis*), and purple bean (*Villosa perpurpurea*); FISH: Blue shiner (*Cyprinella caerulea*), bluemask darter (*Etheostoma akatulo*), duskytail darter (*Etheostoma percnurum*), boulder darter (*Etheostoma wapiti*), palezone shiner (*Notropis albizonatus*), smoky madtom (*Noturus baileyi*), yellowfin madtom (*Noturus flavipinnis*), pygmy madtom (*Noturus stanauli*), amber darter (*Percina antesella*), Conasauga logperch (*Percina jenkinsi*), snail darter (*Percina tanasi*), and blackside dace (*Phoxinus cumberlandensis*).	Tennessee	Presence/absence surveys	Capture, identify, measure, sex, and release.	Renewal.

TE 59798B–2	Daguna Consulting, LLC, Rochester, MN.	Cumberland elktoe (*Alasmidonta atropurpurea*), Appalachian elktoe (*Alasmidonta raveneliana*), birdwing pearlymussel (*Conradilla caelata*), spectaclecase (*Cumberlandia monodonta*), fanshell (*Cyprogenia stegaria*), dromedary pearlymussel (*Dromus dromus*), Cumberlandian combshell (*Epioblasma brevidens*), oyster mussel (*Epioblasma capsaeformis*), yellow-blossom pearlymussel (*Epioblasma florentina*), green-blossom pearlymussel (*Epioblasma torulosa gubernaculum*), tuberculed-blossom pearlymussel (*Epioblasma torulosa torulosa*), snuffbox (*Epioblasma triquetra*), turgid-blossom pearlymussel (*Epioblasma turgidula*), tan riffleshell (*Epioblasma walkeri),* fine-rayed pigtoe (*Fusconaia cuneolus*), shiny pigtoe (*Fusconia cor*), cracking pearlymussel (*Hemistena lata*), pink mucket pearlymussel (*Lampsilis abrupta*), Higgins eye (*Lampsilis higginsii*), Alabama lampmussel (*Lampsilis virescens*), scaleshell (*Leptodea leptodon*), slabside pearlymussel (*Lexingtonia dolabelloides*), little-wing pearlymussel *(Pegias fabula*), sheepnose (*Plethobasus cyphyus*), clubshell (*Pleurobema clava*), rough pigtoe (*Pleurobema plenum*), fat pocketbook (*Potamilus capax*), fluted kidneyshell (*Ptychobranchus subtentum*), rough rabbitsfoot (*Quadrula cylindrica strigillata*), winged mapleleaf *(Quadrula fragosa*), Cumberland monkeyface (*Quadrula intermedia*), Appalachian monkeyface (*Quadrula sparsa*), pale lilliput (*Toxolasma cylindrellus*), purple bean (*Villosa perpurpurea*), and Cumberland bean pearlymussel (*Villosa trabalis*).	Illinois, Iowa, Minnesota, Tennessee, and Wisconsin.	Presence/absence surveys	Capture, handle, identify, measure, age by examining shell growth rings, sex, photograph, PIT-tag or plastic shell tag, mark, and release.	Renewal.
TE 71050D–0	Brett Andersen, Papillion, NE.	Northern long-eared bat (*Myotis septentrionalis*) and Indiana bat (*Myotis sodalis*)	Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.	Presence/absence surveys and habitat use studies.	Enter hibernacula, capture with mist-nets and harp traps, handle, band, and radio-tag.	New.
TE 178815–1	Kentucky Department of Fish and Wildlife Resources, Frankfort, KY.	Cumberland elktoe (*Alasmidonta atropurpurea*), fanshell (*Cyprogenia stegaria*), dromedary pearlymussel (*Dromus dromus*), Cumberlandian combshell (*Epioblasma brevidens*), oyster mussel (*Epioblasma capsaeformis*), yellow-blossom pearlymussel (*Epioblasma florentina*), purple cat's paw (*Epioblasma obliquata obliquata*), white cat's paw (*Epioblasma sulcate perobliqua*), green-blossom pearlymussel (*Epioblasma torulosa gubernaculum*), tan blossom pearlymussel (*Epioblasma torulosa rangiana*), tuberculed-blossom pearlymussel (*Epioblasma torulosa torulosa*), turgid-blossom pearlymussel (*Epioblasma turgidula*), tan riffleshell (*Epioblasma walkeri),* crackling pearlymussel (*Hemistena lata*), pink mucket pearlymussel (*Lampsilis abrupta*), Higgins eye (*Lampsilis higginsii*), Alabama lampmussel (*Lampsilis virescens*), scaleshell (*Leptodea leptodon*), ring pink mussel (*Obovaria retusa*), little-wing pearlymussel *(Pegias fabula*), white wartyback mussel (*Plethobasus cicatricosus*), sheepnose (*Plethobasus cyphyus*), clubshell (*Pleurobema clava*), orange footed pimpleback (*Plethobasus cooperianus*), rough pigtoe (*Pleurobema plenum*), fat pocketbook (*Potamilus capax*), rough rabbitsfoot (*Quadrula cylindrica strigillata*), winged mapleleaf *(Quadrula fragosa*), Appalachian monkeyface (*Quadrula sparsa*), and Cumberland bean pearlymussel (*Villosa trabalis*).	Kentucky	Captive propagation and release.	Capture, handle, transport, propagate, and release.	Renewal.
TE 142806–2	James Cox, Tall Timbers Research Station, Tallahassee, FL.	Red-cockaded woodpecker (*Picoides borealis*)	Florida and Georgia	Population management and monitoring.	Capture, band, monitor nest cavities, construct and monitor artificial nest cavities and restrictors, and translocate.	Renewal.
TE 71653D–0	The Nature Conservancy, Camp Shelby, MS.	Louisiana quillwort (*Isoetes louisianensis*)	Department of Defense lands and Desoto National Forest lands within Camp Shelby, Mississippi DeSoto National Forest.	Demographic and life history study.	Collect leaves, sporophylls, and whole plants.	New.
TE 72782D–0	Michael Cove, Zebulon, NC.	Key Largo woodrat (*Neotoma floridana smalli*) and Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*).	Crocodile Lake National Wildlife Refuge and Dagny Johnson Botanical State Park, Key Largo, Monroe County, Florida.	Presence/absence surveys, nest monitoring, and population monitoring.	Capture, ear-tag, radio-tag, PIT-tag, release, and insert data loggers into nests.	New.

Permit application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE 38906B–1	National Park Service, Christiansted, VI.	Loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*), leatherback sea turtle (*Dermochelys coriacea*) and hawksbill sea turtle (*Eretmochelys imbricata*).	Buck Island Reef National Monument, St. Croix, U.S. Virgin Islands.	Population monitoring and scientific research.	Capture, restrain, handle, relocate nests, excavate hatched nests, collect tissue, blood, and carapace samples, PIT-tag, attach flipper, acoustic, and satellite tags.	Renewal and amendment.

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.*).

John Tirpak,

Deputy Assistant Regional Director, Ecological Services.

[FR Doc. 2020–11994 Filed 6–2–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201D0102DR/DS5A300000/ DR.5A311.IA000118]

Land Acquisitions; Wyandotte Nation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Assistant Secretary—Indian Affairs made a final agency determination to acquire 10.24 acres, more or less, of land in trust for the Wyandotte Nation, for gaming and other purposes on May 20, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Bureau of Indian Affairs, MS–3657 MIB, 1849 C Street NW, Washington, DC 202240, telephone (202) 219–4066.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1, and is published to comply with the requirements of 25 CFR 151.12(c)(2)(ii) that notice of the decision to acquire land in trust be promptly provided in the **Federal Register**.

On May 20, 2020 the Assistant Secretary—Indian Affairs made a final agency determination to accept approximately approximately 10.24 acres of land in Park City, Sedgwick County, Kansas (Park City Parcel), into trust for the Wyandotte Nation, pursuant to Section 105(b)(1) of Public Law 98–602, An Act To Provide For The Use And Distribution Of Certain Funds Awarded The Wyandotte Tribe Of Oklahoma . . ., Public Law 98–602, 98 Stat. 3151 (1984). The Assistant Secretary—Indian Affairs also determined that the Tribe's request also meets the requirements of the Indian Gaming Regulatory Act's ''settlement of a land claim'' exception, 25 U.S.C. 2719(b)(1)(A)(i), to the general prohibition contained in 25 U.S.C. 2719(a) on gaming on lands acquired in trust after October 17, 1988.

The Assistant Secretary—Indian Affairs, on behalf of the Secretary of the Interior, will immediately acquire title to the Park City Parcel, in the name of the United States of America in Trust for the Wyandotte Nation, upon fulfillment of Departmental requirements. The 10.24 acres, more or less, are described as follows:

Legal Description of Property

Deed Description

A tract of land in Coliseum Center, an Addition to Park City, Sedgwick County, Kansas described as follows: Beginning at a point on the South line and 50 feet West of the Southeast corner of Lot 3, Block 1, in said Coliseum Center Addition; thence along the South line of said Lot 3 bearing North 89°39′26″ West, a distance of 250.00 feet to the Southwest corner of said Lot 3; thence bearing North 90°00′00″ West across Athens Court, a distance of 70.00 feet to the Southeast corner of Lot 1 in said Block 1; thence along the South line of said Lot 1 bearing North 89°40′18″ West, a distance of 180.00 feet; thence bearing South 0°00′00″ East, a distance of 917.75 feet to a point in the South line of Lot 6 in said Block 1; thence along said South line bearing South 89°42′56″ East, a distance of 500.00 feet; thence bearing North 0°00′00″ East, a distance of 917.70 feet to the point of beginning EXCEPT that portion of Athens Court (cul-desac) within the above described tract of land.

Surveyed Description

A tract of land in government Lots 1 and 2 of the NE-¼ of Section 4, Township 26 South, Range 1 East of the Sixth Principal Base and Meridian and being a part of Lot 6, Block 1 of Coliseum Center Addition in Park City, Sedgwick County, Kansas, being more fully described as follows:

Commencing at the Northeast comer of said Section 4; thence S 00°12′40″ E along the East line thereof, 1319.11 feet to the Northeast corner of the S-½ of the NE-¼ of said Section 4 from which an iron pin bears N 89°54′04″W, 60.00 feet; thence N 89°54′04″ W along the North line of said S-½ of the NE-¼, a distance of 1015.07 feet to a found pin with cap on the South line of said Lot 6, Block 1, the Point Of Beginning; thence N 00°11′12″ W, 917. 70 feet to an existing iron pin on the North line of said Lot 6, Block 1, from which the Southeast corner of Lot 3, Block l of Coliseum Center Addition bears S 89°51′52″E, 50.00 feet; thence N 89°51′52″ W along the north line of said Lot 6, a distance of 250.00 (250.04 meas.) feet to the intersection with Athens Court cul-de-sac right-of-way; thence following said right-of-way along a non-tangent curve to the right having a radius of 65.00 feet and a central angle of 294°49′42″, an arc distance of 334.49 (334.47 meas.) feet (chord = S 89°47′52″ W, 70.00 feet) to an existing pin on the North line of said Lot 6; thence N 89°52′05″ W along the North line of Lot 6, a distance of 180.00 feet to an existing pin; thence S 00°11′46″ E, 917.75 (917.69 meas.) feet to an existing pin on the South line of said Lot 6; thence S 89°54′46″ E along said South line, 500.00 (499.92 meas.) feet; to the Point Of Beginning.

Survey performed Allgeier, Martin and Associates under direct supervision of Monnie Sears, LS–1284, Licensed Kansas Land Surveyor, dated August 5, 2015.

Containing 10.24 acres, (446,052 Square Feet) more or less.

Basis of Bearings: Geodetic (True) North.

Less and except title to all the coal, lignite, oil, gas and other minerals in, under and that may be produced from the land, together with all rights, privileges and immunities relating thereto.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–11976 Filed 6–2–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201D0102DR/DS5A300000/ DR.5A311.IA000118]

Tribal Energy Development Capacity (TEDC) Grant; Solicitation of Proposals

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Secretary of the Interior (Secretary), through the Division of Energy and Mineral Development (DEMD), Office of Indian Energy and Economic Development (IEED), is soliciting grant proposals from federally recognized Indian Tribes to build Tribal capacity for energy resource regulation and management under the Tribal Energy Development Capacity (TEDC) grant program.

DATES: Applications will be accepted until 11:59 p.m. EST on September 1, 2020.

ADDRESSES: Email applications to *ieedgrants@bia.gov* in accordance with the directions at Step 4 of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Payton Batliner, Economic Development Specialist, Division of Energy and Mineral Development, 13922 Denver West Pkwy., Suite 200, Lakewood, CO 80401; telephone: (720) 999–1414; email: *payton.batliner@bia.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information
II. Number of Projects Funded
III. Background
IV. Eligibility for Funding
V. Who May Perform Feasibility Studies Funded by TEDC Grants
VI. Applicant Procurement Procedures
VII. Limitations
VIII. TEDC Application Guidance
IX. Review and Selection Process
X. Evaluation Criteria
XI. Transfer of Funds
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XIII. Conflicts of Interest
XIV. Questions and Requests for IEED Assistance
XV. Separate Document(s)
XVI. Paperwork Reduction Act
XVII. Authority

I. General Information

Award Ceiling: 1,000,000.
Award Floor: 10,000.
CFDA Number: 15.148.
Cost Sharing or Matching Requirement: No.
Number of Awards: 15.
Category: Energy and Minerals.

II. Number of Projects Funded

DEMD anticipates award of approximately fifteen (15) grants under this announcement ranging in value from approximately $10,000 to $1,000,000. The program can fund projects only one year at a time. DEMD will use a competitive evaluation process based on criteria described in section X of this notice.

III. Background

DEMD administers the TEDC grant program. This solicitation seeks proposals for increasing the technical capacity of federally recognized Tribes to manage and regulate their energy resources. The energy project(s) for which the applicant seeks to build Tribal capacity can be existing or planned, Tribally owned or privately owned.

Capacity developing activities include, but are not limited to:

- Establishment of organizational structure(s) and/or business entity structure(s) capable of engaging in commercial energy development or management activities, including leasing property, meeting lending requirements, entering into standard business contracts, and forming joint venture partnerships;
- Establishing Tribal business charters under Federal law; corporations formed under Federal, State or Tribal incorporation codes; and Tribal utility authorities under Federal, State or Tribal codes;
- Development or enhancement of Tribal policies; enactment of Tribal regulations for leasing of surface land for energy development pursuant to the HEARTH Act; establishment of legal infrastructure for business formation; enactment of ordinances to regulate or develop energy resources; and adoption of a secured transactions code or a memorandum of understanding, compact, or letter of intent with the State to register liens attached pursuant to such a code.

The funding periods and amounts referenced in this solicitation are subject to the availability of funds at the time of award, as well as the Department of the Interior (DOI) and Indian Affairs priorities at the time of the award. Neither DOI nor Indian Affairs will be held responsible for proposal or application preparation costs. Publication of this solicitation does not obligate DOI or Indian Affairs to award any specific grant or to obligate all or any part of available funds. Future funding is subject to the availability of appropriations and cannot be guaranteed. DOI or Indian Affairs may cancel or withdraw this solicitation at any time.

IV. Eligibility for Funding

Only Indian Tribes, as defined at 25 U.S.C. 5304(e), are eligible to receive TEDC grants. Under that statutory definition, eligible entities include any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 *et seq.,* which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. Indian Tribes are referred to using the term ''Tribe'' throughout this notice.

V. Who May Perform Studies Funded by TEDC Grants

The applicant determines who will conduct its study. An applicant has several choices, including but not limited to:

- Universities and colleges;
- Private consulting firms; or
- Non-academic, non-profit entities.

VI. Applicant Procurement Procedures

The applicant is subject to the procurement standards in 2 CFR 200.318 through 200.326. In accordance with 2 CFR 200.318, an applicant must use its own documented procurement procedures which reflect Tribal laws and regulations, provided that the procurements conform to applicable Federal law and standards identified in Part 2 of the Code of Federal Regulations.

VII. Limitations

TEDC grant funding must be expended in accordance with applicable statutory and regulatory requirements, including 2 CFR part 200. As part of the grant application review process, DEMD may conduct a review of an applicant's prior DEMD grant award(s).

Applicants that are currently under BIA sanction Level 2 or higher resulting from non-compliance with the Single Audit Act are ineligible for a TEDC award. Applicants at Sanction Level 1 will be considered for funding.

DEMD will not usually consider funding new TEDC proposals where the applicant has open TEDC projects, granted under any previous funding cycle. The DEMD does, however, understand that delays beyond the control of the applicant sometimes occur. The DEMD will consider any explanation provided in conjunction with the new TEDC grant proposal. The explanation should describe the reasons why the previous project is delayed and successfully justify or demonstrate that the delay is at no fault of the applicant.

DEMD will accept multi-project proposals. Multi-project proposals must be submitted as one application. Multi-project proposals may contain proposals to develop and enhance both business and regulatory infrastructure. Applicants may also submit multi-project proposals in just one area, such as two separate purposes, with each proposing to develop or enhance the regulatory structure for two separate purposes. For instance, an applicant may submit a proposal for funding to form a Tribal utility authority and a separate and distinct proposal to develop a Tribal secured transactions code.

Each project in the application requires its own stand-alone proposal, budget, and designated Tribal project lead. Multi-project proposals require that the applicant submit a Tribal resolution that identifies and describes each project being proposed authorizing the Tribe to submit the proposal for a TEDC grant. Each proposal in the application will be evaluated based on

its own merits as a stand-alone project. The DEMD will evaluate each individual project proposal using the same standards as those evaluated as a single-project proposal.

The purpose of TEDC grants is to increase Tribal technical capacity to manage and regulate energy resources only. TEDC awards may not be used for:

- Establishing or operating a Tribal office;
- Indirect costs or administrative costs as defined by the Federal Acquisition Regulation (FAR);
- Training;
- Purchase of equipment that is used to develop the feasibility studies, such as computers, vehicles, field gear, etc. (however, leasing of this type of equipment for the purpose of developing feasibility studies is allowed);
- Purchase of software;
- Purchase of resource assessment data;
- Legal fees;
- Application fees associated with permitting;
- Training;
- Contract negotiation fees;
- Academic research projects;
- Strategic energy plan formulation;
- Weatherization activities;
- Research and development of speculative or unproven technologies;
- Payment of fees or procurement of any services associated with energy assessment or exploration or development activity;
- Payment of Tribal salaries for employees not directly involved in conducting project specific activities and payment of salaries beyond the one-year project;
- Purchase or lease of project equipment such as computers, vehicles, field gear, etc.;
- Attending conventions or travel to foreign countries;
- Conducting studies related to meeting environmental requirements for a project development;
- Feasibility studies to identify, develop, or market energy or mineral resources; establish or expand broadband projects; evaluate economic development projects, businesses, or technologies that are addressed by IEED's Energy and Mineral Development Program (EMDP), National Tribal Broadband Grant (NTBG), and Native American Business Development Institute (NABDI) annual grant programs; and
- Any other activities not authorized by the grant award letter.

VIII. TEDC Application Guidance

All TEDC applicants must use the standard forms Application for Federal Assistance SF–424 and the Project Narrative Attachment Form. These forms can be found at *www.grants.gov.* A complete proposal must contain the five mandatory components as described below.

Step 1. Complete the Application for Federal Assistance SF–424

Instructions to Download the Application for Federal Assistance SF–424

1. Go to *www.grants.gov.*
2. Select the ''forms'' tab. This will open a page with a table titled ''SF–424 FAMILY FORMS.''
3. Under the column ''Agency Owner,'' third row down, is listed, *Grants.gov*—Application for Federal Assistance SF–424.
4. Click on the blue PDF letters to download the three-page document.

Application for Federal Assistance SF–424 (Mandatory Component 1)

Within the Application for Federal Assistance SF–424, please complete the following sections:

- Item 8a. Applicant Information—Legal Name.
- Item 8b.
- Item 8c.
- Item 8d. Address.
- Item 8f. Name and contact information of person to be contacted on matters involving this application.
- Item 9. Select I: Indian/Native American Tribal Government (Federally Recognized).
- Item 11. CFDA Title box-Type in the numbers: 15.148.
- Item 12. Title box-Type in: Tribal Energy Development Capacity.
- Item 15. Descriptive Title of Applicant's Project. Type in short description of proposal.
- Item 21. Read certification statement. Check ''agree'' box.
- Authorized Representative section: Complete all boxes except ''signature of authorized representative.'' Be sure to type in the Tribal leader's information. Be sure to include the Tribal leader's preferred title (*e.g.,* Governor, President, Chairman).

Save the Application for Federal Assistance SF–424 and name the file using the following format: *Tribal Name* TEDC Grant Application SF–424.

Example for naming the SF–424 Application for Federal Assistance file: Pueblo of Laguna TEDC Grant Application SF–424.

Step 2. Prepare the Project Narrative, Budget, Critical Information Documents, and Obtain a Tribal Resolution

Project Narrative (Mandatory Component 2)

The Project Narrative must not exceed 20 pages. At a minimum, it should include:

a. An Executive Summary that is an overview and technical summary of the project, no longer than one page, that has a description of the elements of the proposed project, reasons for the project, description of the objectives and anticipated outcomes that will result if the project were to be funded, total funding amount requested, and a designated Tribal project lead authorized to make decisions on the day-to-day grant activities.

b. The Project Objective, Technical Description, and Scope of Work. Describe the Tribe's current business and/or regulatory capacity for energy development, including regulations and other measures already in place and the extent to which they are being implemented. If the proposal is related to establishing organizational business entity structures, describe the extent to which the Tribe is capable of engaging in development or management activities, and to what extent the proposed project will increase the Tribe's capacity to manage and/or regulate its energy resources. Describe which business and/or regulatory capacities need enhancement, such as: Tribal code development, regulation or ordinance development, commercial code development, financial and revenue management, land lease management (including evaluation, negotiation, and enforcement of terms), and regulatory monitoring (Federal, State, and Tribal environmental and safety regulations). Describe how the project would assist the Tribe in developing the capacity needed to maximize the economic impact of energy or mineral resource development on Indian land, and to what extent that would affect the overall economy of the Tribe. List all previous or ongoing energy or mineral resource development capacity-building projects involving the Tribe. Describe the Tribe's motivation to implement the business or regulatory framework that would be developed or enhanced through TEDC funding. Describe project goals and objectives. Include a detailed scope of work describing the project phases and timeline, method of measurement of meeting objectives of the proposed project, and expected outcomes. Describe how and why the particular

methods being applied will achieve the stated goals.

c. If the project is focused on studying the feasibility of a Tribal Utility Authority (TUA), or some other electric utility structure including micro grids, please provide a brief discussion (one page or less) that includes the following: Reason/need for chartering a TUA or micro grid formation, the relationship between the Tribe and incumbent utility, annual expenditure by the Tribe on electricity, electricity pricing ($/kWh) and/or power quality issues, utility policy issues that are hindering the Tribe from proper management of its energy assets or hindering the development of energy projects (*i.e.* net metering policies) and how these can potentially be overcome by a tribally owned TUA, and any other relevant information that would highlight the need for the establishment of a TUA or micro grid.

d. Describe all deliverable products that the proposed TEDC project is to generate, including all regulations, codes, ordinances or processes and procedures. Discuss the content of any planned status reports as well as the final TEDC project report.

e. Provide the resumes (with areas of expertise) of key consultants and personnel to be retained, if available, and the nature of their involvement, including their relationship to the applicant as Tribal staff, consultant, subcontractor, etc. This information may be included as an attachment to the application and will not be counted towards the 20-page limitation.

Budget SF424a and Budget Narrative (Mandatory Component 3)

Please complete the SF424a and provide a budget narrative that clearly describes all major line item grant expenditures. High ranking budgets will provide a budget narrative that correlates to the project scope of work and clearly breaks the project down into defined tasks with an associated budget line item for each task. Tasks and costs should include justification in the budget narrative.

Critical Information Page (Mandatory Component 4)

Applicants must include a critical information page that includes:

- A designated Tribal representative, who is not a consultant, (and their contact information) to oversee the project work, make authorized decisions during the course of the project, and be responsible for submitting quarterly reports and the final report, plus quarterly financial status reports;
- Verification, by statement, that the Tribe is registered in SAM.gov (*https://sam.gov/SAM*);
- Federal DUNS number;
- An active Automated Standard Application for Payment (ASAP) number (must be registered in ASAP with the *same* DUNS number—provide your recipient ID);
- Counties where the project is located; and
- Congressional District number where the project is located.

Tribal Resolution Attachment (Mandatory Component 5)

Applicants must include as an attachment to their application a Tribal resolution authorizing the submission of a FY 2020 TEDC grant application. It must be signed by authorized Tribal representative(s). The Tribal resolution must also include:

- A description of the proposed project; and
- An explicit reference to the Project Narrative being submitted.

Tribal Energy Development Organization applicants are required to have a Tribal resolution authorizing the Tribe participating in the organization to apply for this grant.

Step 3. Prepare the Project Narrative Attachment Form for Submission

Note: Mandatory components 2–5 must be submitted using the Project Narrative Attachment Form.

Instructions To download the Project Narrative Attachment Form:

- Go to *www.grants.gov*
- Select the ''forms'' tab. This will open a page within the table titled ''SF–424 FAMILY FORMS.''
- Under the column ''Agency Owner'' three quarters down the table (52nd row), is listed, Grants.gov—Project Narrative Attachment Form.
- Click on the blue PDF letters to download the one page document.

When the applicant has successfully downloaded the Project Narrative Attachment Form, follow the next steps to upload documents:

- On the Project Narrative Attachment Form, click on the button titled ''Add Project Narrative File.''
- Select the Project Narrative that you want to upload and click ''open'' to upload the file.
- On the same Project Narrative Attachment Form, you will find a grey button titled ''Add Optional Project Narrative File.'' Use this button to upload the Budget Narrative, Critical Information Page, and the Tribal Resolution as attachments.

When the applicant has completed uploading the Project Narrative and the attachments (Budget, Tribal Resolution, and Critical Information Page) to the Project Narrative Attachment Form, the applicant will save and name the file using the following format: *Tribal Name* TEDC Grant Attachments.

Example for naming the Project Narrative Attachment Form file: Pueblo of Laguna TEDC Grant Attachments.

Step 4. Submit the Completed TEDC Grant Proposal

Applicants must submit the Application for Federal Assistance SF–424 form and the Project Narrative Attachment Form in a single email to the email listed in the **ADDRESSES** section of this notice and:

- State ''TEDC APPLICATION NARRATIVE AND SF–424'' in the email subject line; and
- Include ''Attention: Payton Batliner, Economic Development Specialist'' in the first line of the email.

Applications and mandatory attachments received and date stamped after the time listed in the **DATES** section of this notice will not be considered by the Awarding Official. DEMD will accept applications at any time before the deadline and will send a notification of receipt to the return email address on the application package, along with a determination of whether the application is complete.

Incomplete Applications. Applications submitted without one or more of the five mandatory components described above will be returned to the applicant with an explanation. The applicant will then be allowed to correct any deficiencies and resubmit the proposal for consideration on or before the deadline. This option will not be available to an applicant once the deadline has passed.

IX. Review and Selection Process

Upon receiving a TEDC application, DEMD will determine whether the application is complete and that the proposed project does not duplicate or overlap previous or currently funded DEMD technical assistance projects. Any proposal that is received after the date and time in the **DATES** section of this notice will not be reviewed. If an application is not complete and the submission deadline has not passed, the applicant will be notified and given an opportunity to resubmit its application.

The DEMD Review Committee (Committee), comprised of DEMD staff, staff from other Federal agencies, and subject matter experts, will evaluate the proposals against the ranking criteria. Proposals will be evaluated using the four criteria listed below, with a

maximum achievable total of 100 points.

Final award selections will be approved by the Assistant Secretary—Indian Affairs and the Associate Deputy Secretary, U.S. Department of the Interior. Applicants not selected for award will be notified in writing.

X. Evaluation Criteria

Executive Summary: 10 points. Proposals will be evaluated based on the clarity of the proposal's Executive Summary as discussed in Step 2, part A.

Project Objective, Technical Description, and Scope of Work: 35 points. This criterion will be evaluated based on the project objective, technical description and scope of work as described in Step 2, part B. The clarity of the described work and the appropriateness of the project in terms of meeting the intent and goals of the TEDC program will be evaluated.

Deliverable Products: 30 points. DEMD will rate the extent to which the expected outcome of the project meets the applicant's stated goals, based on the deliverables described. This section will be evaluated based on Step 2, part C.

Key Personnel: 25 points. The Committee understands that applicants may intend that the consultant(s) they retain to prepare the grant proposal will also conduct the feasibility study if the grant is awarded. This does not prejudice an applicant's chances of being selected as a grantee. However, the Committee will view unfavorably proposals that show little evidence of communication between the consultant(s) and the applicant or scant regard for the applicant community's unique circumstances. Facsimile applications prepared by the same consultant(s) and submitted by multiple applicants will receive particular scrutiny in this regard. DEMD will also evaluate the extent to which key personnel have the expertise to perform the functions under the scope of work, and produce quality deliverables. See Step 2, part D for more information.

XI. Transfer of Funds

DEMD's obligation under this solicitation is contingent on receipt of congressionally appropriated funds. No liability on the part of the U.S. Government for any payment may arise until funds are made available to the awarding officer for this grant and until the recipient receives notice of such availability, to be confirmed in writing by the grant officer.

All payments under this agreement will be made by electronic funds transfer through the ASAP. All award recipients are required to have a current and accurate DUNS number to receive funds. All payments will be deposited to the banking information designated by the applicant in the System for Award Management (SAM).

XII. Reporting Requirements for Award Recipients

The applicant must deliver all products and data required by the signed Grant Agreement for the proposed TEDC feasibility study project to DEMD within 30 days of the end of each quarter and 90 days after completion of the project.

DEMD requires that deliverable products be provided in both digital format and printed hard copies. Reports can be provided in either Microsoft Word or Adobe Acrobat PDF format. Spreadsheet data can be provided in Microsoft Excel, Microsoft Access, or Adobe PDF formats. All vector figures should be converted to PDF format. Raster images can be provided in PDF, JPEG, TIFF, or any of the Windows metafile formats. The contract between the grantee and the consultant conducting the TEDC-funded feasibility study must include deliverable products and require that the products be prepared in the format described above.

The contract should include budget amounts for all printed and digital copies to be delivered in accordance with the grant agreement. In addition, the contract must specify that all products generated by a consultant belong to the grantee and cannot be released to the public without the grantee's written approval. Products include, but are not limited to, all reports and technical data obtained, maps, status reports, and the final report.

In addition, this funding opportunity and financial assistance award must adhere to the following provisions:

XIII. Conflicts of Interest

Applicability

- This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.
- In the procurement of supplies, equipment, construction, and services by recipients and by sub-recipients, the conflict of interest provisions in 2 CFR 200.318 apply.

Requirements

- Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.
- In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or sub-recipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or sub-recipient or in development of the requirement leading to the funding announcement.
- No actual or prospective recipient or sub-recipient may solicit, obtain, or use non-public information regarding the evaluation, award, administration of an award to that recipient or sub-recipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or sub-recipient.

Notification

- Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of Interest.
- Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by sub-recipients.
- Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR part 18 and 31 U.S.C. 1352.
- Review Procedures. The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.
- Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to

make the required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR part 180).

Data Availability

• Applicability. The Department of the Interior is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.

• Use of Data. The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

• Availability of Data. The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third party evaluation and reproduction of the following:

o The scientific data relied upon;

o The analysis relied upon; and

o The methodology, including models, used to gather and analyze data.

XIV. Questions and Requests for DEMD Assistance

DEMD staff may provide technical consultation, upon written request by an applicant. The request must clearly identify the type of assistance sought. Technical consultation does not include funding to prepare a grant proposal, grant writing assistance, or pre-determinations as to the likelihood that a proposal will be awarded. The applicant is solely responsible for preparing its grant proposal. Technical consultation may include clarifying application requirements, confirming whether an applicant previously submitted the same or similar proposal, and registration information for SAM or ASAP.

XV. Separate Document(s)

- Application for Federal Assistance SF–424 Form
- Project Narrative Attachment Form (This form includes the Project Narrative, Budget, Tribal Resolution, and Critical Information page)

XVI. Paperwork Reduction Act

The information collection requirements contained in this notice have been reviewed and approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3504(h). The OMB control number is 1076–0177. The authorization expires on October 31, 2020. An agency may not conduct or sponsor, and you are not required to respond to, any information collection that does not display a currently valid OMB Control Number.

XVII. Authority

TEDC grants are funded through non-recurring appropriations made by the United States Congress in the Federal budget. These funds are provided on a year-to-year basis, and may or may not be provided in future years. DEMD implements the Indian Energy Resource Development Program, under the Energy Policy Act of 2005, (503(a), Aug. 8, 2005, 119 Stat. 764) to assist Indian Tribes in the development of energy resources and to further the goal of Indian self-determination. The Energy Policy Act of 2005 (25 U.S.C. 3501 *et seq.*) requires the Secretary to: ''establish and implement an Indian energy resource development program to assist consenting Indian Tribes and Tribal energy resource development organizations.''

It also requires the Secretary to provide development grants to Indian Tribes and Tribal energy resource development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues; and to:

''provide grants to Indian Tribes and Tribal energy resource development organizations for the use in carrying out projects to promote the integration of energy resources, and to process, use, or develop those energy resources on Indian land . . .''

Additional authorizing Statutes for the program include:

- The Snyder Act of November 2, 1921, as amended (25 U.S.C . 13, 42 Stat. 208, Pub. L. 67–85; 90 Stat. 2233, Pub. L. 94–482)
- The Indian Reorganization Act of 1934, as amended (25 U.S.C. 461 *et seq.,* 48 Stat. 984, Pub. L. 73–383; Pub. L. 103–263)
- The Indian Self-Determination and Education Assistance Act, as amended (25 U.S.C. 450, 88 Stat. 2203, Pub. L. 93–638, Pub. L. 100–472; 102 Stat. 2285, Pub. L. 103–413)
- Indian Mineral Development Act of 1982, as amended (25 U.S.C. 2106, 86 Stat. 1940, Pub. L. 97–382)
- Umatilla Basin Project Act (16 U.S.C. 1271 *et seq.,* Pub. L. 100–557)
- Energy Policy Act of 2005, as amended (25 U.S.C. 3501, Pub. L. 102–486; Title XXVI—The Energy Policy Act of 1992, 25 U.S.C. 2601, 106 Stat. 2776, Pub. L. 109–58; title V § 503(a), Aug. 8, 2005, 119 Stat. 764).

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–11975 Filed 6–2–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030268; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Sam Noble Oklahoma Museum of Natural History (Museum) at the University of Oklahoma has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Museum at the address in this notice by July 6, 2020.

ADDRESSES: Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone (405) 325–1994, email *mlevine@ou.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK. The human remains and associated funerary objects were removed from Haskell County, OK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Sam Noble Oklahoma Museum of Natural History professional staff in consultation with representatives of The Choctaw Nation of Oklahoma.

History and Description of the Remains

In 1984, human remains representing, at minimum, one individual were removed from the Charles Roye Site (34Hs159) in Haskell County, OK. This site was surveyed in 1982, prior to construction of an ARKLA, Inc. gas line compressor station. During the survey, which was funded by the Bureau of Land Management, a burial was discovered. The site was excavated by the Oklahoma Archeological Survey, and the items recovered were brought to the Museum in 1984. The fragmentary human remains belong to an adult over the age of 20 of indeterminate sex. No known individual was identified. The 22 associated funerary objects include three glass fragments, four glass bead fragments, one historic ceramic cup fragment, and 14 historic ceramic sherd fragments.

The Charles Roye Site dates to the late 1800s, based on the presence of European trade goods. Historic documents, including homestead deed records, show that the site lies within the region occupied by The Choctaw Nation of Oklahoma during the 19th century.

Determinations Made by the Sam Noble Oklahoma Museum of Natural History

Officials of the Sam Noble Oklahoma Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 22 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Choctaw Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone (405) 325–1994, email *mlevine@ou.edu,* by July 6, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Choctaw Nation of Oklahoma may proceed.

The Sam Noble Oklahoma Museum of Natural History is responsible for notifying The Choctaw Nation of Oklahoma that this notice has been published.

Dated: May 4, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–11967 Filed 6–2–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030267; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Sam Noble Oklahoma Museum of Natural History (Museum) at the University of Oklahoma has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Museum at the address in this notice by July 6, 2020.

ADDRESSES: Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone (405) 325–1994, email *mlevine@ou.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK. The human remains and associated funerary objects were removed from Muskogee County, OK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Sam Noble Oklahoma Museum of Natural History professional staff in consultation with representatives of the Caddo Nation of

Oklahoma and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma (hereafter referred to as ''The Tribes'').

History and Description of the Remains

In 1957, human remains representing, at minimum, four individuals were excavated by the University of Oklahoma at site 34Ms20 in Muskogee County, OK. At an unknown date, the associated cultural materials were transferred to the Museum. The human remains include the partial skeleton of an adult male 20–35 years old that were commingled with remains of a child 7–9 years old, a young adult 18–22 years old of indeterminate sex, and a young adult 20–30 years old of indeterminate sex. No known individuals were identified. The eight associated funerary objects are faunal bone fragments.

Based on the presence of diagnostic artifacts (chipped and ground stone, ceramics, bone tools and ornaments), the human remains and associated funerary objects were most likely interred at site 34Ms20 during the Mississippian Period (A.D. 1000–1500). Furthermore, the diagnostic material is consistent with cultural distribution patterns in the Arkansas River Valley. The archeological data, together with ethnohistoric data, ethnographic data, and tribal oral histories, show that the human remains and associated funerary objects are culturally affiliated with the Caddo Nation of Oklahoma and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

Determinations Made by the Sam Noble Oklahoma Museum of Natural History

Officials of the Sam Noble Oklahoma Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the eight objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone (405) 325–1994, email *mlevine@ou.edu,* by July 6, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Sam Noble Oklahoma Museum of Natural History is responsible for notifying The Tribes that this notice has been published.

Dated: May 4, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–11962 Filed 6–2–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030237; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of the Pacific, Dugoni School of Dentistry, San Francisco, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of the Pacific, Dugoni School of Dentistry has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the University of the Pacific, Dugoni School of Dentistry. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the University of the Pacific, Dugoni School of Dentistry at the address in this notice by July 6, 2020.

ADDRESSES: Dorothy Dechant, Center for Dental History and Craniofacial Study, University of the Pacific, Dugoni School of Dentistry, 155 Fifth Street, San Francisco, CA 94103–2919, telephone (415) 929–6627, email *ddechant@pacific.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of the Pacific, Dugoni School of Dentistry, San Francisco, CA. The human remains were removed from the SJO–91 Brown site in San Joaquin County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Center for Dental History and Craniofacial Study (CDHCS) professional staff at the University of the Pacific, Dugoni School of Dentistry in consultation with representatives of the Ione Band of Miwok Indians of California; Picayune Rancheria of the Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria (previously listed as Table Mountain Rancheria of California); Tejon Indian Tribe; Tule River Indian Tribe of the Tule River Reservation, California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; and the Northern Valley Yokut, a non-federally recognized Indian group. The Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Jackson Band of Miwuk Indians (previously listed as Jackson Rancheria of Me-Wuk Indians of California); Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; as well as the Southern

Sierra Miwuk Nation and the Tubatulabals of Kern Valley, California, non-federally recognized Indian groups, were invited but did not participate. Hereafter, all the above entities are referred to as ''The Consulted Tribes and Groups.''

History and Description of the Remains

Sometime in 1970 or 1971, human remains representing, at minimum, six individuals were removed from CA–SJO–91 Brown Site on private property, in San Joaquin County, CA. Sometime between 1970 and 1989 these human remains were in the possession of Dr. John Stucky of Lodi, CA. Dr. Stucky had received these human remains from his neighbor who had been a construction superintendent for A. Teichert and Sons Construction. In 1989, on behalf of Dr. Stucky, these human remains were donated to the University of the Pacific School of Dentistry by Dr. Kenneth Holcombe, and accessioned into the school's Spencer R. Atkinson Library of Applied Anatomy skull collection. No known individuals were identified. No associated funerary objects are present.

In a 2004 Notice of Inventory Completion published in the **Federal Register** (69 FR 55454, September 14, 2004), the California Department of Parks and Recreation, Sacramento, CA, noted that CA–SJO–91 ''lie(s) within Yokuts territory,'' that the Yokuts ''are today represented by three groups of living areas: the Northern Valley Yokuts, Southern Valley Yokuts, and Foothill Yokuts,'' and that ''(a)rchaeological, ethnographic, historical and oral historical evidence link the Northern Valley Yokuts to the present-day Picayune Rancheria of the Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria of California; and Tule River Indian Tribe of the Tule River Reservation, California.''

In a 2011 Notice of Inventory Completion published in the **Federal Register** (76 FR 14055, March 15, 2011), the California State Department of Transportation (Caltrans), Sacramento, CA, and California State University, Sacramento, CA, noted that ''historical and geographical lines of evidence indicate that CA–SJO–91 lies on the border of the traditional territory of the Plains Miwok and the Northern Valley Yokuts.''

Based on the above findings, as well as oral and documentary evidence presented during consultations, the University of the Pacific, Dugoni School of Dentistry, San Francisco (including the Center for Dental History and Craniofacial Study) reasonably believes that the cultural affiliation of CA–SJO–91 is to the Northern Valley Yokuts and Plains Miwok.

Determinations Made by the University of the Pacific, Dugoni School of Dentistry

Officials of the University of the Pacific, Dugoni School of Dentistry have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of six individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians (previously listed as Jackson Rancheria of Me-Wuk Indians of California); Picayune Rancheria of the Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria (previously listed as Table Mountain Rancheria of California); Tejon Indian Tribe; Tule River Indian Tribe of the Tule River Reservation, California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; and the Wilton Rancheria, California (hereafter referred to as ''The Affiliated Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dorothy Dechant, University of the Pacific, Dugoni School of Dentistry, 155 Fifth Street, San Francisco, CA 94103–2919, telephone (415) 929–6627, email *ddechant@pacific.edu,* by July 6, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Affiliated Tribes may proceed. If joined to a request from one or more of the Affiliated Tribes, the following non-federally recognized Indian groups may receive transfer of control of the human remains: The Northern Valley Yokut, and the Southern Sierra Miwuk Nation.

The University of the Pacific, Dugoni School of Dentistry is responsible for notifying The Consulted Tribes and Groups that this notice has been published.

Dated: April 23, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–11968 Filed 6–2–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030235; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of the Pacific, Dugoni School of Dentistry, San Francisco, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of the Pacific, Dugoni School of Dentistry has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the University of the Pacific, Dugoni School of Dentistry. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the University of the Pacific, Dugoni School of Dentistry at the address in this notice by July 6, 2020.

ADDRESSES: Dorothy Dechant, Center for Dental History and Craniofacial Study, University of the Pacific, Dugoni School of Dentistry, 155 Fifth Street, San Francisco, CA 94103–2919, telephone (415) 929–6627, email *ddechant@pacific.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and

Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of the Pacific, Dugoni School of Dentistry, San Francisco, CA. The human remains were removed from eight sites in Sacramento County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Center for Dental History and Craniofacial Study (CDHCS) professional staff at the University of the Pacific, Dugoni School of Dentistry in consultation with representatives of the Ione Band of Miwok Indians of California; Picayune Rancheria of the Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria (previously listed as Table Mountain Rancheria of California); Tejon Indian Tribe; Tule River Indian Tribe of the Tule River Reservation, California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; and the Northern Valley Yokut, a non-federally recognized Indian group.

The Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Jackson Band of Miwuk Indians (previously listed as Jackson Rancheria of Me-Wuk Indians of California); Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; as well as the Southern Sierra Miwuk Nation and the Tubatulabals of Kern Valley, California, non-federally recognized Indian groups, were invited but did not participate. Hereafter, all the above entities are referred to as ''The Consulted Tribes and Groups.''

History and Description of the Remains

Sometime between 1920 and 1963, human remains representing, at minimum, one individual (one adult skull) were in the possession of Dr. Spencer Atkinson. Documentation describing the excavator, original date, location, removal and acquisition of the human remains does not exist. However, based on an associated handwritten note that includes the writing ''Dalton 5/30/37,'' and on research conducted by CDHCS professional staff, the University of the Pacific, Dugoni School of Dentistry reasonably believes that these human remains were removed in 1937 from the site of Dalton. In 1963, the human remains were transferred to the University of the Pacific School of Dentistry when Dr. Atkinson's private collection was donated to the school. No known individual was identified. No associated funerary objects are present.

In a 2015 Notice of Inventory Completion published in the **Federal Register** (80 FR 6121, February 4, 2015), California State University, Sacramento, CA, stated that human remains in their collection from Dalton had been ''in the possession of Anthony Zallio, a private collector,'' and that the exact location of the Dalton site ''is currently unknown.''

Sometime between 1920 and 1963, human remains representing, at minimum, one individual (one adult skull) were in the possession of Dr. Spencer Atkinson. Documentation describing the excavator, original dates, locations, removal and acquisition of the human remains does not exist. However, based on an associated handwritten label that includes the writing ''1–3–37 Goethe Maidu Nisenan,'' and on research conducted by CDHCS professional staff, the University of the Pacific, Dugoni School of Dentistry reasonably believes that these human remains were removed in 1937 from Goethe Mound (CA–SAC–120). In 1963, the human remains were transferred to University of the Pacific School of Dentistry when Dr. Atkinson's private collection was donated to the school. No known individual was identified. No associated funerary objects are present.

In a 2015 Notice of Inventory Completion published in the **Federal Register** (80 FR 6751, February 6, 2015), California State University, Sacramento, CA, stated that human remains in their collection from site CA–SAC–120 had been ''in the possession of Anthony Zallio, a private collector,'' that the site was ''located on the east bank of Deer Creek in northwest Elk Grove in central Sacramento County, CA,'' and that ''(l)imited archeological and ethnohistorical data is available for CA–SAC–120, but it is believed to represent a small Plains Miwok Village known as *Shalachmushumne.*''

Sometime between 1920 and 1963, human remains representing, at minimum, one individual (one adult skull) were in the possession of Dr. Spencer Atkinson. Documentation describing the excavator, original date, location, removal and acquisition of the human remains does not exist. However, based on an associated handwritten note that includes the writing ''Hutchinson Mound Nishinan . . . May 35,'' and on research conducted by CDHCS professional staff, the University of the Pacific, Dugoni School of Dentistry reasonably believes that these human remains were, in 1935, possibly removed from Hutchinson Mound. The note found associated with these human remains leaves the location of the site of acquisition somewhat uncertain, as it reads, ''Hutchinson Mound Nishinan not from Slough Mound Consumne River . . . May 35.'' In 1963, the human remains were transferred to the University of the Pacific School of Dentistry when Dr. Atkinson's private collection was donated to the school. No known individual was identified. No associated funerary objects are present.

In a 2015 Notice of Inventory Completion published in the **Federal Register** (80 FR 6121, February 4, 2015), California State University, Sacramento, CA, stated that human remains in their collection from Hutchinson Mound had been ''in the possession of Anthony Zallio, a private collector,'' and that the site was ''believed to be located near Sloughhouse, in east-central Sacramento County, CA. The exact location is currently unknown.''

Sometime between 1920 and 1963, human remains representing, at minimum, two individuals (two adult skulls) were in the possession of Dr. Spencer Atkinson. Documentation describing the excavator, original dates, locations, removal and acquisition of the human remains does not exist. However, based on associated handwritten labels that include the writing ''Nicholaus'' (on one label) and a few letters of the word ''Nicolaus'' (on other label), and on research conducted by CDHCS professional staff, the University of the Pacific, Dugoni School of Dentistry reasonably believes that these human remains were removed from the Nicolaus Site #2 or Nicholas (CA–SAC–085). The date of removal is unknown. In 1963, the human remains were transferred to University of the Pacific School of Dentistry when Dr. Atkinson's private collection was donated to the school. No known individuals were identified. No associated funerary objects are present.

In a 2015 Notice of Inventory Completion published in the **Federal Register** (80 FR 6751, February 6, 2015), California State University, Sacramento, CA, stated that human remains in their

collection from CA–SAC–085 had been ''in the possession of Anthony Zallio, a private collector,'' and noted that site CA–SAC–085 ''may have been a suburb tribelet of a *Hulpumne* Plains Miwok village site located nearby at CA–SAC–086.''

Based on communications with professional staff at the California State University, Sacramento, it has been determined that the handwriting on some of the associated notes and labels described here resembles Anthony Zallio's handwriting, as found on written materials associated with the human remains that he donated in 1951 to the Department of Anthropology at Sacramento State College (now California State University, Sacramento). In a 2015 Notice of Inventory Completion published in the **Federal Register** (80 FR 6751, February 6, 2015), that includes human remains from the sites of CA–SAC–085 (also known as Nicolaus Site #2 or Nicholas) and CA–SAC–120 (also known as Goethe Mound #1 and #2), California State University, Sacramento noted that ''Zallio excavated mound sites prior to leveling for agricultural and development, and it is believed that the most recent occupation of the sites was likely intact at the time. Based on this circumstantial evidence, it is more likely than not that Zallio collected human remains and cultural items from the youngest deposits. Such deposits date to the Historic Period and Late Horizon; the preponderance of evidence indicates that these temporal periods are most closely culturally affiliated with the Plains Miwok, with more distant ties to neighboring groups such as the Nisenan, Patwin, and Yokuts.''

Sometime between 1920 and 1963, human remains representing, at minimum, one individual (one adult cranium) were in the possession of Dr. Spencer Atkinson. Documentation describing the excavator, original date, location, removal and acquisition of the human remains does not exist. However, based on an associated handwritten label that includes the writing ''Nisenan Nichols 2–25–35,'' and on research conducted by CDHCS professional staff, the University of the Pacific, Dugoni School of Dentistry reasonably believes that these human remains were removed in 1935 from Nichols Mound (CA–SAC–007, also possibly known as Nicholls Site), which is believed to be located approximately one mile southeast of the intersection of Bruceville and Desmond roads in southwest Sacramento County, CA. In 1963, the human remains were transferred to the University of the Pacific School of Dentistry when Dr. Atkinson's private collection was donated to the school. No known individual was identified. No associated funerary objects are present.

In a 2015 Notice of Inventory Completion published in the **Federal Register** (80 FR 6751, February 6, 2015), California State University, Sacramento stated that human remains in their collection had been removed from CA–SAC–006 ''(also known as Johnson Mound), located approximately 1.3 miles west of the Cosumnes River and 5.5 miles northeast of the intersection of the Mokelumne and Cosumnes Rivers in southern Sacramento County, CA,'' and that ''Ethnographic and historic data suggest that this site (CA–SAC–006) was once the tribelet center for the *Consomne* Plains Miwok.'' Site CA–SAC–007 and Site CA–SAC–006 appear to be in close geographic proximity.

Sometime between 1920 and 1963, human remains representing, at minimum, four individuals (four adult skulls) were in the possession of Dr. Spencer Atkinson. Documentation describing the excavator, original date, location, removal and acquisition of the human remains does not exist. However, based on associated handwritten labels that include the writing ''Thisle'' (on three labels) and ''Tistle Nisenan 7–2–35'' (on fourth label), and on research conducted by CDHCS professional staff, the University of the Pacific, Dugoni School of Dentistry reasonably believes that these human remains were removed sometime around 1935 from the site of Thistle. In 1963, the human remains were transferred to the University of the Pacific School of Dentistry when Dr. Atkinson's private collection was donated to the school. No known individuals were identified. No associated funerary objects are present.

In a 2015 Notice of Inventory Completion published in the **Federal Register** (80 FR 6121, February 4, 2015), California State University, Sacramento stated that human remains in their collection from Thistle had been ''in the possession of Anthony Zallio, a private collector,'' and that the site was ''believed to be located in west-central Sacramento County, CA. The exact location is currently unknown.''

Sometime between 1920 and 1963, human remains representing, at minimum, one individual (one adult skull) were in the possession of Dr. Spencer R. Atkinson. Documentation describing the excavator, original date, exact location, removal and acquisition of the human remains does not exist. However, based on associated written evidence, and on research conducted by CDHCS professional staff, the University of the Pacific, Dugoni School of Dentistry reasonably believes that these human remains were removed in 1937 from an undetermined site in the Sacramento Valley. In 1963, the human remains were transferred to the University of the Pacific School of Dentistry when Dr. Atkinson's private collection was donated to the school. No known individual was identified. No associated funerary objects are present.

Sometime between 1920 and 1963, human remains representing, at minimum, four individuals (one adult cranium, three adult skulls) were in the possession of Dr. Spencer Atkinson. Documentation describing the excavator, original dates, locations, removal and acquisition of the human remains does not exist. However, based on associated handwritten labels that include the writing ''Bennett'' and ''1935,'' and on research conducted by CDHCS professional staff, the University of the Pacific, Dugoni School of Dentistry reasonably believes that these human remains were removed in 1935 from Bennett Site or Bennett Mound (CA–SAC–016). In 1963, the human remains were transferred to University of the Pacific School of Dentistry when Dr. Atkinson's private collection was donated to the school. No known individuals were identified. No associated funerary objects are present.

In a 2011 Notice of Inventory Completion published in the **Federal Register** (76 FR 14052, March 15, 2011), California State University stated that they ''reasonably believe that the ethnographic, historical and geographic evidence indicates that the historic burials and cultural items recovered from Site CA–SAC–16 are most closely affiliated with contemporary descendants of Nisenan, and have more distant ties to neighboring groups, such as the Plains Miwok. Furthermore, the earlier cultural items from the Middle and Late Horizons share cultural relations with the Nisenan and Plains Miwok based on archaeological, biological and historical linguistic evidence.''

Determinations Made by the University of the Pacific, Dugoni School of Dentistry

Officials of the University of the Pacific, Dugoni School of Dentistry have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 15 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced

between the Native American human remains and the Buena Vista Rancheria of Me-Wuk Indians of California; Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians (previously listed as Jackson Rancheria of Me-Wuk Indians of California); Kletsel Dehe Band of Wintun Indians (previously listed as Cortina Indian Rancheria and the Cortina Indian Rancheria of Wintun Indians of California); Picayune Rancheria of the Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Susanville Indian Rancheria, California; Table Mountain Rancheria (previously listed as Table Mountain Rancheria of California); Tejon Indian Tribe; Tule River Indian Tribe of the Tule River Reservation, California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; Wiyot Tribe, California (previously listed as Table Bluff Reservation—Wiyot Tribe); and the Yocha Dehe Wintun Nation, California (previously listed as Rumsey Indian Rancheria of Wintun Indians of California) (hereafter referred to as ''The Affiliated Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dorothy Dechant, University of the Pacific, Dugoni School of Dentistry, 155 Fifth Street, San Francisco, CA 94103–2919, telephone (415) 929–6627, email *ddechant@pacific.edu,* by July 6, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Affiliated Tribes may proceed. If joined to a request from one or more of The Affiliated Tribes, the following non-federally recognized Indian groups may receive transfer of control of the human remains: the Colfax-Todds Valley Consolidate Tribe; Miwok Tribe of El Dorado Rancheria; Nashville Enterprise Miwok-Maidu-Nishinam Tribe; and Tsi Akim Maidu.

The University of the Pacific, Dugoni School of Dentistry is responsible for notifying The Consulted Tribes and Groups and The Affiliated Tribes that this notice has been published.

Dated: April 23, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–11964 Filed 6–2–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[RR03240000, XXXR4079G1, RX.03441994.0209100]

Central Arizona Project, Arizona; Water Allocations

AGENCY: Office of the Secretary, Interior.

ACTION: Notice; request for comments.

SUMMARY: The Department of the Interior (Department) is proposing to reallocate non-Indian agricultural (NIA) priority Central Arizona Project (CAP) water in accordance with the Arizona Department of Water Resources' (ADWR) recommendation for reallocation, as provided by ADWR's letter dated January 16, 2014, to the Department. The Department is requesting public comments on the proposed decision. If the proposed decision is implemented, the Department would offer to enter into a subcontract with the entities listed in the table below, as recommended by ADWR.

DATES: Submit comments on or before July 6, 2020.

ADDRESSES: Send written comments concerning the proposed decision to Ms. Leslie Meyers, Area Manager, Phoenix Area Office, Bureau of Reclamation, 6150 West Thunderbird Road, Glendale, AZ 85306–4001.

FOR FURTHER INFORMATION CONTACT: Ms. Leslie Meyers, Bureau of Reclamation, Phoenix Area Office, 6150 West Thunderbird Road, Glendale, AZ 85306–4001; telephone 623–773–6211; facsimile 623–773–6480; email *lmeyers@usbr.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service (Fed Relay) at 1–800–877–8339 TTY/ASCII to contact the above individual during normal business hours or to leave a message or question after hours. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

Proposed Decision

The Department is publishing this proposed decision of the reallocation of NIA priority CAP water in accordance with the Arizona Water Settlements Act (Settlements Act) (Pub. L. 108–451, 118 Stat. 3478), and the Secretary of the Interior's (Secretary) Final Decision of CAP Water Reallocation (71 FR 50449, August 25, 2006). The following table lists the entities recommended by ADWR to receive NIA priority CAP water and the quantities proposed to be reallocated to each.

ADWR RECOMMENDATION FOR REALLOCATION OF NIA PRIORITY CAP WATER

Municipal pool		Industrial pool	
State of Arizona entity	Amount in acre-feet per year	State of Arizona entity	Amount in acre-feet per year
Carefree Water Company	112	Viewpoint RV and Golf Resort	400
Metropolitan Domestic Water Improvement District	299	New Harquahala Generating Company	400
Town of Cave Creek	386	Rosemont Copper Company	1,124
EPCOR—Sun City West	1,000	Salt River Project	2,160
Town of Queen Creek (Acquired H2O Water Company).	4,162	Resolution Copper Mining	2,238
Town of Marana	515	Freeport-McMoRan-Sierrita Inc	5,678
Apache Junction Water Utilities Community Facilities District.	817		
City of El Mirage	1,318		
Town of Gilbert	1,832		
City of Buckeye (Formerly was Town of Buckeye)	2,786		

ADWR RECOMMENDATION FOR REALLOCATION OF NIA PRIORITY CAP WATER—Continued

Municipal pool		Industrial pool	
State of Arizona entity	Amount in acre-feet per year	State of Arizona entity	Amount in acre-feet per year
Johnson Utilities	3,217		
Central Arizona Groundwater Replenishment District	18,185		
Total NIA Priority CAP Water Reallocated to Municipal.	34,629	Total NIA Priority CAP Water Reallocated to Industrial	12,000
Total NIA Priority CAP Water To Be Reallocated			46,629

Previous Notices Related to CAP Water

Previous notices related to CAP water were published in the **Federal Register** at 37 FR 28082, December 20, 1972; 40 FR 17297, April 18, 1975; 41 FR 45883, October 18, 1976; 45 FR 52938, August 8, 1980; 45 FR 81265, December 10, 1980; 48 FR 12446, March 24, 1983; 56 FR 28404, June 20, 1991; 56 FR 29704, June 28, 1991; 57 FR 4470, February 5, 1992; 57 FR 48388, October 23, 1992; 65 FR 39177, June 23, 2000; 65 FR 43037, July 12, 2000; 67 FR 38514, June 4, 2002; 68 FR 36578, June 18, 2003; 69 FR 9378, February 27, 2004; and, 71 FR 50449, August 25, 2006. These notices and decisions were made pursuant to the authority vested in the Secretary by the Reclamation Act of 1902, as amended and supplemented (32 Stat. 388, 43 U.S.C. 391), the Boulder Canyon Project Act of December 21, 1928 (45 Stat. 1057, 43 U.S.C. 617), the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885, 43 U.S.C. 1501), the Settlements Act, and in recognition of the Secretary's trust responsibility to Indian tribes.

Background of CAP Water Allocations

In a Record of Decision (ROD) published on March 24, 1983 (48 FR 12446), the Secretary, among other actions, superseded and replaced the 1980 ROD (45 FR 81265, December 10, 1980), reiterated the allocations to Indian tribes reflected in that 1980 ROD, allocated CAP water for non-Indian municipal and industrial (M&I) uses, and allocated the remaining amount for NIA uses. Subject to certain conditions, the CAP water for Indian uses was allocated to 12 Indian tribes for irrigation use or for maintaining tribal homelands. Also subject to certain conditions, the CAP water for M&I uses was allocated based on the State of Arizona's 1982 allocation recommendations for non-Indian entities that provided an amount of CAP water for M&I use to certain non-Indian entities, with the remaining amount of CAP water allocated for NIA use. The CAP NIA water was allocated to 23 non-Indian irrigation districts or other agricultural entities as a percentage of the NIA water supply that was available in any given year.

Two-party CAP water service contracts were executed between the United States and individual Indian tribes in 1980 pursuant to the 1980 ROD. CAP non-Indian M&I water service subcontracts and CAP NIA water service subcontracts were executed with those entities desiring to enter into subcontracts for CAP water. The CAP water service subcontracts for the non-Indian M&I water and the NIA water are three-party subcontracts among the entity, the Central Arizona Water Conservation District (CAWCD), and the Bureau of Reclamation (Reclamation). Some of the entities that were allocated NIA water and M&I priority water elected not to contract for the offered allocations. After completing the initial subcontracting process, 29.3 percent of the NIA water supply and 65,647 acre-feet of M&I water was not under contract.

Congress enacted the Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988 (102 Stat. 2558) (SRPMIC Act). Pursuant to section 11(h) of the SRPMIC Act, the Secretary was required to request a reallocation recommendation from ADWR for the remaining NIA water that was not under contract. The Secretary was also required to reallocate the uncontracted CAP water for NIA use and to offer new or amendatory subcontracts for such water.

By letter dated January 7, 1991, ADWR recommended an allocation to the Secretary. The Secretary published a notice on June 20, 1991 (56 FR 28404), inviting public comments on the proposed reallocation of CAP water. After considering the public comments, the Secretary published a final decision on February 5, 1992 (57 FR 4470). That decision contemplated that new or amendatory CAP water service subcontracts would be offered soon thereafter.

CAP water service subcontracts for the reallocated water were not executed for several reasons, including but not limited to the following: (1) Some entities could not meet the financial feasibility requirements for receipt of CAP water; (2) lack of agreement on the form of the CAP water service subcontract, and (3) financial difficulties in the CAP NIA sector.

Beginning in the early 1990s, long-term utilization of the CAP water available for reallocation under the 1992 decision and of the uncontracted CAP M&I priority water was a central issue in negotiations to resolve various operational and financial disputes between Reclamation and CAWCD. After attempts at negotiations failed, water contracting issues were included in litigation and the resulting stipulated settlement between the United States and CAWCD. To implement some of the conditions contained in the stipulated settlement, new Federal legislation was required.

After the 1992 decision but before Federal legislation was enacted, the Secretary published on June 4, 2002 (67 FR 38514), a notice of proposed modification to the 1983 decision. The 1983 decision provided that the M&I allocation can be made more firm by execution of feasible non-potable effluent exchanges with Indian tribes and the M&I allocation was subject to adoption of a pooling concept, whereby all M&I entities share in the benefits of effluent exchanges. The pooling concept provision was included in the CAP M&I water service subcontracts. The 2002 proposed modification to the 1983 decision was to delete the mandatory effluent pooling provision in M&I subcontracts with the cities of Chandler and Mesa, and from other M&I water service subcontracts upon request. That provision in the CAP M&I water service subcontracts was an impediment to effluent exchanges and effective water management in central Arizona. After review and consideration of the public comments, the final decision was published on June 18, 2003 (68 FR

36578), deleting the mandatory effluent pooling provision.

The Settlements Act was enacted on December 10, 2004, and provides, among other things, for: (1) A final allocation of CAP water, with a CAP supply permanently designated for Indian uses and a CAP supply designated for non-Indian M&I or NIA uses; (2) a reallocation by the Secretary of 65,647 acre-feet of currently uncontracted CAP M&I water to 20 specific M&I entities; (3) ratification of the Arizona Water Settlement Agreement (the ''Master Agreement'') among the United States, ADWR, and CAWCD, which provides a statutory-based framework to enable the CAP NIA districts to relinquish existing rights to the delivery of CAP NIA priority water under their CAP water service subcontracts, including their rights, if any, to the reallocated water; and, (4) a reallocation of the relinquished and uncontracted NIA water supply to various Arizona Indian tribes and ADWR for future M&I use.

On August 25, 2006, the Secretary published a final reallocation decision (71 FR 50449) that, among other things, reallocated the CAP NIA water and the uncontracted CAP M&I water. The August 2006 reallocation decision is summarized below:

The Secretary's decision reallocated up to 96,295 acre-feet of agricultural priority water per year to ADWR, pursuant to section 104(a)(2)(A) of the Settlements Act and subject to subparagraph 9.3 of the Master Agreement, to be held under contract in trust for further allocation pursuant to section 104(a)(2)(C) of the Settlements Act. Direct use of the agricultural priority water by ADWR is prohibited under the Master Agreement and this notice.

In accordance with section 104(a)(2)(C) of the Settlements Act, before water may be further allocated the Director of ADWR shall submit to the Secretary of the Interior a recommendation for reallocation. After receiving the recommendation, the Secretary shall carry out all of the necessary reviews for the proposed reallocation in accordance with applicable Federal law. If the Director's recommendation is rejected, the Secretary shall request a revised recommendation from the Director of ADWR and proceed with any reviews required.

The reallocation of agricultural priority water to ADWR pursuant to section 104(a)(2)(A) and section 104(a)(2)(C) of the Settlements Act is subject to the Master Agreement, including certain rights provided by the Master Agreement to water users in Pinal County, Arizona. The agricultural priority water reallocated to the ADWR shall be subject to the condition that the water retain its non-Indian agricultural delivery priority.

As required in Section 104(a)(2)(C)(i)(I) of the Settlements Act and the August 25, 2006 final reallocation decision, ADWR submitted to the Secretary a recommendation for reallocation of agricultural priority water. This recommendation was transmitted by letter dated January 16, 2014, and ADWR requested the Secretary carry out all of the necessary reviews of the proposed reallocation in accordance with applicable Federal law.

Reclamation prepared an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and pursuant to Section 104 of the Settlements Act. Public scoping was initiated on November 30, 2015, with a newsletter that was sent to interested parties and published on Reclamation's website. Scoping comments were accepted via facsimile, email, U.S. mail, and in-person at the scoping meetings, which were held on December 8–10, 2015, in Phoenix, Casa Grande, and Tucson, Arizona, respectively. Reclamation received two public responses during this initial scoping period, one of which resulted in Reclamation honoring a request for a comment period extension to January 18, 2016.

In June 2016, Reclamation mailed Notices of Availability (NOA) of the Draft Environmental Assessment (EA) to Federal, state, and local agencies, Indian tribes, organizations, proposed recipients, and other interested stakeholders. A public meeting was held on June 22, 2016, in Casa Grande, Arizona, and the commenting period closed on July 22, 2016. Reclamation conducted in-person consultation with the Tohono O'odham Nation on February 17, 2017, and with the San Carlos Apache Tribe on June 16, 2017. The draft EA was revised in response to the comments received. A NOA for the *Final Environmental Assessment—Arizona Department of Water Resources Recommendation for the Reallocation of Non-Indian Agricultural Priority Central Arizona Project Water in Accordance with the Arizona Water Settlements Act of 2004* was issued on November 15, 2019, and the *Final Finding of No Significant Impact—Arizona Department of Water Resources Recommendation for the Reallocation of Non-Indian Agricultural Priority Central Arizona Project Water in Accordance with the Arizona Water Settlements Act of 2004* was signed on November 8, 2019.

Rationale for Proposed Decision

The Department is proposing to allocate CAP NIA water in accordance with ADWR's recommendation. The ADWR recommendation covered the initial phase, reallocating 46,629 acre-feet per year of NIA priority CAP water of the 96,295 acre-feet per year to be reallocated, as shown in the table above. The total of 46,629 acre-feet per year of CAP NIA priority water in this phase is in two pools: (1) A municipal pool of 34,629 acre-feet for M&I water providers within the CAP service area and the Central Arizona Groundwater Replenishment District, and (2) an industrial pool of 12,000 acre-feet for industrial water users within the CAP service area. The rationale for the proposed decision is based on the following:

(1) ADWR's extensive public outreach, in consultation with Reclamation, to interested parties regarding its recommendation.

(2) An EA evaluating impacts of the proposed reallocation, in accordance with NEPA, and the resulting FONSI.

The Final EA and FONSI can be found on Reclamation's website at: *https://www.usbr.gov/lc/phoenix/reports/reports.html.*

Request for Public Comments

We request public comments on the proposed reallocation prior to the Department making a final decision. Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Timothy R. Petty,

Assistant Secretary for Water and Science.

[FR Doc. 2020–11906 Filed 6–2–20; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 201S180110; S2D2S SS08011000 SX064A000 20XS501520; OMB Control Number 1029–0067]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Restrictions on Financial Interests of State Employees

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: 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 1029–0067 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 March 10, 2020 (85 FR 13921). 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: Respondents are state employees who supply information on employment and financial interests. The purpose of the collection is to ensure compliance with section 517(g) of the Surface Mining Control and Reclamation Act of 1977, which places an absolute prohibition on having a direct or indirect financial interest in underground or surface coal mining operations.

Title of Collection: Restrictions on financial interests of state employees.

OMB Control Number: 1029–0067.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Any state regulatory authority employee or member of advisory boards or commissions established in accordance with state law or regulation to represent multiple interests who performs any function or duty under the Surface Mining Control and Reclamation Act.

Total Estimated Number of Annual Respondents: 2,220.

Total Estimated Number of Annual Responses: 4,464.

Estimated Completion Time per Response: Varies from 5 minutes to 30 minutes.

Total Estimated Number of Annual Burden Hours: 382.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: 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. 2020–11956 Filed 6–2–20; 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 1029–0055]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Rights of Entry

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: 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 1029–0055 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 March 10, 2020 (85 FR 13920). 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: This regulation establishes procedures for non-consensual entry upon private lands for the purpose of abandoned mine land reclamation activities or exploratory studies when the landowner refuses consent or is not available.

Title of Collection: Rights of Entry.

OMB Control Number: 1029–0055.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: State and Tribal abandoned mine land reclamation agencies.

Total Estimated Number of Annual Respondents: 8.

Total Estimated Number of Annual Responses: 352.

Estimated Completion Time per Response: 4.5 hours.

Total Estimated Number of Annual Burden Hours: 1,584.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: $2,500.

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. 2020–11955 Filed 6–2–20; 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 1029–0114]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Technical Evaluation Surveys

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: 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 1029–0114 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 March 10, 2020 (85 FR 13922). 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: This series of surveys is needed to ensure that technical assistance activities, technology transfer activities and technical forums are useful for those who participate or receive the assistance. Specifically, representatives from State and Tribal regulatory and reclamation authorities, representatives of industry, environmental or citizen groups, or the public, are the recipients of the assistance or participants in these forums. These surveys will be the primary means through which OSMRE evaluates its performance in meeting the performance goals outlined in its annual plans developed pursuant to the Government Performance and Results Act.

Title of Collection: Technical Evaluation Surveys.

OMB Control Number: 1029–0114.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals who request information or assistance, although generally States and Tribal employees.

Total Estimated Number of Annual Respondents: 222.

Total Estimated Number of Annual Responses: 222.

Estimated Completion Time per Response: 5 minutes.

Total Estimated Number of Annual Burden Hours: 19 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: 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. 2020–11958 Filed 6–2–20; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–991 (Third Review)]

Silicon Metal From Russia

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping duty order on silicon metal from Russia would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on June 3, 2019 (84 FR 25561) and determined on September 6, 2019 that it would conduct a full review (84 FR 49763, September 23, 2019). Notice of the scheduling of the Commission's review and of a public hearing 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** on December 10, 2019 (84 FR 67475). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, and in accordance with 19 U.S.C. 1677c(a)(1), the Commission did not cancel its hearing scheduled for March 31, 2020, but conducted its hearing through a series of written questions, submissions of written testimony, written responses to questions, posthearing briefs, and closing statements presented via video and teleconference; all persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on May 28, 2020. The views of the Commission are contained in USITC Publication 5058 (May 2020), entitled *Silicon Metal from Russia: Investigation No. 731–TA–991 (Third Review).*

By order of the Commission.

Issued: May 28, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–11914 Filed 6–2–20; 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)).

DEPARTMENT OF JUSTICE

[OMB Number 1117–0013]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; Application for Permit To Import Controlled Substances for Domestic and/or Scientific Purposes; DEA Form 357

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 3, 2020.

FOR FURTHER INFORMATION CONTACT: If you have comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott A. Brinks, Regulatory Drafting and Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3261.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Application for Permit to Import Controlled Substances for Domestic and/or Scientific Purposes Pursuant to 21 U.S.C. 952.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form: 357. The applicable component within the Department of Justice is the Drug Enforcement Administration, Office of Diversion Control.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public (Primary): Business or other for-profit.

Affected public (Other): None.

Abstract: Section 1002 of the Controlled Substances Import and Export Act (CSIEA) (21 U.S.C. 952) and Title 21, Code of Federal Regulations (21 CFR), Sections 1312.11, 1312.12 and 1312.13 requires any person who desires to import controlled substances listed in schedules I or II, any narcotic substance listed in schedules III or IV, or any non-narcotic substance in schedule III which the Administrator has specifically designated by regulation in § 1312.30, or any nonnarcotic substance in schedule IV or V which is also listed in schedule I or II of the Convention on Psychotropic Substances, must have an import permit. To obtain the permit to import controlled substances for domestic and or scientific purposes, an application for the permit must be made to DEA on DEA Form 357.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* DEA estimates that 171 registrants participate in this information collection, taking an estimated 0.26 hours per registrant annually.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* DEA estimates the total public burden (in hours) associated with this collection: 497 annual burden hours.

If additional information is required please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: May 28, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–11923 Filed 6–2–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0024]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; Report of Loss or Disappearance of Listed Chemicals and Regulated Transactions in Tableting/Encapsulating Machines; DEA Forms 107, 452

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 3, 2020.

FOR FURTHER INFORMATION CONTACT: If you have comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott Brinks, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3261.

SUPPLEMENTARY INFORMATION:

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, *e.g.,*

permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Report of Loss or Disappearance of Listed Chemicals and Regulated Transactions in Tableting/Encapsulating Machines.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Forms 107 and 452. The applicable component within the Department of Justice is the Drug Enforcement Administration, Office of Diversion Control.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public (Primary): Business or other for-profit.

Affected public (Other): Not-for-profit institutions; Federal, State, local, and tribal governments.

Abstract: Each regulated person is required to report any unusual or excessive loss or disappearance of a listed chemical, and any regulated transaction in a tableting or encapsulating machine, to include any domestic regulated transaction in a tableting or encapsulating machine and any import or export of a tableting or encapsulating machine. 21 U.S.C. 830 (b)(1)(A), (C) and (D); 21 CFR 1310.05(a)(1), (3)–(4); 21 CFR 1310.05(c).

Regulated persons include manufacturers, distributors, importers, and exporters of listed chemicals, tableting machines, or encapsulating machines, or persons who serve as brokers or traders for international transactions involving a listed chemical, tableting machine, or encapsulating machine. 21 CFR 1300.02(b). Both reports will be submitted electronically.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* DEA estimates that 2,331 persons respond as needed to this collection. Responses take 20 minutes.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* DEA estimates that this collection takes 1,276 annual burden hours.

If additional information is required please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: May 28, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–11932 Filed 6–2–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0023]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection, Import/Export Declaration for List I and List II Chemicals, DEA Forms 486, 486A

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 3, 2020.

FOR FURTHER INFORMATION CONTACT: If you have comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott Brinks, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3261.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Import/Export Declaration for List I and List II Chemicals.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Forms: 486, 486A. The applicable component within the Department of Justice is the Drug Enforcement Administration, Office of Diversion Control.

4. *Affected public who will be asked or required to respond, as well as a brief abstract: Affected public (Primary):* Business or other for-profit.

Affected public (Other): Not-for-profit institutions; Federal, State, local, and tribal governments.

Abstract: Section 1018 of the Controlled Substances Import and Export Act (CSIEA) (21 U.S.C. 971) and Title 21 Code of Federal Regulations (21 CFR) Part 1313 require any persons who import, export, or conduct international transactions involving list I and list II chemicals are required to establish a system of recordkeeping and report certain information regarding those transactions to DEA. The chemicals subject to control are used in the clandestine manufacture of controlled substances. The reports of domestic, import, and export regulated transactions in listed chemicals are submitted electronically through the Diversion Control Division secure network application. Any person who desires to import non-narcotic substances in schedules III, IV, and V must electronically file their return information. Any person who desires to export non-narcotic substances in schedules III and IV and any other substance in schedule V is also required to electronically file a controlled substances import declaration/controlled substance export invoice.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The below table presents information regarding the number of

respondents, responses and associated burden hours.

	Number of annual respondents	Number of annual responses	Average time per response (hours)	Total annual hours
DEA–486—Import	132	2,153	0.33 (20 minutes)	718
DEA–486—Export	227	13,142	0.28 (17 minutes)	3,724
DEA–486—International	20	424	0.28 (17 minutes)	120
DEA–486A—Import	38	697	0.40 (24 minutes)	279
Total	417	16,416		4,840

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* DEA estimates that this collection takes 4,840 annual burden hours.

If additional information is required please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: May 28, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–11927 Filed 6–2–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0004]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection Application for Permit To Export Controlled Substances, Application for Permit To Export Controlled Substances for Subsequent Reexport DEA Forms 161, 161R, 161R–EEA

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 3, 2020.

FOR FURTHER INFORMATION CONTACT: If you have comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott A. Brinks, Regulatory Drafting and Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3261.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Application for Permit to Export Controlled Substances; Application for Permit to Export Controlled Substances for Subsequent Reexport.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Forms: 161, 161R, and 161R–EEA. The applicable component within the Department of Justice is the Drug Enforcement Administration, Office of Diversion Control.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public (Primary): Business or other for-profit.

Affected public (Other): Not-for-profit institutions; Federal, State, local, and tribal governments.

Abstract: Title 21, Code of Federal Regulations (21 CFR), Sections 1312.21 and 1312.22 require that any person who desires to export or reexport controlled substances listed in schedules I or II, any narcotic substance listed in schedules III or IV, or any non-narcotic substance in schedule III which the Administrator has specifically designated by regulation in § 1312.30, or any non-narcotic substance in schedule IV or V which is also listed in schedule I or II of the Convention on Psychotropic Substances, must have an export permit.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* DEA estimates that 127 respondents, with 7,282 responses annually to this collection. DEA estimates that it takes .52719 hours to complete the form.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* DEA estimates that this collection takes 3,839 annual burden hours.

If additional information is required please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: May 28, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–11924 Filed 6–2–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0009]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection Controlled Substances Import/Export Declaration; DEA Form 236

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 3, 2020.

FOR FURTHER INFORMATION CONTACT: If you have comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott A. Brinks, Regulatory Drafting & Policy Support Section, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3261.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Controlled Substances Import/Export Declaration (DEA Form 236).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: DEA Form 236. The Department of Justice component is the Drug Enforcement Administration, Office of Diversion Control.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public (Primary): Business or other for-profit.

Affected public (Other): None.

Abstract: DEA Form 236 enables DEA to monitor and control the importation and exportation of controlled substances. Analysis of these documents provides DEA with important intelligence regarding the international commerce in controlled substances and assists in the identification of suspected points of diversion.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* DEA estimates that there are 323 total respondents for this information collection. In total, 323 respondents submit 8,154 responses, with each response taking 15 minutes to complete.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* DEA estimates that this collection takes 2,039 annual burden hours.

If additional information is required please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: May 28, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–11922 Filed 6–2–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Bureau of Justice Statistics

[OMB Number 1121–0064]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection: Annual Parole Survey, Annual Probation Survey

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 3, 2020.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Barbara Oudekerk, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: *Barbara.A.Oudekerk@ojp.usdoj.gov;* telephone: 202–616–3904).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms

of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Annual Parole Survey, Annual Probation Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form numbers for the questionnaire are CJ–7 Annual Parole Survey; CJ–8 Annual Probation Survey; CJ–8a Annual Probation Survey (Short Form). The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State departments of corrections or state probation and parole authorities. *Others:* The Federal Bureau of Prisons, city and county courts and probation offices for which a central reporting authority does not exist. For the CJ–7 form, the affected public consists of 52 respondents including 50 central reporters, the District of Columbia, and the Federal Bureau of Prisons responsible for keeping records on parolees. For the CJ–8 form, the affected public includes 360 reporters including 40 state respondents, the District of Columbia, the Federal Bureau of Prisons, and 318 from local authorities responsible for keeping records on probationers. For the CJ–8A form, the affected public includes 448 reporters who are all local authorities responsible for keeping records on probationers. The Annual Parole Survey and Annual Probation surveys have been used since 1977 to collect annual yearend counts and yearly movements of community corrections populations; characteristics of the community supervision population, such as gender, racial composition, ethnicity, conviction status, offense, and supervision status. In 2020, respondents will be asked a few questions about the COVID–19 pandemic and how it affected their agency.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 860 respondents total; 412 with an averaged time of 1.75 hours for response and 448 with an average time 0.625 hours to respond. 860 respondents will be asked additional COVID–19 questions with an average time to complete of 0.33 hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 1,001 total burden hours associated with this collection, with an additional 287 hours in 2020 for the COVID–19 questions. The total burden for the 2020 data collection is 1,288.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: May 28, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–11921 Filed 6–2–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with the Section 223 (19 U.S.C. 2273) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *April 1, 2020 through April 30, 2020.* (This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or ''and,'' ''or,'' or other words are added for clarification.)

Section 222(a)—Workers of a Primary Firm

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers' firm (or ''such firm'') have become totally or partially separated, or are threatened to become totally or partially separated; AND (2(A) or 2(B) below).

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a Foreign Country Path/Acquisition of Articles or Services from a Foreign Country Path, as follows:

(A) Increased Imports Path:

(i) The sales or production, or both, of such firm, have decreased absolutely; AND (ii and iii below)

(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; OR

(II)(aa) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased; OR

(II)(bb) imports of articles like or directly competitive with articles which are produced directly using the services supplied by such firm, have increased; OR

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; AND

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; OR

(B) Shift in Production or Services to a Foreign Country Path OR Acquisition of Articles or Services from a Foreign Country Path:

(i)(I) There has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; OR

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; AND

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

Section 222(b)—Adversely Affected Secondary Workers

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for TAA, the group

eligibility requirements of Section 222(b) of the Act (19 U.S.C. 2272(b)) must be met, as follows:

(1) A significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated; AND

(2) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act (19 U.S.C. 2272(a)), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection 222(c)(3) and (4) of the Act (19 U.S.C. 2272(c)(3) and (4)); AND

(3) Either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; OR

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

Section 222(e)—Firms Identified by the International Trade Commission

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(e) of the Act (19 U.S.C. 2272(e)) must be met, by following criteria (1), (2), and (3) as follows:

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1) of the Act (19 U.S.C. 2252(b)(1)); OR

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1) of the Act (19 U.S.C. 2436(b)(1)); OR

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A)); AND

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) of the Trade Act (19 U.S.C. 2252(f)(1)) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3) (19 U.S.C. 2252(f)(3)); OR

(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the **Federal Register**; AND

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); OR

(B) notwithstanding section 223(b) of the Act (19 U.S.C. 2273(b)), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (Increased Imports Path) of the Trade Act have been met.

TA–W number	Subject firm	Location	Impact date
95,115	Team Ten, LLC, American Eagle Paper Mills, Manpower, Spherion.	Tyrone, PA	August 23, 2018.
95,266	Wolverine Advanced Materials, ITT Inc., Elwood Staffing	Blacksburg, VA	October 8, 2018.
95,446	Concentrix CVG Customer Management Group, Inc., Concentrix CVG Corporation.	Taylorsville, UT	December 4, 2018.
95,448	Honeywell International Inc., Safety & Productivity Solutions, Sperian Protection USA, Inc., etc.	Smithfield, RI	December 4, 2018.
95,723	Hybrid Promotions, LLC	Cypress, CA	February 21, 2019.
95,776	Rockland-Bamberg Industries, Rockland Industries, Inc	Bamberg, SC	March 4, 2019.
95,819	Southwire Company LLC	Hayesville, NC	March 16, 2019.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (Shift in Production or Services to a Foreign Country Path or Acquisition of Articles or Services from a Foreign Country Path) of the Trade Act have been met.

TA–W number	Subject firm	Location	Impact date
94,706	DXC Technology, Managed Security Services (MSS)	Williamsville, NY	April 5, 2018.
94,983	HP Inc., Imaging, Printing and Solutions Business Group, Insight Global, etc.	Palto Alto, CA	December 16, 2018.
94,983A	HP Inc., Imaging, Printing and Solutions Business Group	San Diego, CA	December 16, 2018.
94,983B	Workers of Insight Global, Inc., Accion Labs Inc., Adea Solutions, etc., HP Inc., Imaging, Printing and Solutions Business Group.	San Diego, CA	June 27, 2018.
94,983C	HP Inc., Imaging, Printing and Solutions Business Group	Fort Collins, CO	December 16, 2018.
94,983D	Workers of Insight Global, Inc., Accion Labs Inc., Adea Solutions, etc., HP Inc., Imaging, Printing and Solutions Business Group.	Fort Collins, CO	June 27, 2018.
94,983E	HP Inc., Imaging, Printing and Solutions Business Group	Alpharetta, GA	December 16, 2018.
94,983F	Workers of Insight Global, Inc., Accion Labs Inc., Adea Solutions, etc., HP Inc., Imaging, Printing and Solutions Business Group.	Alpharetta, GA	June 27, 2018.
94,983G	HP Inc., Imaging, Printing and Solutions Business Group, Adecco, Modis, Experis, etc.	Boise, ID	December 16, 2018.

TA–W number	Subject firm	Location	Impact date
94,983H	Workers of Insight Global, Inc., Accion Labs Inc., Adea Solutions, etc., HP Inc., Imaging, Printing and Solutions Business Group.	Boise, ID	June 27, 2018.
94,983I	HP Inc., Imaging, Printing and Solutions Business Group	Rio Rancho, NM	December 16, 2018.
94,983J	Workers of Insight Global, Inc., Accion Labs Inc., Adea Solutions, etc., HP Inc., Imaging, Printing and Solutions Business Group.	Rio Rancho, NM	June 27, 2018.
94,983K	HP Inc., Imaging, Printing and Solutions Business Group	New York, NY	December 16, 2018.
94,983L	Workers of Insight Global, Inc., Accion Labs Inc., Adea Solutions, etc., HP Inc., Imaging, Printing and Solutions Business Group.	New York, NY	June 27, 2018.
94,983M	HP Inc., Imaging, Printing and Solutions Business Group	Corvallis, OR	December 16, 2018.
94,983N	Workers of Insight Global, Inc., Accion Labs Inc., Adea Solutions, etc., HP Inc., Imaging, Printing and Solutions Business Group.	Corvallis, OR	June 27, 2018.
94,983O	HP Inc., Imaging, Printing and Solutions Business Group	Plano, TX	December 16, 2018.
94,983P	Workers of Insight Global, Inc., Accion Labs Inc., Adea Solutions, etc., HP Inc., Imaging, Printing and Solutions Business Group.	Plano, TX	June 27, 2018.
94,983Q	HP Inc., Imaging, Printing and Solutions Business Group, Insight Global, etc.	Spring, TX	June 27, 2018.
94,983R	HP Inc., Imaging, Printing and Solutions Business Group	Austin, TX	December 16, 2018.
94,983S	Workers of Insight Global, Inc., Accion Labs Inc., Adea Solutions, etc., HP Inc., Imaging, Printing and Solutions Business Group.	Austin, TX	June 27, 2018.
94,983T	HP Inc., Imaging, Printing and Solutions Business Group	Vancouver, WA	December 16, 2018.
94,983U	Workers of Insight Global, Inc., Accion Labs Inc., Adea Solutions, etc., HP Inc., Imaging, Printing and Solutions Business Group.	Vancouver, WA	June 27, 2018.
94,983V	HP Inc., Imaging, Printing and Solutions Business Group	San Jose, CA	December 16, 2018.
94,983W	Workers of Insight Global, Inc., Accion Labs Inc., Adea Solutions, etc., HP Inc., Imaging, Printing and Solutions Business Group.	San Jose, CA	June 27, 2018.
94,983X	HP Inc., Imaging, Printing and Solutions Business Group	Aguadilla Pueblo, PR	December 16, 2018.
94,983Y	Workers of Insight Global, Inc., Accion Labs Inc., Adea Solutions, etc., HP Inc., Imaging, Printing and Solutions Business Group.	Aguadilla Pueblo, PR	June 27, 2018.
95,135	Continental Powertrain USA, LLC, Marketplace Staffing, Penmac Staffing, etc.	Fountain Inn, SC	August 29, 2018.
95,207	IntraPac (Plattsburgh) Inc., ETS	Plattsburgh, NY	September 23, 2018.
95,249	Plains Marketing LP, Plains All American GP LLC	Yankton, SD	October 3, 2018.
95,389	Northern Trust Corporation, Technology Department, Technology Finance Group.	Chicago, IL	November 18, 2018.
95,407	MetLife Group, Inc., Global Balance Sheet Controls Unit, Financial Operations Team, MetLife.	Tampa, FL	November 21, 2018.
95,409	Rite Aid Headquarters Corporation, Technology Services Computer Operations, Rite Aid Corporation.	Shiremanstown, PA	November 22, 2018.
95,442	Toppan Merrill LLC, Toppan Printing, Merrill Communications LLC, Toppan Vintage, Composition.	New York, NY	December 3, 2018.
95,454	Guitabec USA Inc., Lasido Inc	Berlin, NH	December 5, 2018.
95,496	E-Lo Sportwear LLC, Sample Making Team	New York, NY	December 18, 2018.
95,512	IDT International Corporation, Technology Department, IDT Corporation.	Newark, NJ	December 23, 2018.
95,519	Blackmer, Dover Energy, PSG, a Dover Company, Kelly Services	Grand Rapids, MI	December 27, 2018.
95,557	Stanley Black & Decker Inc., Greenfield Operations, Morales Group Inc., MBC Staffing, Kelley Services.	Greenfield, IN	January 10, 2019.
95,579	Heraeus Precious Metals North America, Heraeus Photovoltaics Global Business Unit, Aerotek Scientific.	West Conshohocken, PA	January 17, 2019.
95,610	Aquity Solutions, LLC, MModal Services, LLC	Cary, NC	January 27, 2019.
95,623	Neurospine Institute, LLC, Billing Department, Pacific Sports and Spine, Neurospine Group.	Eugene, OR	January 28, 2019.
95,673	The AMES Companies, Inc	Falls City, NE	February 10, 2019.
95,677	AIG PC Global Services, Inc., Olathe KS General Insurance Claims Shared Service, etc.	Olathe, KS	February 11, 2019.
95,682	JCPenney Customer Care Center, Lenexa Customer Care Center, JCPenney Corporation, Onin, Manpower.	Lenexa, KS	February 11, 2019.
95,691	Schneider Electric IT Corporate, Secure Power: Cooling, Schneider Electric Corporation, VOLT Management.	O'Fallon, MO	February 13, 2019.
95,692	OMNI GSS Inc., OMNIGSS Limited	Philadelphia, PA	February 13, 2019.
95,695	Altex-Mar Electronics Inc., Express, Elwood, Morales Group, Crown Services, Belflex Staffing.	Westfield, IN	February 18, 2019.
95,701	Computer Services Corporation (CSC), Dividend, Cash, & Loan Correspondence Division, DXC Technology, etc.	Warwick, RI	February 18, 2019.
95,707	Armstrong Hardwood Flooring, LLC, Armstrong Hardwood Flooring Products, Armstrong Hardwood Products, etc.	Oneida, TN	February 19, 2019.
95,730	Anchen Pharmaceuticals Inc., Par Pharmaceutical, Aerotke, Kimco, Healthcare Talent.	Irvine, CA	February 24, 2019.
95,731	Paradigm Precision, Aerotek Staffing, Key Alliance Staffing	Tempe, AZ	February 24, 2019.
95,739	Virco Manufacturing Corporation, Staffmark, TEC, ASAP, Premier	Conway, AR	February 25, 2019.
95,744	mHelpDesk, LLC, Angie's List, Buwelo, Synergie Global	Fairfax, VA	February 26, 2019.
95,753	Spark Networks, Inc. (dba MingleMatch), Customer Care Department, Email Support team, Spark Networks SE.	Lehi, UT	February 26, 2019.
95,760	Franchise World Headquarters dba Subway, HCL, CapGemini	Milford, CT	March 3, 2019.

TA–W number	Subject firm	Location	Impact date
95,781	The Travelers Indemnity Company, Business Insurance Technology Northland group, The Travelers Companies.	Saint Paul, MN	March 5, 2019.
95,799	Eaton Hydraulics LLC, Power Motion Control Division, Eaton Corporation.	Shawnee, OK	March 5, 2019.
95,812	Smiths Detection, Inc., IMS Consumables, Smiths Group plc	Edgewood, MD	March 4, 2019.
95,827	AMETEK Instrumentation Systems, Instrumentation System Division, AMETEK, Inc., Adecco.	Grand Junction, CO	March 23, 2020.
95,835	NTT Security Inc., Service Desk, Tek Systems	Omaha, NE	March 20, 2019.
95,838	Electronics for Imaging, Inc., Fiery Software, Sierra Atlantic, Nelson Staffing Solutions, etc.	Fremont, CA	March 23, 2019.
95,844	Cloud Terre Studio, LLC	Winchester, VA	March 24, 2019.
95,847	Elo Touch Solutions, Inc., Elo Holding, Inc., QES Solutions, Masis Staffing Solutions.	Rochester, NY	March 24, 2019.
95,858	Medtronic Plc, Restorative Therapies Group—Operations, Artech Information Systems, etc.	Warsaw, IN	March 25, 2019.
95,868	UTC Fire & Security Americas Corporation, Inc. and Onity Inc., Supra and Onity division, Carrier Global Corporation.	Salem, OR	April 3, 2019.
95,869	Essilor of America, Inc., Finance—Shared Services Division, EOA Holding Co., Inc.	Dallas, TX	April 6, 2019.
95,875	Safran, Cabins Division, Adecco	Huntington Beach, CA	April 6, 2019.
95,878	Gaming Partners International USA, Inc., Gaming Partners International Corporation.	Blue Springs, MO	April 8, 2019.
95,882	National Pen Tennessee, LLC, National Pen Co., LLC, Cimpress, Randstand North America, Express Services.	Shelbyville, TN	April 9, 2019.
95,882A	National Pen Tennessee, LLC, National Pen Co., LLC, Cimpress PLC.	Shelbyville, TN	April 9, 2019.
95,883	Teva Pharmaceuticals, Teva Global Operations (TGO) Division, Kelly Temporary Services Company.	Forest, VA	May 10, 2020.
95,883A	Leased Workers from ABM, Sodexo, Synovos, and GSOC, Teva Pharmaceuticals, Teva Global Operations (TGO) Division.	Forest, VA	April 10, 2019.
95,892	Move Central, Inc	San Diego, CA	April 16, 2019.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W number	Subject firm	Location	Impact date
95,325	HWI Environmental Technologies, HWI Environmental Technologies, Inc.	St. Louis, MO	October 24, 2018.
95,729	Metal Powder Products, LLC	Saint Marys, PA	February 24, 2019.
95,823	SBM Site Services LLC, SBM Management Services LP	Wichita, KS	March 17, 2019.

The following certifications have been issued. The requirements of Section 222(b) (downstream producer to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W number	Subject firm	Location	Impact date
95,642	Logistics Insight Corp., Malace HR, Sentech Services, Driver Logistics.	Detroit, MI	February 3, 2019.

The following certifications have been issued. The requirements of Section 222(e) (firms identified by the International Trade Commission) of the Trade Act have been met.

TA–W number	Subject firm	Location	Impact date
95,791	Lippert Components Manufacturing, Inc., Interiors division, ProPeople Staffing Services, IES Custom Staffing.	Nampa, ID	December 12, 2018.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for TAA have not been met for the reasons specified.

The investigation revealed that the requirements of Trade Act section 222(a)(1) and (b)(1) (significant worker total/partial separation or threat of total/partial separation), or (e) (firms identified by the International Trade Commission), have not been met.

TA–W number	Subject firm	Location	Impact date
95,356	RPC Superfos US Inc., Berry Global, Axiom Staffing Group, Kelly Services, Prologistix, etc.	Winchester, VA.	
95,596	J.R. Vinagro Corporation, J.R. Vinagro Manufacturing & Processing Company.	Johnston, RI.	
95,665	Accenture LLP, Capability Network	Indianapolis, IN.	
95,894	Intrado Facilities, LLC, Intrado Corporation	Omaha, NE.	
95,894A	Intrado Interactive Services Corporation, Intrado Corporation	Omaha, NE.	

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both), or (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W number	Subject firm	Location	Impact date
95,254	Daimler Trucks North America, Mount Holly Truck Manufacturing Plant, Daimler AG.	Mount Holly, NC.	
95,834	Nichols Oil Tools, Pipe division, Argonaut Private Equity	San Angelo, TX.	

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports), (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W number	Subject firm	Location	Impact date
94,722	Atos IT Solutions and Services, Inc., Symtech Innovations Ltd	Hillsboro, OR.	
94,729	Alfa Laval, Inc	Lykens, PA.	
94,767	Healthfirst Management Services, LLC, Information Technology Unit, Quality Assurance, Business Analyst Group.	New York, NY.	
94,895	Vista Del Mar Medical Group Inc., Medical Billing Division	Oxnard, CA.	
94,915	Kelly Services, Inc., Dow Chemical Company-Global Intercompany Clearing House.	Midland, MI.	
95,306	Qwest Corporation, Customer Care Service Delivery, CenturyLink, Inc.	Minneapolis, MN.	
95,322	Pacific Recycling, Inc., Staffing Partners, People Ready, Inc., All Star Labor Staffing.	Eugene, OR.	
95,339	Autokiniton US Holdings Inc. (AGG), Tower International, Corporate Office, Zing Staffing.	Livonia, MI.	
95,382	Rite Aid Headquarters Corporation, IT Technicians, Field Technical Services Team.	Wilsonville, OR.	
95,382A	Rite Aid Headquarters Corporation, IT Technicians, Field Technical Services Team.	Tigard, OR.	
95,382B	Rite Aid Headquarters Corporation, IT Technicians, Field Technical Services Team.	Springfield, OR.	
95,382C	Rite Aid Headquarters Corporation, IT Technicians, Field Technical Services Team.	Grants Pass, OR.	
95,424	MotivePower, Inc., Wabtec Corporation	Boise, ID.	
95,500	Halliburton Energy Services, Inc., Halliburton Company, 100 E. Halliburton Boulevard.	Duncan, OK.	
95,500A	Halliburton Energy Services, Inc., Halliburton Comp., 2600 S. 2nd Street, Excluding Finance & Accounting, etc.	Duncan, OK.	
95,598	Lucky's Market	St. Louis, MO.	
95,620	Mid Rivers Store #571, Express Fashion Operations	Saint Peters, MO.	
95,629	Astoria Forest Products	Hillsboro, OR.	
95,716	Forge Graphics Works, Inc., Terra Staffing, Express Employment Professionals.	Portland, OR.	
95,736	Mersen USA St. Marys-PA Corporation, Mersen USA BN Corporation.	St. Marys, PA.	
95,737	Nationstar Mortgage, LLC D/B/A Mr. Cooper, Servicing Division, Nationstar Holdings, Inc., Mr. Cooper Group, Inc.	Beaverton, OR.	
95,750	Conduent Patient Access Solutions, LLC, Conduent Business Services, LLC, Manpower.	Chesapeake, VA.	
95,762	Commercial Dehydrator Systems, Inc	Eugene, OR.	
95,777	Cardone Industries, Inc., Express Employment	Harlingen, TX.	
95,777A	Cardone Industries, Inc., Select Staff, Link Staffing	Brownsville, TX.	
95,777B	Cardone Industries, Inc	Arlington, TX.	

TA–W number	Subject firm	Location	Impact date
95,784	Veritas Tools USA	Ogdensburg, NY.	
95,801	A&I Products, All Makes Division, John Deere	Williamsport, PA.	
95,843	Amcor Rigid Packaging USA, LLC, Amcor PLC, Randstad, Surge Staffing, Remedy Staffing, etc.	Hazelwood, MO.	

Determinations Terminating Investigations of Petitions for Trade Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's website, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W number	Subject firm	Location	Impact date
95,567	Metal Box International	Chicago, IL.	
95,836	Precision for Medicine	Norwalk, CT.	
95,851	Titan Wheel Corporation of Virginia	Saltville, VA.	

The following determinations terminating investigations were issued in cases where the petition regarding the investigation has been deemed invalid.

TA–W number	Subject firm	Location	Impact date
95,329	General Motors Renaissance Center	Detroit, MI.	
95,734	Concept Systems Manufacturing	San Jose, CA.	

The following determinations terminating investigations were issued because the worker group on whose behalf the petition was filed is covered under an existing certification.

TA–W number	Subject firm	Location	Impact date
95,450	Honeywell International Inc., Safety & Productivity Solutions, Honeywell Safety Products, USA, Inc., etc.	Smithfield, RI.	
95,541	Health Care Strategies	Richardson, TX.	
95,561	Aerotek and Award Staffing, Pace Industries Inc., St. Paul (Metalcraft) Division, Pace Industries LLC.	Arden Hills, MN.	
95,622	Joyson Safety	Knoxville, TN.	
95,647	Dun & Bradstreet	Waltham, MA.	
95,891	HP Inc., Imaging, Printing and Solutions Business Group	Vancouver, WA.	

The following determinations terminating investigations were issued because the petitioning group of workers is covered by an earlier petition that is the subject of an ongoing investigation for which a determination has not yet been issued.

TA–W number	Subject firm	Location	Impact date
95,560	HP Inc	Boise, ID.	
95,609	XPO Logistics	Hazelwood, MO.	

I hereby certify that the aforementioned determinations were issued during the period of *April 1, 2020 through April 30, 2020.* These determinations are available on the Department's website *https://www.doleta.gov/tradeact/petitioners/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 7th day of May 2020.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2020–11935 Filed 6–2–20; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Post-Initial Determinations Regarding Eligiblity To Apply for Trade Adjustment Assistance

In accordance with Sections 223 and 284 (19 U.S.C. 2273 and 2395) of the Trade Act of 1974 (19 U.S.C. 2271, *et*

seq.) (''Act''), as amended, the Department of Labor herein presents Notice of Affirmative Determinations Regarding Application for Reconsideration, summaries of Negative Determinations Regarding Applications for Reconsideration, summaries of Revised Certifications of Eligibility, summaries of Revised Determinations (after Affirmative Determination Regarding Application for Reconsideration), summaries of Negative Determinations (after Affirmative Determination Regarding Application for Reconsideration), summaries of Revised Determinations (on remand from the Court of International Trade), and summaries of Negative Determinations (on remand from the Court of International Trade) regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *April 1, 2020 through April 30, 2020.* Post-initial determinations are issued after a petition has been certified or denied. A post-initial determination may revise a certification, or modify or affirm a negative determination.

Affirmative/Negative Determinations Regarding Applications for Reconsideration

The certifying officer may grant an application for reconsideration under the following circumstances: (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous; (2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or (3) If, in the opinion of the certifying officer, a misinterpretation of facts or of the law justifies reconsideration of the determination. See 29 CFR 90.18(c).

Affirmative Determinations Regarding Applications for Reconsideration

The following Applications for Reconsideration have been received and granted. See 29 CFR 90.18(d). *The group of workers or other persons showing an interest in the proceedings may provide written submissions to show why the determination under reconsideration should or should not be modified. The submissions must be sent no later than June 15, 2020 to the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW, Washington, DC 20210. See 29 CFR 90.18(f).*

TA–W No.	Subject firm	Location
94,882	AT&T Business—Global Operations & Services	Bellaire, TX.
94,889	Xerox Corporation	Wilsonville, OR.
94,906	General Motors Milford Proving Ground	Milford, MI.
95,149	AIG PC Global Services, Inc	New York, NY.

Notice of Revised Certifications of Eligibility

Revised certifications of eligibility have been issued with respect to cases where affirmative determinations and certificates of eligibility were issued initially, but a minor error was discovered after the certification was issued. The revised certifications are issued pursuant to the Secretary's authority under section 223 of the Act and 29 CFR 90.16. Revised Certifications of Eligibility are final determinations for purposes of judicial review pursuant to section 284 of the Act (19 U.S.C. 2395) and 29 CFR 90.19(a).

Notice of Determinations on Reconsideration

Post-initial determinations have been issued with respect to cases where affirmative determinations regarding applications for reconsideration were granted. For cases where the worker group eligibility requirements are met, Revised Certifications of Eligibility or Revised Determinations have been issued. Revised Certifications of Eligibility and Revised Determinations are final determinations for purposes of judicial review pursuant to section 284 of the Act (19 U.S.C. 2395) and 29 CFR 90.19(a). *See* 29 CFR 90.18(h). Negative Determinations on Reconsideration have been issued with respect to cases where the worker group eligibility requirements are not met. Negative Determinations on Reconsideration are final determinations for purposes of judicial review pursuant to section 284 of the Act (19 U.S.C. 2395) and 29 CFR 90.19(a). *See* 29 CFR 90.18(i).

Summary of Statutory Requirement

(This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or ''and,'' ''or,'' or other words are added for clarification.)

Section 222(a)—Workers of a Primary Firm

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers' firm (or ''such firm'') have become totally or partially separated, or are threatened to become totally or partially separated; AND (2(A) or 2(B) below).

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a Foreign Country Path/Acquisition of Articles or Services from a Foreign Country Path, as follows:

(A) *Increased Imports Path:*

(i) The sales or production, or both, of such firm, have decreased absolutely; AND (ii and iii below)

(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; OR

(II)(aa) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased; OR

(II)(bb) imports of articles like or directly competitive with articles which are produced directly using the services supplied by such firm, have increased; OR

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; AND

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; OR

(B) Shift in Production or Services to a Foreign Country Path OR Acquisition of Articles or Services from a Foreign Country Path:

(i)(I) There has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; OR

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; AND

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

Section 222(b)—Adversely Affected Secondary Workers

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(b) of the Act (19 U.S.C. 2272(b)) must be met, as follows:

(1) A significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated; AND

(2) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act (19 U.S.C. 2272(a)), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection 222(c)(3) and (4) of the Act (19 U.S.C. 2272(c)(3) and (4)); AND

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; OR

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

Section 222(e)—Firms Identified by the International Trade Commission

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(e) of the Act (19 U.S.C. 2272(e)) must be met, by following criteria (1), (2), and (3) as follows:

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1) of the Act (19 U.S.C. 2252(b)(1)); OR

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1) of the Act (19 U.S.C. 2436(b)(1)); OR

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A)); AND

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) of the Trade Act (19 U.S.C. 2252(f)(1)) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3) (19 U.S.C. 2252(f)(3)); OR

(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the **Federal Register**; AND

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); OR

(B) notwithstanding section 223(b) of the Act (19 U.S.C. 2273(b)), the 1-year period preceding the 1-year period described in paragraph (2).

Revised Certifications of Eligibility

The following revised certifications of eligibility to apply for TAA have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination, and the reason(s) for the determination.

The following revisions have been issued.

TA–W No.	Subject firm	Location	Impact date	Reason(s)
93,865	Dun & Bradstreet, Inc	Austin, TX	6/1/2017	Worker Group Clarification.
93,865A	Dun & Bradstreet, Inc	Waltham, MA	6/1/2017	Worker Group Clarification.
95,074	Pace Industries, Inc	Arden Hills, MN	8/13/2018	Worker Group Clarification.
95,290	Aprima Medical Software, Inc	Richardson, TX	10/17/2018	Worker Group Clarification.

Negative Determinations on Reconsideration (After Affirmative Determination Regarding Application for Reconsideration)

In the following cases, negative determinations on reconsideration have been issued because the eligibility criteria for TAA have not been met for the reason(s) specified.

The investigation revealed that the requirements of Trade Act Section 222(a)(1) and (b)(1) (significant worker total/partial separation or threat of total/partial separation), or (e) (firms identified by the International Trade Commission) have not been met.

TA–W No.	Subject firm	Location
95,162	Norfolk Southern Railway Company.	Altoona, PA.

I hereby certify that the aforementioned determinations were issued during the period of *April 1, 2020 through April 30, 2020.* These determinations are available on the Department's website *https://www.doleta.gov/tradeact/petitioners/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 7th day of May 2020.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2020–11937 Filed 6–2–20; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Administrator of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Administrator, Office of Trade Adjustment Assistance, at the address shown below, no later than June 15, 2020.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Administrator, Office of Trade Adjustment Assistance, at the address shown below, not later than June 15, 2020.

The petitions filed in this case are available for inspection at the Office of the Administrator, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW, Washington, DC 20210.

Signed at Washington, DC, this 8th day of May 2020.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

Appendix

51 TAA PETITIONS INSTITUTED BETWEEN 4/1/20 AND 4/30/20

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
95858	Medtronic Plc (State/One-Stop)	Warsaw, IN	04/01/20	03/25/20
95859	Olympus Corporation of the Americas (Company)	Center Valley, PA	04/01/20	03/31/20
95860	PanelArtz Inc. (State/One-Stop)	Kent, WA	04/01/20	03/31/20
95861	Philips Neuro (Workers)	Eugene, OR	04/01/20	03/31/20
95862	Pier 1 Imports (State/One-Stop)	Branson, MO	04/01/20	03/31/20
95863	Anthem Blue Cross Blue Shield-HOST Department (State/One-Stop)	Indianapolis, IN	04/02/20	04/01/20
95864	HCL, America (State/One-Stop)	Denver, CO	04/02/20	04/01/20
95865	Valveworks USA (State/One-Stop)	Bossier City, LA	04/02/20	04/01/20
95866	Change Healthcare (State/One-Stop)	Nashville, TN	04/03/20	04/02/20
95867	Siemens Government Technologies, Inc. (State/One-Stop)	Wellsville, NY	04/06/20	04/03/20
95868	UTC Fire & Security Americas Corporation, Inc. and Onity Inc. (State/One-Stop).	Salem, OR	04/06/20	04/03/20
95869	Essilor of America, Inc. (State/One-Stop)	Dallas, TX	04/07/20	04/06/20
95870	Frontier Communications (State/One-Stop)	Rochester, NY	04/07/20	04/06/20
95871	H & R Block (State/One-Stop)	Kansas City, MO	04/07/20	04/03/20
95872	Noah Horn Well Drilling (State/One-Stop)	Vansant, VA	04/07/20	04/07/20
95873	Palmer of Texas Tanks, Inc. a Synalloy Corporation (State/One-Stop)	Andrews, TX	04/07/20	04/06/20
95874	Paramount Industrial Companies, Inc. (State/One-Stop)	Norfolk, VA	04/07/20	04/07/20
95875	Safran (Company)	Huntington Beach, CA	04/07/20	04/06/20
95876	Novares US (State/One-Stop)	Livonia, MI	04/08/20	04/07/20
95877	Atchison Tubular Services (State/One-Stop)	Atchison, KS	04/09/20	04/08/20
95878	Gaming Partners International USA, Inc. (State/One-Stop)	Blue Springs, MO	04/09/20	04/08/20
95879	A&T Stainless (Union)	Midland, PA	04/10/20	04/09/20
95880	iQor Global Services LLC (State/One-Stop)	Memphis, TN	04/10/20	04/08/20
95881	MKEC working at Spirit (State/One-Stop)	Wichita, KS	04/10/20	04/09/20
95882A	National Pen Tennessee, LLC (State/One-Stop)	Shelbyville, TN	04/10/20	04/09/20
95882	National Pen Tennessee, LLC (State/One-Stop)	Shelbyville, TN	04/10/20	04/09/20
95883	Teva Pharmaceuticals (State/One-Stop)	Forest, VA	04/10/20	04/10/20
95883A	Leased Workers from ABM, Sodexo, Synovos, and GSOC (State/One-Stop).	Forest, VA	04/10/20	04/10/20
95884	Marvell Semiconductor Inc. (State/One-Stop)	Essex Junction, VT	04/13/20	04/10/20
95885	Schlumberger (State/One-Stop)	Denton, TX	04/13/20	04/10/20
95886	Collins Hardwood Company LLC (Union)	Richwood, WV	04/14/20	04/10/20
95887	EVRAZ Oregon Steel (EVRAZ Inc.) (State/One-Stop)	Portland, OR	04/14/20	04/13/20
95888	Western Forge (Company)	Colorado Springs, CO	04/14/20	04/13/20
95889	Workforce LogIQ on site at Spirit (State/One-Stop)	Wichita, KS	04/14/20	04/14/20
95890	Allura (State/One-Stop)	Terre Haute, IN	04/17/20	04/17/20
95891	HP Inc. (State/One-Stop)	Vancouver, WA	04/17/20	04/15/20
95892	Move Central, Inc. (State/One-Stop)	San Diego, CA	04/17/20	04/16/20
95893	Utility Trailer Manufacturing Company (State/One-Stop)	Glade Spring, VA	04/20/20	04/17/20
95894	Intrado Facilities, LLC (State/One-Stop)	Omaha, NE	04/21/20	04/20/20
95894A	Intrado Interactive Services Corporation (State/One-Stop)	Omaha, NE	04/21/20	04/20/20
95895	Chart Energy and Chemical (Union)	La Crosse, WI	04/22/20	04/21/20
95896	Blue Bell Mattress (State/One-Stop)	Roseville, MI	04/23/20	04/22/20
95897	Daimler Trucks North America (Union)	Cleveland, NC	04/23/20	04/22/20
95898	Toppan Merrill (State/One-Stop)	Saint Paul, MN	04/23/20	04/22/20
95899	Art Van Furniture Tech (State/One-Stop)	Jackson, MI	04/24/20	04/23/20
95900	STARTEK USA, INC. (Company)	Grand Junction, CO	04/24/20	04/23/20

51 TAA PETITIONS INSTITUTED BETWEEN 4/1/20 AND 4/30/20—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
95901	Larco (State/One-Stop)	Crosette, AR	04/28/20	04/27/20
95902	American Crafts (State/One-Stop)	Kansas City, MO	04/29/20	04/27/20
95903	Powerohm Resistors/Division of Hubbell Industrial Controls (Company)	Katy, TX	04/29/20	04/27/20
95904	Utility Trailer Manufacturing Company (State/One-Stop)	Paragould, AR	04/29/20	04/28/20
95905	Donaldson Company Inc. (Union)	Stevens Point, WI	04/30/20	04/29/20

[FR Doc. 2020–11936 Filed 6–2–20; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0050]

The Anhydrous Ammonia Storage and Handling Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Anhydrous Ammonia Storage and Handling Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by August 3, 2020.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal e-Rulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2010–0050, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the agency name and the OSHA docket number (OSHA–2010–0050) for the Information Collection Request (ICR). All comments, including any personal information you provide, such as social security number and date of birth, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You also may contact Theda Kenney at the below phone number to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Seleda Perryman, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The Anhydrous Ammonia Storage and Handling Standard (29 CFR 1910.111) specifies a number of paperwork requirements. The following is a brief description of the collection of information requirements contained in the standard.

Paragraph (b)(3) of the Standard specifies that systems have nameplates if required, and that these nameplates ''be permanently attached to the system (as specified by paragraph (b)(3)(i)) so as to be readily accessible for inspection . . . .'' In addition, paragraph (b)(3)(ii) requires that markings on containers and systems covered by paragraphs (c) (''Systems utilizing stationary, non-refrigerated storage containers''), (f) (''Tank motor vehicles for the transportation of ammonia''), (g) (''Systems mounted on farm vehicles other than for the application of ammonia''), and (h) (''Systems mounted on farm vehicles for the application of ammonia'') provide information regarding nine specific characteristics of the containers and systems. Similarly, paragraph (b)(4) of the Standard specifies that refrigerated containers be marked with a nameplate on the outer covering in an accessible place that provides information regarding eight specific characteristics of the container.

The required markings ensure that employers use only properly designed and tested containers and systems to store anhydrous ammonia, thereby preventing accidental release of, and exposure of workers to, this highly toxic and corrosive substance.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the collection of information (paperwork) requirements contained in the Anhydrous Ammonia Storage and Handling Standard. There is a slight adjustment decrease in burden hours for this ICR. The burden hours have decreased a total of 1 hour (from 337 to 336 hours).

Type of Review: Extension of a currently approved collection.

Title: Anhydrous Ammonia Storage and Handling Standard (29 CFR 1910.111).

OMB Number: 1218–0208.

Affected Public: Business or other for-profit; farms.

Number of Respondents: 201,300.

Frequency of Response: On occasion.

Total Responses: 2,013.

Average Time per Response: 10 minutes (10/60 hour) for a worker to replace or revise markings on ammonia containers.

Estimated Total Burden Hours: 336.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal e-Rulemaking Portal; (2) by facsimile; or (3) by hard copy. All comments, attachments, and other material must identify the agency name and the OSHA docket number for this ICR (Docket No. OSHA–2010–0050). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as your social security number and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on May 28, 2020.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2020–11986 Filed 6–2–20; 8:45 am]

BILLING CODE 4510–26–P

LIBRARY OF CONGRESS

U.S. Copyright Office

[Docket No. 2020–9]

Sovereign Immunity Study: Notice and Request for Public Comment

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of inquiry.

SUMMARY: The U.S. Copyright Office is initiating a study to evaluate the degree to which copyright owners are experiencing infringement by state entities without adequate remedies under state law, as well as the extent to which such infringements appear to be based on intentional or reckless conduct. The Office seeks public input on this topic to assist it in preparing a report to Congress.

DATES: Written comments are due on or before August 3, 2020.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the regulations.gov system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through regulations.gov. Specific instructions for submitting comments are available on the Copyright Office website at *http://www.copyright.gov/docs/sovereignimmunitystudy.* If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office, using the contact information below, for special instructions.

FOR FURTHER INFORMATION CONTACT: Regan A. Smith, General Counsel and Associate Register of Copyrights, *regans@copyright.gov;* Kevin R. Amer, Deputy General Counsel, *kamer@loc.gov;* or Mark T. Gray, Attorney-Advisor, *mgray@loc.gov.* They can be reached by telephone at 202–707–3000.

SUPPLEMENTARY INFORMATION: On March 23, 2020, the Supreme Court issued its decision in *Allen* v. *Cooper,*[1] holding that the Copyright Remedy Clarification Act of 1990 (''CRCA''), which attempted to make states subject to liability for copyright infringement to the same extent as other parties, did not validly abrogate states' sovereign immunity against suit. Following the decision, Senators Thom Tillis and Patrick Leahy sent a letter to the Copyright Office requesting that the Office ''research this issue to determine whether there is sufficient basis for federal legislation

[1] 140 S. Ct. 994 (2020).

abrogating State sovereign immunity when States infringe copyrights.'' [2]

I. Background

a. The Copyright Remedy Clarification Act

Under the doctrine of sovereign immunity, ''a federal court generally may not hear a suit brought by any person against a nonconsenting State.'' [3] The Fourteenth Amendment to the Constitution, however, ''can authorize Congress to strip the States of immunity.'' [4] Section 1 of that Amendment provides that states may not ''deprive any person of life, liberty, or property, without due process of law,'' [5] and section 5 gives Congress the ''power to enforce, by appropriate legislation,'' those prohibitions,[6] including by subjecting states to suit in federal court.[7]

Enacted on November 15, 1990, the CRCA amended the Copyright Act to expressly provide that states are not immune from suit for copyright infringement.[8] Congress adopted the legislation in response to a 1985 Supreme Court decision, *Atascadero State Hospital* v. *Scanlon,* in which the Court held that to abrogate state sovereign immunity under the Fourteenth Amendment, Congress must use ''unequivocal'' language making its intention explicit.[9] At the time, the Copyright Act was silent on whether states were subject to liability,[10] although some pre-*Atascadero* courts had held that Congress intended states to be subject to infringement claims.[11]

Shortly after the *Atascadero* decision, Congress asked then-Register of Copyrights Ralph Oman to study what ''practical problems'' copyright owners faced in enforcing their rights against state governments.[12] The Office subsequently issued a request for public comment [13] and received approximately forty responses.[14] Most comments were submitted by copyright owners, some of whom expressed concern about the risk of future infringement by state entities, while others discussed past acts of infringement committed by states.[15] The Office summarized these comments in a public report (the ''Oman Report''), which ultimately recommended that Congress ''amend the Copyright Act . . . to ensure that copyright owners have an effective remedy against infringing states.'' [16]

After the Office issued its report, the CRCA was introduced in Congress, and Congress held hearings on the issue of state infringement. The final legislation amended the Copyright Act to provide that ''[a]ny State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in his or her official capacity, shall not be immune, under the Eleventh Amendment . . . or under any other doctrine of sovereign immunity, from suit in Federal court by any person'' for copyright infringement.[17] It further provided that ''[a]ny State . . . shall be subject to the provisions of this title in the same manner and to the same extent as any nongovernmental entity.'' [18]

b. Florida Prepaid v. College Savings Bank

Nine years after enactment of the CRCA, the Supreme Court issued an opinion in *Florida Prepaid Postsecondary Education Expense Board* v. *College Savings Bank,*[19] which addressed whether Congress had validly abrogated states' immunity from patent infringement suits when it adopted the Patent Remedy Act. In *Florida Prepaid,* the Court set out a number of requirements that Congress needed to meet for such abrogation to constitute a valid exercise of Congress's authority under section 5 of the Fourteenth Amendment. First, Congress was required to identify a ''pattern of patent infringement'' by state governments.[20] Second, the infringement must constitute a violation of the Fourteenth Amendment such that patent owners

[2] Letter from Sens. Thom Tillis & Patrick Leahy to Maria Strong, Acting Register of Copyrights, U.S. Copyright Office at 1 (Apr. 28, 2020), *available at https://www.copyright.gov/rulemaking/state-sovereign-immunity/letter.pdf* (''Request Letter'').

[3] *Allen,* 140 S. Ct. at 1000.

[4] *Id.* at 1003.

[5] U.S. Const. amend. XIV, sec. 1.

[6] U.S. Const. amend. XIV, sec. 5.

[7] *Allen,* 140 S. Ct. at 1003.

[8] Public Law 101–553, sec. 2(a)(2), 101 Stat. 2749 (1990), *codified at* 17 U.S.C. 511.

[9] 473 U.S. 234, 247 (1985).

[10] *See* 17 U.S.C. 501(a) (1977) (''Anyone who violates any of the exclusive rights of the copyright owner as provided by sections 106 through 118, or who imports copies or phonorecords into the United States in violation of section 602, is an infringer of the copyright.'').

[11] *See Mills Music, Inc.* v. *Arizona,* 591 F.2d 1278, 1285 (9th Cir. 1979) (affirming copyright damages and attorneys' fees award under 1909 Act because language providing for damages against infringers was ''sweeping and without apparent limitation, suggesting that Congress intended to include states within the class of defendants''); *Johnson* v. *Univ. of Va.,* 606 F. Supp. 321, 324 (W.D. Va. 1985) (''[B]ased on the *Mills Music* analysis of the 1909 Act, and this court's examination of the operative language of the 1976 Act, the court determines that the 1976 Act waived the states' Eleventh Amendment immunity from liability for damages and equitable relief for copyright infringements.''). *But see Wihtol* v. *Crow,* 309 F.2d 777, 782 (8th Cir. 1962) (dismissing copyright claim against school district on Eleventh Amendment grounds because the district was ''an instrumentality of the State of Iowa, constituting a part of its educational system and engaged in performing a state governmental function under state law and at state expense'').

[12] Letter from Reps. Robert W. Kastenmeier & Carlos Moorhead, Subcomm. on Courts, Civil Liberties and the Administration of Justice of the H. Comm. on the Judiciary, to Ralph Oman, Register of Copyrights, U.S. Copyright Office at 1 (Aug. 3, 1987), *reproduced in* U.S. Copyright Office, *Copyright Liability of States and the Eleventh Amendment, A Report of the Register of Copyrights* (June 1988), *https://www.copyright.gov/reports/copyright-liability-of-states-1988.pdf.*

[13] *Request for Information: Eleventh Amendment,* 52 FR 42045 (Nov. 2, 1987).

[14] The public comments can be viewed at *https://archive.org/details/Copyright11thAmendmentStudyComments.*

[15] U.S. Copyright Office, *Copyright Liability of States and the Eleventh Amendment: A Report of the Register of Copyrights* 6 (June 1988) (''Oman Report'') (''The major concern of copyright owners appears to be widespread, uncontrollable copying of their works without remuneration''), *available at https://www.copyright.gov/reports/copyright-liability-of-states-1988.pdf.* The CRCA's legislative history reveals similar concerns about prospective infringement. *See Copyright Remedy Clarification Act and Copyright Office Report on Copyright Liability of States,* Hearings Before the Subcomm. on Courts, Intellectual Property, and the Administration of Justice of the H. Comm. on the Judiciary, 101st Cong. 102 (1989) (testimony of Barbara Ringer, former Register of Copyrights) (until *Atascadero,* states believed ''you have got to pay,'' but now ''their lawyers are going to tell them you don't have to pay,'' and ''gradually, and maybe not so gradually, this free ride will become quite the rule rather than the exception unless you do something''); *Copyright Remedy Clarification Act,* Hearing Before the Subcomm. on Patents, Copyrights and Trademarks of the S. Comm. on the Judiciary, 101st Cong. 69 (1989) (prepared statement of Copyright Remedies Coalition) (expressing concern that ''states may well confuse insulation from damages with full immunity from any copyright liability, causing them to believe that their activities are beyond the reach of the Copyright Act'').

[16] Oman Report at 104. The Office's specific legislative recommendations turned on whether Congress could abrogate state immunity under Article I, section 8, clause 8 of the Constitution (the ''Intellectual Property Clause''). The Supreme Court had not yet addressed that question. Shortly before the report was completed, however, the Court granted certiorari in *United States* v. *Union Gas Co.,* 832 F.2d 1343, 1356 (3d Cir. 1987), *certiorari granted sub nom. Pennsylvania* v. *Union Gas Co.,* 485 U.S. 958 (1988), in which the Third Circuit had held that Article I could be a basis for abrogation. The Oman Report recommended that if the Supreme Court affirmed that decision, Congress should revise section 501 of the Copyright Act to ''clarify its intent to abrogate states' Eleventh Amendment Immunity pursuant to its [Intellectual Property Clause] power.'' Oman Report at 104. Otherwise, the Report recommended that Congress ''amend the jurisdictional provision in 28 U.S.C. 1338(a), to provide that where states are defendants, private individuals may sue them in state court for copyright damages.'' *Id.* at 104–05.

[17] 17 U.S.C. 511(a); *see also id.* at 511(b) (''In a suit described in subsection (a) for a violation described in that subsection, remedies (including remedies both at law and in equity) are available for the violation to the same extent as such remedies are available for such a violation in a suit against any public or private entity other than a State, instrumentality of a State, or officer or employee of a State acting in his or her official capacity.'').

[18] *Id.* at 501(a).

[19] 527 U.S. 627 (1999).

[20] *Id.* at 640.

were being deprived of property ''without due process of law.'' [21] The Court explained that such a deprivation occurs ''only where the State provides no remedy, or only inadequate remedies, to injured patent owners for its infringement of their patent.'' [22] The Court cautioned that, because states do not violate due process when they commit a ''negligent act that causes unintended injury to a person's property,'' patent infringement that was merely negligent rather than intentional or reckless did not violate the Fourteenth Amendment.[23] Third, there must be ''congruence and proportionality'' between the constitutional violations Congress seeks to remedy and the means adopted for that purpose.[24]

The Court in *Florida Prepaid* struck down the Patent Remedy Act for failure to meet these requirements. It concluded that Congress had not identified a pattern of infringement because (1) Congress had ''little evidence of infringing conduct'' by state actors; [25] (2) Congress ''barely considered'' the adequacy of state-law remedies for patent infringement by the state; [26] (3) the legislative record did not reflect a pattern of intentional or reckless infringements, but instead consisted only of ''a handful of instances of state patent infringement that do not necessarily violate the Constitution''; [27] and (4) the legislation was not limited to ''cases involving arguable constitutional violations, such as where a State refuses to offer any state-court remedy,'' or cases where the infringement was not negligent or committed pursuant to state policy.[28] After the Court's decision, Congress considered, but did not pass, legislation that would have conditioned states' ability to recover damages for infringement of their own intellectual property on their waiver of immunity to infringement damages.[29]

c. Allen v. Cooper

This year, the Supreme Court decided *Allen* v. *Cooper,* a case considering the validity of the CRCA's abrogation of state immunity. In *Allen,* a videographer brought an infringement action against North Carolina after the state published his videos and photographs of a sunken pirate ship online without authorization. North Carolina contended that it was immune to suit and that the CRCA failed to properly abrogate its immunity. Applying the analysis from *Florida Prepaid,* the Court held that the CRCA failed the congruence and proportionality test for substantially the same reasons that applied to the Patent Remedy Act.[30] With respect to the legislative record, the Court found the evidence of copyright infringement supporting the CRCA to be ''scarcely more impressive than what the *Florida Prepaid* Court saw,'' amounting to ''only a dozen possible examples of state infringement.'' [31] The Court also pointed to congressional testimony and statements by Members of Congress suggesting that copyright infringement by states currently was not a widespread problem.[32]

The Court further held that Congress had failed to make a sufficient showing of *unconstitutional* infringement by states. Under its precedent, the Court noted, ''a merely negligent act does not 'deprive' a person of property,'' and therefore ''an infringement must be intentional, or at least reckless, to come within the reach of the Due Process Clause.'' [33] In the case of the CRCA, only two of the infringements cited in the legislative record appeared to be intentional.[34] Moreover, the record contained ''no information about the availability of state-law remedies for copyright infringement (such as contract or unjust enrichment suits)—even though they might themselves satisfy due process.'' [35] The Court thus concluded that the balance struck by the CRCA ''between constitutional wrong and statutory remedy'' was ''askew.'' [36] The ''exceedingly slight'' evidence of Fourteenth Amendment injury, combined with the fact that the statute extended to ''every infringement case against a State,'' meant that ''the law's 'indiscriminate scope' [was] 'out of proportion' to any due process problem.'' [37]

At the conclusion of the opinion, the Court observed that its decision ''need not prevent Congress from passing a valid copyright abrogation law in the future.'' [38] It noted that in adopting the CRCA, ''Congress acted before this Court created the 'congruence and proportionality' test,'' and therefore it ''likely did not appreciate the importance of linking the scope of its abrogation to the redress or prevention of unconstitutional injuries—and of creating a legislative record to back up that connection.'' [39] Under that standard, ''if [Congress] detects violations of due process, then it may enact a proportionate response,'' and [t]hat kind of tailored statute can effectively stop States from behaving as copyright pirates.'' [40]

d. Current Study

On April 28, 2020, Senators Thom Tillis and Patrick Leahy sent a letter to the Copyright Office noting that the *Allen* decision has ''created a situation in which copyright owners are without remedy if a State infringes their copyright and claims State sovereign immunity,'' and expressing concern ''about the impact this may have on American creators and innovators.'' [41] The letter states that the Senators ''have heard from affected copyright owners that in recent years State infringements of copyright have become much more common.'' [42] To determine whether there is a sufficient basis for federal legislation, the letter asks that the Office ''study the extent to which copyright owners are experiencing infringements by state entities without adequate remedies under state law. As part of this analysis, the Office should consider the

[21] *Id.* at 642.

[22] *Id.* at 643.

[23] *Id.* at 645.

[24] *Id.* at 639 (quoting *City of Boerne* v. *Flores,* 521 U.S. 507, 520 (1997)).

[25] *Id.* at 640–41.

[26] *Id.* at 643–44.

[27] *Id.* at 645–66.

[28] *Id.* at 646–47.

[29] *See Sovereign Immunity and Protection of Intellectual Property,* Hearing Before Senate Comm. on the Judiciary, 107th Cong. 3–4 (Feb. 27, 2000) (prepared statement of Sen. Patrick Leahy), *https://www.govinfo.gov/content/pkg/CHRG-107shrg85184/pdf/CHRG-107shrg85184.pdf* (discussing Intellectual Property Protection Restoration Act of 2001 and stating that ''no condition could be more reasonable or proportionate than the condition that in order to obtain full protection for your federal intellectual property rights, you must respect those of others''); *Intellectual Property Restoration Act of 2003,* Hearing Before House Subcomm. on Courts, the internet, and Intellectual Property, 108th Cong. (June 17, 2003) (prepared statement of Marybeth Peters, Register of Copyrights), *available at https://www.copyright.gov/docs/regstat061703.html* (stating that proposed legislation ''provides significant incentives for a State to waive its immunity, but does so in a way that is inherently proportional and fair to the States and copyright owners'').

[30] *Allen,* 140 S. Ct. at 999.

[31] *Id.* at 1006.

[32] *Id.*

[33] *Id.* at 1004. The Court had previously reserved, but not decided, the question ''whether reckless conduct suffices'' to violate due process. *Id.* (citing *Daniels* v. *Williams,* 474 U.S. 327, 334 n.3 (1986)).

[34] *Id.* at 1006.

[35] *Id.* at 1006–07.

[36] *Id.* at 1007.

[37] *Id.* (quoting *Florida Prepaid,* 527 U.S. at 646–47).

[38] *Id.; see also id.* at 1009 (Breyer, J., concurring) (''One might . . . expect that someone injured by a State's violation of [its] duty [not to infringe copyright] could 'resort to the laws of his country for a remedy,' . . . . Or more concretely, one might think that Walt Disney Pictures could sue a State (or anyone else) for hosting an unlicensed screening of the studio's 2003 blockbuster film, Pirates of the Caribbean (or any one of its many sequels).'' (citation omitted)).

[39] *Id.* at 1007.

[40] *Id.*

[41] Request Letter at 1.

[42] *Id.* at 2.

extent to which such infringements appear to be based on intentional or reckless conduct.'' [43] The letter requests that the Office provide a public report summarizing the findings of this study, as well as the facts and analyses upon which those findings are based, by April 30, 2021.[44]

Pursuant to this request, the Office is seeking public input in multiple phases. The Office is providing 60 days for written comments from interested parties on the topics outlined below. To fulfill the request from Congress and the requirements of the Court, the Office seeks factual evidence and other verifiable information to support this inquiry. For each question, to the extent available, please include empirical data or other quantitative analysis in your response. If describing a litigation matter, please include information sufficient for the Office to identify such matter, such as the relevant court, docket number, asserted claims, and dates. As applicable, the Office encourages commenters to append relevant materials, such as pleadings, opinions, or other documentary evidence, in support of their comments. If participants currently gathering empirical research and analyses find themselves unable to complete them within the 60-day period for submissions, they are encouraged to contact the Office promptly, describing the nature of the research and indicating the time required for completion. To the extent possible, the Office will seek to accommodate such submissions by providing an additional comment period limited to the provision of empirical data at a later date, but encourages all commenters to meet the noticed deadline if possible, so that the Office may fully consider the submissions in light of the congressional deadline.

After this comment period has closed, the Office intends to host one or more public roundtables to seek additional input, potentially virtually. The Office may request further written comments on particular issues discussed in response to this notice and/or at the public roundtables.

II. Subjects of Inquiry

The Copyright Office invites written comments on the subjects below. A party choosing to respond to this Notice of Inquiry need not address every subject, but the Office requests that responding parties clearly identify and separately address each subject for which a response is submitted. The Office also requests that commenters explain their interest in the study and, with respect to each answer, the basis for their knowledge (*e.g.,* the commenter is a copyright owner, artist, academic, or state official).

1. Please provide information regarding specific instances of infringing conduct committed by a state government entity, officer, or employee, including, where relevant:

a. The work(s) infringed;

b. The act(s) of alleged infringement;

c. When the infringement occurred;

d. The state actor(s) who committed the infringement;

e. Whether the infringement was intentional or reckless, and the basis for that conclusion;

f. Whether the infringement was committed pursuant to a state policy;

g. Whether the state was contacted by or on behalf of the copyright owner in response to the infringement, and if so, how the state responded;

h. Whether a lawsuit was filed as a result of the infringement, and if so, where the case was filed, what claim(s) were brought regarding the infringement, whether the case remains pending, and if not, how it was resolved; and

i. If a lawsuit was not filed, why the copyright owner chose not to do so, including whether it attempted to resolve the matter privately in lieu of litigation, and any relevant details with respect to those attempts.

2. To what extent does state sovereign immunity affect the licensing or sale of copies of copyrighted works to state entities? For example:

a. Do copyright owners provide different payment or licensing terms in transactions with state entities than are provided in transactions with other parties?

b. Have copyright owners changed aspects of their sales or licensing practices as a result of state sovereign immunity?

c. Do different states or state entities take different approaches to working with copyrighted material? Are there particular states that more frequently infringe?

3. What remedies are available for copyright owners when states infringe their works?

a. To what extent did copyright owners file suits under the Copyright Act against state entities prior to the Supreme Court's decision in *Allen* v. *Cooper*?

b. In your opinion, does the availability of injunctive relief against state officials provide an adequate remedy to address the needs of copyright owners in response to instances of state copyright infringement?

c. To what extent are there state law causes of action that may provide a remedy for copyright infringements by state entities? Are there state court cases in which a copyright owner has been awarded a judgment on such a claim?

d. To the extent state law provides a cause of action relevant to copyright infringement, how do the elements of the cause of action and/or available remedies differ from those applicable to claims under the Copyright Act?

e. In your opinion, are those remedies adequate to address the needs of copyright owners in response to instances of state copyright infringement?

4. How can Congress determine whether copyright infringement by a state is common or infrequent? What metrics should be used in making such a determination?

5. Has the prevalence of infringement by states increased in recent years?

a. What empirical evidence is available to determine whether and to what extent there has been a change over time?

b. To what extent, if any, have instances of actual or threatened infringement by states increased since the decision in *Allen,* or can they be expected to increase?

6. How do different states handle claims of infringement? Please discuss, as relevant:

a. Whether any state agencies carry insurance policies that would cover infringement by a state employee, and if so, whether those insurance policies distinguish between infringement that is intentional, reckless, or negligent;

b. Any laws, regulations, or policies that state entities have adopted to minimize the likelihood of, or to provide a remedy for, copyright infringement by a state entity;

c. How frequently copyright owners claim a state actor has infringed their rights, either privately or in litigation;

d. How state entities typically respond to credible claims of copyright infringement, including any formal or informal policies providing for negotiations with or payment to the copyright owner, as well as whether the Attorney General's office is notified of such claims;

e. What state entities are eligible to assert sovereign immunity as a defense to copyright infringement claims;

f. Whether state entities have the right to waive sovereign immunity as a defense to an infringement lawsuit in

[43] *Id.*

[44] *Id.* Senators Tillis and Leahy also sent a letter to the Patent and Trademark Office requesting a study of patent and trademark infringement by state entities. *See* Letter from Sens. Thom Tillis & Patrick Leahy to Andrei Iancu, Director, U.S. Patent and Trademark Office (Apr. 28, 2020).

federal court, and what authority permits or prevents such waiver; and

g. Whether any states record and/or track copyright infringement claims received by state entities.

7. Please identify any pertinent issues not referenced above that the Copyright Office should consider in conducting its study.

Dated: May 29, 2020.

Regan A. Smith,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2020–12019 Filed 6–2–20; 8:45 am]

BILLING CODE 1410–30–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (20–051)]

Notice of Intent To Grant an Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant exclusive invention license.

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive invention license in the United States to practice the invention described and claimed in NASA Case Number MFS–33884–1, entitled ''Ruggedizing a Commercial Camera for Space Flight Environments,'' to Imperx, Inc., having its principal place of business in Boca Raton, Florida. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: The prospective exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than June 18, 2020 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than June 18, 2020 will also be treated as objections to the grant of the contemplated exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to James J. McGroary, Chief Patent Counsel/LS01, NASA Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–0013. Email *james.j.mcgroary@nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Kyle Costabile, Technology Transfer, ST22, NASA Marshall Space Flight Center, Huntsville, AL 35812, (256) 316–9556. Email *kyle.p.costabile@nasa.gov.*

SUPPLEMENTARY INFORMATION: This notice of intent to grant an exclusive invention license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Helen M. Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2020–11933 Filed 6–2–20; 8:45 am]

BILLING CODE 7510–13–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2020–143 and CP2020–153; MC2020–144 and CP2020–154; MC2020–145 and CP2020–155; MC2020–146 and CP2020–156]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 5, 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).:* MC2020–143 and CP2020–153; *Filing Title:* USPS Request to Add Priority Mail Contract 621 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 28, 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:* June 5, 2020.

[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).

2. *Docket No(s).:* MC2020–144 and CP2020–154; *Filing Title:* USPS Request to Add Priority Mail Contract 622 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 28, 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:* June 5, 2020.

3. *Docket No(s).:* MC2020–145 and CP2020–155; *Filing Title:* USPS Request to Add First-Class Package Service Contract 110 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 28, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 *et seq.,* and 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* June 5, 2020.

4. *Docket No(s).:* MC2020–146 and CP2020–156; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International & Commercial ePacket Duty and Tax Chargeback Contract 1 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 28, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 *et seq.,* and 39 CFR 3035.105; *Public Representative:* Natalie R. Ward; *Comments Due:* June 5, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–11943 Filed 6–2–20; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: Date of notice: June 3, 2020.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 27, 2020, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 1 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–140 and CP2020–149.

Ruth Stevenson,

Chief Counsel, Federal Compliance.

[FR Doc. 2020–11971 Filed 6–2–20; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & Commercial ePacket Duty and Tax Chargeback Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & Commercial ePacket Duty and Tax Chargeback contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: Date of notice: June 3, 2020.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 28, 2020, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & Commercial ePacket Duty and Tax Chargeback Contract 1 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2020–146 and CP2020–156.

Ruth Stevenson,

Chief Counsel, Federal Compliance.

[FR Doc. 2020–11972 Filed 6–2–20; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88971; File No. SR–OCC–2020–804]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Advance Notice of and No Objection to The Options Clearing Corporation's Proposal To Enter Into a New Credit Facility Agreement

May 28, 2020.

Pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled Payment, Clearing and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) [2] under the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[3] notice is hereby given that on April 27, 2020, the Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') an advance notice as described in Items I, II and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the advance notice from interested persons, and to provide notice that the Commission does not object to the changes set forth in the advance notice.

I. Clearing Agency's Statement of the Terms of Substance of the Advance Notice

This advance notice is submitted in connection with a proposed change to OCC's operations in the form of the replacement of a revolving credit facility that OCC maintains for a 364-day term and that it may use: (i) In anticipation of a potential default by or suspension of a Clearing Member; (ii) to meet obligations arising out of the default or suspension of a Clearing Member; (iii) to meet reasonably anticipated liquidity needs for same-day settlement as a result of the failure of any bank or securities or commodities clearing organization to achieve daily settlement; or (iv) to meet obligations arising out of the failure of a bank or securities or commodities clearing organization to perform its obligations due to its bankruptcy, insolvency, receivership or suspension of operations. OCC has provided a summary of the terms and conditions of the proposed renewal in confidential Exhibit 3 to File No. SR–OCC–2020–804.

The advance notice is available on OCC's website at *https://*

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] 15 U.S.C. 78a *et seq.*

www.theocc.com/about/publications/bylaws.jsp. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[4]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the advance notice and discussed any comments it received on the advance notice. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections A and B below, of the most significant aspects of these statements.

A. Clearing Agency's Statement on Comments on the Advance Notice Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the advance notice and none have been received. OCC will notify the Commission of any written comments received by OCC.

B. Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing, and Settlement Supervision Act

Description of Proposed Change

Background

This advance notice is being filed in connection with a proposed change in the form of the replacement of a revolving credit facility that OCC maintains for a 364-day term and that it may use: (i) In anticipation of a potential default by or suspension of a Clearing Member; (ii) to meet obligations arising out of the default or suspension of a Clearing Member; (iii) to meet reasonably anticipated liquidity needs for same-day settlement as a result of the failure of any bank or securities or commodities clearing organization to achieve daily settlement; or (iv) to meet obligations arising out of the failure of a bank or securities or commodities clearing organization to perform its obligations due to its bankruptcy, insolvency, receivership or suspension of operations (''Permitted Use Circumstances''). In any such Permitted Use Circumstance, OCC has certain conditional authority under its By-Laws and Rules to borrow or otherwise obtain funds from third parties using Clearing Member margin deposits and/or Clearing Fund contributions.[5]

OCC's existing credit facility (''Existing Facility'') was implemented as of June 26, 2019, through the execution of a credit agreement among OCC, the administrative agent, the collateral agent, and the lenders that are parties to the agreement from time to time. The Existing Facility provides short-term secured borrowings in an aggregate principal amount of $2 billion but may be increased to $3 billion if OCC so requests and sufficient commitments from lenders are received and accepted.[6] To obtain a loan under the Existing Facility, OCC must pledge as collateral: (i) U.S. dollars; (ii) securities issued or guaranteed by the U.S. Government, the Government of Canada, the Federal Republic of Germany, the Republic of France, Japan or the United Kingdom; (iii) S&P 500 Market Index equities; (iv) Exchange-Traded Funds (''ETFs''); (v) American Depositary Receipts (''ADRs''); or (vi) certain government-sponsored enterprise (''GSE'') debt securities. Certain mandatory prepayments or deposits of additional collateral are required depending on changes in the collateral's market value. In connection with OCC's past implementation of the Existing Facility, OCC filed an advance notice with the Commission on April 26, 2019, and the Commission published a Notice of No Objection on June 24, 2019.[7]

Description of the Proposal

Renewal. The Existing Facility is set to expire on June 24, 2020. OCC is currently negotiating the terms of a new credit facility (''New Facility'') on substantially similar terms as the Existing Facility, and the definitive documentation concerning the New Facility is expected to be substantially similar to the definitive documentation concerning the Existing Facility. The proposed terms and conditions that are expected to be applicable to the New Facility, subject to agreement by the lenders, are set forth in the Summary of Terms and Conditions, which is not a public document.[8] The New Facility would include changes to the list of joint lead arrangers and bookrunners, the back-up administrative agent, the back-up collateral agent, and the syndication agents. The New Facility would also include changes to certain commercial terms, such as the interest rate, commitment fee, and upfront fees, which OCC believes are generally aligned with current market rates for this type of facility. In addition, the New Facility would update language concerning European Union (''EU'') bail-in provisions to recognize the United Kingdom (''UK'') bail-in regime now that the UK is no longer part of the EU. Finally, the Summary of Terms and Conditions would be updated to include provisions that are currently included in the credit agreement for the Existing Facility but not previously included as part of the Summary of Terms and Conditions. For example, the Summary of Terms and Conditions would contain updates regarding the lenders' ability to assign and sell participations in their loans and commitments to eligible banks. It would also be updated to clarify the timing requirements for calculating the market value of certain pledged equities.

The conditions regarding the availability of the New Facility, which OCC anticipates will be satisfied on or about June 23, 2020, include the execution and delivery of: (i) A credit agreement between OCC and the administrative agent, collateral agent and various lenders under the New Facility; (ii) a pledge agreement between OCC and the administrative agent or collateral agent; and (iii) such other documents as may be required by the parties. The definitive documentation concerning the New Facility is expected to be consistent with the Summary of Terms and Conditions that is provided in confidential Exhibit 3, although it may include certain changes to business terms as may be necessary to obtain the agreement of lenders with sufficient funding commitments and certain changes as may be necessary regarding administrative and operational terms being finalized between the parties.

Future Renewals. OCC expects to continue to renew its revolving credit facility annually on substantially similar terms and conditions as the New Facility. The terms and conditions of any such future renewal (each a ''Future Renewal'') would be specified in subsequent credit agreements among

[4] OCC's By-Laws and Rules can be found on OCC's public website: *http://optionsclearing.com/about/publications/bylaws.jsp.*

[5] *See generally* Article VIII of OCC's By-Laws and OCC Rules 1006(f), 1102, and 1104(b).

[6] OCC notes that it previously exercised this accordion feature under the Existing Facility to increase the commitment amount from $2 billion to $2.5 billion, and then subsequently reduced the commitment amount back to $2 billion. As a result, OCC may only increase the commitment amount under the Existing Facility by another $500 million (to a total of $2.5 billion).

[7] *See* Securities Exchange Act Release No. 86182 (June 24, 2019), 84 FR 31128 (June 28, 2019) (SR–OCC–2019–803).

[8] OCC has separately submitted a request for confidential treatment to the Commission regarding the Summary of Terms and Conditions, which OCC has provided in Exhibit 3 to File No. SR–OCC–2020–804.

OCC, the lenders that are parties thereto, the administrative agent, and the collateral agent. To provide OCC and market participants with greater certainty regarding a continuing source of committed liquidity to meet OCC's settlement obligations, and thus mitigate OCC's liquidity risk, OCC proposes to be able to enter Future Renewals without an additional advance notice provided that the terms of the Future Renewal adhere to certain conditions specified in (a) and (b) and (1) through (4) below (collectively, ''Evergreen Provisions''). OCC believes these Evergreen Provisions would be consistent with similar terms regarding committed credit facility renewals by other registered clearing agencies, for which the Commission issued a Notice of No Objection.[9]

Evergreen Provisions

OCC does not currently expect to make changes to:

(a) The financial institution acting as lead administrative agent; or

(b) the commitment period (which would continue to be 364 calendar days unless changes are necessary to avoid the expiration of the term falling on a weekend or other day that is not a business day) in connection with Future Renewals, but OCC would treat any such change in a Future Renewal as subject to the requirement to file an advance notice pursuant to Section 806(e)(1) of the Clearing Supervision Act.[10]

OCC may consider changes to:

(1) The aggregate and potential additional commitment amounts that it may seek, so long as such amounts considered:

(i) Increase by no more than $500 million in total (whether in the initial commitment amount, additional commitment amount, or both) above the amount being sought by OCC under the New Facility, or

(ii) decrease by no more than $500 million below the amount being sought by OCC under the New Facility, provided that any decrease in the initial commitment amount is replaced by other qualifying liquid resources (as defined in Exchange Act Rule 17Ad–22(a)(14)) [11] of an equal amount; [12]

(2) the syndicate so long as all lenders party to future credit facilities are subject to the same credit review as those lenders that are party to the New Facility;

(3) pricing and collateral haircuts,[13] so long as such terms are consistent with the then current market practice; or

(4) representations, warranties, covenants, and terms of events of default,[14] so long as any modifications are immaterial to OCC as a borrower and do not impair materially OCC's ability to borrow under the line of credit consistent with the Evergreen Provisions. OCC would not consider changes to the Evergreen Provisions within these specified parameters as materially altering the terms and conditions of the New Facility or Future Renewals.

So long as any Future Renewal adheres to the conditions specified in the Evergreen Provisions, as described above, OCC would consider such Future Renewal as being on substantially the same terms and conditions as the New Facility such that it would not need to be subject to the requirement to file an advance notice filing pursuant to Section 806(e)(1) of the Clearing Supervision Act.[15] In the event that any annual Future Renewal of the New Facility is not on terms and conditions that adhere to the Evergreen Provisions, such renewal would be subject to an advance notice filing pursuant to Section 806(e)(1) of the Clearing Supervision Act. If OCC determines to address Future Renewals in such a filing, it would include in that filing the proposed conditions to the terms of any subsequent renewals that could be done without an additional advance notice.

Anticipated Effect on and Management of Risk

Completing timely settlement is a key aspect of OCC's role as a clearing agency performing central counterparty services. Overall, the New Facility and Future Renewals would continue to promote the reduction of risks to OCC, its Clearing Members, and the markets OCC serves in general because it would allow OCC to obtain short-term funds in the Permitted Use Circumstances. The existence of the New Facility and Future Renewals would therefore help OCC minimize losses in the event of a Permitted Use Circumstance by allowing it to obtain funds on extremely short notice to ensure clearance and settlement of transactions in options and other contracts without interruption. OCC believes that the reduced settlement risk presented by OCC resulting from the New Facility and Future Renewals would correspondingly reduce systemic risk and promote the safety and soundness of the clearing system. By drawing on the New Facility or under any Future Renewals, OCC would also be able to avoid liquidating margin deposits or Clearing Fund contributions in what would likely be volatile market conditions, which would preserve funds available to cover any losses resulting from the failure of a Clearing Member, bank, or other clearing organization.

OCC believes that the proposed change would not otherwise affect or alter the management of risk at OCC because the New Facility would generally preserve the same terms and conditions as the Existing Facility.

Consistency With the Payment, Clearing and Settlement Supervision Act

The stated purpose of the Clearing Supervision Act is to mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically important financial market utilities and strengthening the liquidity of systemically important financial market utilities.[16] Section 805(a)(2) of the Clearing Supervision Act [17] also authorizes the Commission to prescribe risk management standards for the payment, clearing and settlement activities of designated clearing entities, like OCC, for which the Commission is the supervisory agency. Section 805(b) of the Clearing Supervision Act [18] states that the objectives and principles for risk management standards prescribed under Section 805(a) shall be to:

- Promote robust risk management;
- promote safety and soundness;
- reduce systemic risks; and
- support the stability of the broader financial system.

The Commission has adopted risk management standards under Section 805(a)(2) of the Clearing Supervision Act and the Exchange Act in furtherance of these objectives and principles.[19]

[9] *See* Securities Exchange Act Release No. 80605 (May 5, 2017), 82 FR 21850 (May 10, 2017) (SR–DTC–2017–802; SR–NSCC–2017–802).

[10] 12 U.S.C. 5465(e)(1).

[11] 17 CFR 240.17Ad–22(a)(14).

[12] For example, this may include an increase in OCC's Cash Clearing Fund Requirement as required under Rule 1002(a) or other committed liquidity resources for which the Commission has issued a Notice of No Objection. *See, e.g.,* Securities Exchange Act Release No. 88317 (March 4, 2020), 85 FR 13681 (March 9, 2020) (SR–OCC–2020–801).

[13] ''Collateral haircuts'' with respect to the collateral for any borrowing under the credit facility refers to the schedule of percentages of market value by type of collateral, determining the collateral value of that type of collateral, for purposes of securing a borrowing.

[14] ''Events of default'' refers to those events or conditions which trigger or constitute a default of OCC under the credit agreement.

[15] 12 U.S.C. 5465(e)(1).

[16] 12 U.S.C. 5461(b).

[17] 12 U.S.C. 5464(a)(2).

[18] 12 U.S.C. 5464(b).

[19] 17 CFR 240.17Ad–22. *See* Securities Exchange Act Release Nos. 68080 (October 22, 2012), 77 FR 66220 (November 2, 2012) (S7–08–11) (''Clearing

Continued

Rule 17Ad–22 requires registered clearing agencies, like OCC, to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for their operations and risk management practices on an ongoing basis.[20] Therefore, the Commission has stated [21] that it believes it is appropriate to review changes proposed in advance notices against Rule 17Ad–22 and the objectives and principles of these risk management standards as described in Section 805(b) of the Clearing Supervision Act.[22]

OCC believes that the proposed changes are consistent with Section 805(b)(1) of the Clearing Supervision Act [23] because the New Facility and Future Renewals would provide OCC with continued access to a stable and reliable source of committed liquidity that can be accessed in a timely manner to meet its settlement obligations, contain losses and liquidity pressures, and mitigate OCC's liquidity risk. Accordingly, OCC believes that the proposed changes: (i) Are designed to promote robust risk management; (ii) are consistent with promoting safety and soundness; and (iii) are consistent with reducing systemic risks and promoting the stability of the broader financial system.

OCC believes that the New Facility and Future Renewals that adhere to the Evergreen Provisions are also consistent with the requirements of Rule 17Ad–22(e)(7) under the Act.[24] Rule 17Ad–22(e)(7) requires OCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage liquidity risk that arises in or is borne by OCC, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity, as specified in the rule.[25] In particular, Rule 17Ad–22(e)(7)(i) under the Act [26] directs that OCC meet this obligation by, among other things, ''[m]aintaining sufficient liquid resources at the minimum in all relevant currencies to effect same-day . . . settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment obligation for [OCC] in extreme but plausible market conditions.'' As described above, the New Facility would provide OCC with a readily available liquidity resource that would enable it to, among other things, continue to meet its obligations in a timely fashion in a Permitted Use Circumstance and as an alternative to selling Clearing Member collateral under what may be stressed and volatile market conditions. Additionally, because the Evergreen Provisions would ensure that any Future Renewals that adhere to those terms would be substantially similar to the New Facility, such Future Renewals also would provide OCC with a readily available liquidity resource that would enable it to, among other things, continue to meet its obligations in a timely fashion in a Permitted Use Circumstance, thereby helping to contain losses and liquidity pressures. Allowing OCC to enter Future Renewals pursuant to the Evergreen Provisions without filing an additional advance notice would also reduce the risk of gaps in liquidity coverage and better allow OCC to continually maintain sufficient liquidity resources. For these reasons, OCC believes that the proposal is consistent with Rule 17Ad–22(e)(7)(i).[27]

Rule 17Ad–22(e)(7)(ii) under the Act requires OCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to hold qualifying liquid resources sufficient to satisfy payment obligations owed to Clearing Members.[28] Rule 17Ad–22(a)(14) defines ''qualifying liquid resources'' to include, among other things, lines of credit without material adverse change provisions, that are readily available and convertible into cash.[29] As with the Existing Facility, the New Facility would not be subject to any material adverse change provision and would continue to be designed to permit OCC to, among other things, help ensure that OCC has sufficient, readily-available qualifying liquid resources to meet the cash settlement obligations of its largest Clearing Member Group. Similarly, because the Evergreen Provisions would ensure that any Future Renewals that adhere to them would be substantially similar to the New Facility, such Future Renewals also would permit OCC to enter into a future credit facility designed to, among other things, help ensure that OCC has sufficient, readily-available qualifying liquid resources to meet the cash settlement obligations of its largest Clearing Member Group. Therefore, OCC believes that the proposal is consistent with Rule 17Ad–22(e)(7)(ii).[30]

For the foregoing reasons, OCC believes that the proposed changes are consistent with Section 805(b)(1) of the Clearing Supervision Act [31] and Rule 17Ad–22(e)(7) [32] under the Act.

Accelerated Commission Action Requested

Pursuant to Section 806(e)(1)(I) of the Clearing Supervision Act,[33] OCC requests that the Commission notify OCC that it has no objection to the New Facility not later than Friday, June 19, 2020, which shall be two business days prior to the expected June 23, 2020, availability of the New Facility. OCC requests Commission action by this date to ensure that there is no period that OCC operates without this essential liquidity resource, given its importance to OCC's borrowing capacity in connection with its management of liquidity and settlement risk and timely completion of clearance and settlement.

III. Date of Effectiveness of the Advance Notice and Timing for Commission Action

The proposed change may be implemented if the Commission does not object to the proposed change within 60 days of the later of (i) the date the proposed change was filed with the Commission or (ii) the date any additional information requested by the Commission is received. OCC shall not implement the proposed change if the Commission has any objection to the proposed change.

The Commission may extend the period for review by an additional 60 days if the proposed change raises novel or complex issues, subject to the Commission providing the clearing agency with prompt written notice of the extension. A proposed change may be implemented in less than 60 days from the date the advance notice is filed, or the date further information requested by the Commission is received, if the Commission notifies the clearing agency in writing that it does not object to the proposed change and authorizes the clearing agency to implement the proposed change on an

Agency Standards''); 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14) (''Standards for Covered Clearing Agencies'').

[20] 17 CFR 240.17Ad–22.

[21] *See supra* note 7.

[22] 12 U.S.C. 5464(b).

[23] 12 U.S.C. 5464(b)(1).

[24] 17 CFR 240.17Ad–22(e)(7).

[25] *Id.*

[26] 17 CFR 240.17Ad–22(e)(7)(i).

[27] *Id.*

[28] 17 CFR 240.17Ad–22(e)(7)(ii).

[29] 17 CFR 240.17Ad–22(a)(14).

[30] 17 CFR 240.17Ad–22(e)(7)(ii).

[31] 12 U.S.C. 5464(b)(1).

[32] 17 CFR 240.17Ad–22(e)(7).

[33] 12 U.S.C. 5465(e)(1)(I).

earlier date, subject to any conditions imposed by the Commission.

OCC shall post notice on its website of proposed changes that are implemented. The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the advance notice is consistent with the Clearing Supervision 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–OCC–2020–804 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–OCC–2020–804. 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 advance notice that are filed with the Commission, and all written communications relating to the advance notice 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 self-regulatory organization.

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–OCC–2020–804 and should be submitted on or before June 18, 2020.

V. Commission Findings and Notice of No Objection

Although the Clearing Supervision Act does not specify a standard of review for an advance notice, its stated purpose is instructive: To mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically important financial market utilities and strengthening the liquidity of systemically important financial market utilities.[34] Section 805(a)(2) of the Clearing Supervision Act authorizes the Commission to prescribe risk management standards for the payment, clearing, and settlement activities of designated clearing entities and financial institutions engaged in designated activities for which it is the supervisory agency or the appropriate financial regulator.[35] Section 805(b) of the Clearing Supervision Act [36] states that the objectives and principles for the risk management standards prescribed under Section 805(a) shall be to:

- Promote robust risk management;
- promote safety and soundness;
- reduce systemic risks; and
- support the stability of the broader financial system.[37]

The Commission has adopted risk management standards under Section 805(a)(2) of the Clearing Supervision Act [38] and Section 17A of the Exchange Act (''Rule 17Ad–22'').[39] Rule 17Ad–22 requires registered clearing agencies to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for their operations and risk management practices on an ongoing basis.[40] Therefore, it is appropriate for the Commission to review changes proposed in advance notices against Rule 17Ad–22 and the objectives and principles of the risk management standards described in Section 805(b) of the Clearing Supervision Act.[41] As discussed below, the Commission believes that the proposal in the Advance Notice is consistent with the objectives and principles described in Section 805(b) of the Clearing Supervision Act,[42] and in Rule 17Ad–22 under the Exchange Act, particularly Rule 17Ad–22(e)(7).[43]

A. Consistency With Section 805(b) of the Clearing Supervision Act

The Commission believes that the proposal contained in OCC's Advance Notice is consistent with the stated objectives and principles of Section 805(b) of the Clearing Supervision Act. Specifically, as discussed below, the Commission believes that the changes proposed in the Advance Notice are consistent with promoting robust risk management, including in the area of liquidity risk, promoting safety and soundness, reducing systemic risks, and supporting the stability of the broader financial system.[44]

The Commission believes that the changes proposed in the Advance Notice are consistent with promoting robust risk management, in particular management of liquidity risk presented to OCC. Renewing and maintaining a credit facility for this purpose and in the manner proposed by OCC would provide OCC with continued access to a stable and reliable source of committed liquidity that can be accessed in a timely manner to meet its settlement obligations, contain losses and liquidity pressures, and mitigate OCC's liquidity risk, while also helping to maintain the current diversity of liquidity resources that OCC may use to resolve a Clearing Member default.[45] Additionally, allowing OCC annually to renew the credit facility under certain specified circumstances without an additional advance notice and subject to the Evergreen Provisions described above would facilitate OCC's ability to secure a continuing source of committed liquidity to meet its settlement obligations. Further, because the Evergreen Provisions would ensure that any such annual renewals would be substantially similar to the currently proposed credit facility, the Commission believes that any such renewals would promote robust risk management by diversifying the liquidity resources that OCC may use to resolve a Clearing Member default in the same manner as the currently proposed credit facility. As such, the Commission believes that the proposal would

[34] 12 U.S.C. 5461(b).

[35] 12 U.S.C. 5464(a)(2).

[36] 12 U.S.C. 5464(b).

[37] *Id.*

[38] 12 U.S.C. 5464(a)(2).

[39] *See* 17 CFR 240.17Ad–22.

[40] *Id.*

[41] 12 U.S.C. 5464(b).

[42] *Id.*

[43] *See* 17 CFR 240.17Ad–22(e)(7).

[44] 12 U.S.C. 5464(b).

[45] OCC also maintains a minimum amount of cash in its Clearing Fund as well as a non-bank liquidity facility. *See* Securities Exchange Act Release No. 82501 (Jan. 12, 2018), 83 FR 2843 (Jan. 19, 2018) (File No. SR–OCC–2017–808) and Securities Exchange Act Release No. 76821 (Jan. 4, 2016), 81 FR 3208 (Jan. 20, 2016) (File No. SR–OCC–2015–805), respectively.

promote robust risk management practices at OCC, consistent with Section 805(b) of the Clearing Supervision Act.[46]

The Commission also believes that the changes proposed in the Advance Notice are consistent with promoting safety and soundness. As described above, the New Facility would maintain OCC's access to a significant liquidity resource in the event of a Clearing Member default. The Evergreen Provisions would preserve access to this resource by ensuring that any annual renewals implemented without filing an advance notice would be substantially similar to the currently proposed credit facility, the Commission believes that any such annual renewals can be expected to promote safety and soundness for the same reasons. Further, by ensuring the continuity and consistency of any subsequent renewals, the Advance Notice would support OCC's continued access to a readily available liquidity resource that could enable OCC to continue to meet its obligations to Clearing Members in a timely fashion in the event of a Clearing Member default, thereby helping to contain losses and liquidity pressures from that default. As such, the Commission believes it is consistent with promoting safety and soundness as contemplated in Section 805(b) of the Clearing Supervision Act.[47]

In addition, the Commission believes that the changes proposed in the Advance Notice are consistent with reducing systemic risks and promoting the stability of the broader financial system. As mentioned above, allowing OCC to enter into the New Facility would enable OCC, which has been designated a systemically important FMU,[48] to maintain an additional liquidity resource that OCC may access to help manage a Clearing Member default. In addition, as noted above, because the Evergreen Provisions would ensure that any annual renewals entered into without filing an advance notice would be on substantially similar terms to the currently proposed credit facility, such future renewals also would enable OCC to maintain an additional liquidity resource that OCC may access to help manage a Clearing Member default. Moreover, allowing the annual renewal of the credit facility under the proposed Evergreen Provisions without filing an additional advance notice would facilitate the continued availability of this liquidity resource. These provisions would provide heightened certainty and stability for OCC and market participants that OCC would be able to maintain access to liquidity resources to help manage a Clearing Member default and would have flexibility to increase the size of its liquidity resources in response to market developments. Accordingly, the Commission believes that the proposal would help to reduce the systemic risk of OCC, which in turn would help to support the stability of the broader financial system, consistent with Section 805(b) of the Clearing Supervision Act.[49]

Accordingly, and for the reasons stated above, the Commission believes the changes proposed in the Advance Notice are consistent with Section 805(b) of the Clearing Supervision Act.[50]

B. Consistency With Rule 17Ad–22(e)(7) Under the Exchange Act

Rule 17Ad–22(e)(7)(ii) requires, in part, OCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage liquidity risk that arises in or is borne by OCC, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by, at a minimum, holding qualifying liquid resources sufficient to meet the minimum liquidity resource requirement under Rule 17Ad–22(e)(7)(i)[51] in each relevant currency for which the covered clearing agency has payment obligations owed to Clearing Members.[52] Rule 17Ad–22(a)(14) of the Exchange Act defines ''qualifying liquid resources'' to include, among other things, lines of credit without material adverse change provisions that are readily available and convertible into cash.[53]

As described above, the implementation of the New Facility would provide OCC with continued access to a $2 billion revolving credit facility on substantially similar terms to the Existing Facility. As the Commission noted previously, the Existing Facility provides OCC with access to a single credit facility designed to help ensure that OCC has sufficient, readily available qualifying liquid resources to meet the cash settlement obligations of its largest family of affiliated members.[54] Implementation of the New Facility on substantially similar terms to the Existing Facility would ensure that OCC maintains continued access to such a credit facility. Because the Evergreen Provisions would ensure that any annual renewals also would be substantially similar to both the Existing Facility and the New Facility, the provisions would help ensure that OCC has sufficient, readily-available qualifying liquid resources to meet the cash settlement obligations of its largest family of affiliated members. Therefore, the Commission believes that the proposal is consistent with Rule 17Ad–22(e)(7)(ii).

VI. Conclusion

It is therefore noticed, pursuant to Section 806(e)(1)(I) of the Clearing Supervision Act, that the Commission *does not object* to the Advance Notice SR–OCC–2020–804 and OCC can and hereby is *authorized* to implement the change as of the date of this notice.

By the Commission.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–11917 Filed 6–2–20; 8:45 am]

BILLING CODE 8011–01–P

[46] 12 U.S.C. 5464(b).

[47] *Id.*

[48] The Financial Stability Oversight Council designated OCC a systemically important financial market utility on July 18, 2012. *See* Financial Stability Oversight Council 2012 Annual Report, Appendix A, *http://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf.*

[49] *Id.*

[50] 12 U.S.C. 5464(b).

[51] Rule 17Ad–22(e)(7)(i) requires OCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage liquidity risk that arises in or is borne by OCC, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by, at a minimum, maintaining sufficient liquid resources at the minimum in all relevant currencies to effect same-day settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment of obligation for the covered clearing agency in extreme but plausible conditions. 17 CFR 240.17Ad–22(e)(7)(i).

[52] 17 CFR 240.17Ad–22(e)(7)(ii).

[53] 17 CFR 240.17Ad–22(a)(14).

[54] Securities Exchange Act Release No. 83529 (Jun. 27, 2018), 83 FR 31237, 31241 (Jul. 3, 2018) (SR–OCC–2018–802).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88970; File No. SR–NYSEArca–2020–48]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To List and Trade Shares of Gabelli ETFs Under Rule 8.900–E, Managed Portfolio Shares

May 28, 2020.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934

[1] 15 U.S.C. 78s(b)(1).

(''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 15, 2020, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the following under Rule 8.900–E (Managed Portfolio Shares): Gabelli Growth Innovators ETF, Gabelli Financial Services ETF, Gabelli Small Cap Growth ETF, Gabelli Small & Mid Cap ETF, Gabelli Micro Cap ETF, Gabelli ESG ETF, Gabelli Asset ETF, Gabelli Equity Income ETF, and Gabelli Green Energy ETF. The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange has added new Rule 8.900–E for the purpose of permitting the listing and trading, or trading pursuant to unlisted trading privileges (''UTP''), of Managed Portfolio Shares, which are securities issued by an actively managed open-end investment management company.[4] Rule 8.900–E(b)(1) requires the Exchange to file separate proposals under Section 19(b) of the Act before listing and trading any series of Managed Portfolio Shares on the Exchange. Therefore, the Exchange is submitting this proposal in order to list and trade Managed Portfolio Shares of the Gabelli Growth Innovators ETF, Gabelli Financial Services ETF, Gabelli Small Cap Growth ETF, Gabelli Small & Mid Cap ETF, Gabelli Micro Cap ETF, Gabelli ESG ETF, Gabelli Asset ETF, Gabelli Equity Income ETF, and Gabelli Green Energy ETF (each a ''Fund'' and, collectively, the ''Funds'') under Rule 8.900–E.

Description of the Funds and the Trust

The shares of each Fund (the ''Shares'') will be issued by the Gabelli ETFs Trust (the ''Trust''), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[5] The investment adviser to each Fund will be Gabelli Funds, LLC (the ''Adviser''). G.distributors, LLC (the ''Distributor'') will serve as the distributor of each of the Funds' Shares. All statements and representations made in this filing regarding (a) the description of the portfolio or reference assets, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange rules shall constitute continued listing requirements for listing the Shares on the Exchange, as provided under Rule 8.900–E(b)(1).

Rule 8.900–E(b)(4) provides that, if the investment adviser to the Investment Company issuing Managed Portfolio Shares is registered as a broker-dealer or is affiliated with a broker-dealer, such investment adviser will erect and maintain a ''fire wall'' between the investment adviser and personnel of the broker-dealer or broker-dealer affiliate, as applicable, with respect to access to information concerning the composition and/or changes to such Investment Company portfolio and/or the Creation Basket.[6] Any person related to the investment adviser or Investment Company who makes decisions pertaining to the Investment Company's portfolio composition or has access to information regarding the Investment Company's portfolio composition or changes thereto or the Creation Basket must be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the applicable Investment Company portfolio or changes thereto or the Creation Basket.

Rule 8.900–E(5) is similar to Commentary .03(a)(i) and (iii) to Rule 5.2–E(j)(3); however, Commentary .03(a) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds.[7] Rule 8.900–E(5) is also similar

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 88648 (April 15, 2020), 85 FR 22200 (April 21, 2020). Rule 8.900–E(c)(1) provides that the term ''Managed Portfolio Share'' means a security that (a) represents an interest in an investment company registered under the Investment Company Act of 1940 (''Investment Company'') organized as an open-end management investment company that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies; (b) is issued in a Creation Unit, or multiples thereof, in return for a designated portfolio of instruments (and/or an amount of cash) with a value equal to the next determined net asset value and delivered to the Authorized Participant (as defined in the Investment Company's Form N–1A filed with the Commission) through a Confidential Account; (c) when aggregated into a Redemption Unit, or multiples thereof, may be redeemed for a designated portfolio of instruments (and/or an amount of cash) with a value equal to the next determined net asset value delivered to the Confidential Account for the benefit of the Authorized Participant; and (d) the portfolio holdings for which are disclosed within at least 60 days following the end of every fiscal quarter.

[5] The Trust is registered under the 1940 Act. On May 8, 2020, the Trust filed a registration statement on Form N–1A under the Securities Act of 1933 and the 1940 Act for the Funds (File No. 812–15036) (''Registration Statement''). The Commission issued an order granting exemptive relief to the Trust (''Exemptive Order'') under the 1940 Act on December 3, 2019 (Investment Company Act Release No. 33708). The Exemptive Order was granted in response to the Trust's application for exemptive relief (the ''Exemptive Application'') (File No. 812–15036). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statement.

[6] Rule 8.900–E(c)(5) provides that the term ''Creation Basket'' means, on any given business day, the names and quantities of the specified instruments (and/or an amount of cash) that are required for an AP Representative to deposit in-kind on behalf of an Authorized Participant in exchange for a Creation Unit and the names and quantities of the specified instruments (and/or an amount of cash) that will be transferred in-kind to an AP Representative on behalf of an Authorized Participant in exchange for a Redemption Unit, which will be identical and will be transmitted to each AP Representative before the commencement of trading.

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel will be subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent

Continued

to Commentary .06 to Rule 8.600–E related to Managed Fund Shares, except that Rule 8.900–E(5) relates to establishment and maintenance of a ''fire wall'' between the investment adviser and the broker-dealer applicable to an Investment Company's portfolio and Creation Basket, and not just to the underlying portfolio, as is the case with Managed Fund Shares. The Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer. The Adviser has implemented and will maintain a ''fire wall'' with respect to such broker-dealer affiliate regarding access to information concerning the composition of and/or changes to a Fund's portfolio and/or Creation Basket.

In the event (a) the Adviser or any sub-adviser becomes registered as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer, or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio and/or Creation Basket. Any person related to the Adviser or the Trust who makes decisions pertaining to a Fund's portfolio composition or that has access to information regarding a Fund's portfolio composition or that has access to information regarding a Fund's portfolio or changes thereto or the Creation Basket will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio or changes thereto and the Creation Basket.

Further, Rule 8.900–E(b)(5) requires that any person or entity, including an AP Representative, custodian, Reporting Authority, distributor, or administrator, who has access to information regarding the Investment Company's portfolio composition or changes thereto or the Creation Basket, must be subject to procedures reasonably designed to prevent the use and dissemination of material non-public information regarding the applicable Investment Company portfolio or changes thereto or the Creation Basket. Moreover, if any such person or entity is registered as a broker-dealer or affiliated with a broker-dealer, such person or entity will erect and maintain a ''fire wall'' between the person or entity and the broker-dealer with respect to access to information concerning the composition and/or changes to such Investment Company portfolio or Creation Basket.

Description of the Funds

Gabelli Growth Innovators ETF

The Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order and the holdings will be consistent with all requirements in the Exemptive Application and Exemptive Order.[8]

The Fund's primary objective is to seek to provide capital appreciation, and current income is a secondary objective. The Fund will primarily invest in common stocks of companies that the Adviser believes are relevant to the Fund's investment theme of innovation, with assets invested primarily in a broad range of readily marketable equity securities consisting of common stock and preferred stock.

Gabelli Financial Services ETF

The Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order and the holdings will be consistent with all requirements in the Exemptive Application and Exemptive Order.[9]

The Fund seeks to provide capital appreciation. The Fund intends to invest in the securities, including common stock and preferred stock, of companies principally engaged in the group of industries comprising the financial services sector.

Gabelli Small Cap Growth ETF

The Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order and the holdings will be consistent with all requirements in the Exemptive Application and Exemptive Order.[10]

The Fund seeks to provide a high level of capital appreciation. The Fund intends to invest primarily in the common stocks of companies which the Adviser believes are likely to have rapid growth in revenues and above average rates of earnings growth.

Gabelli Small & Mid Cap ETF

The Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order and the holdings will be consistent with all requirements in the Exemptive Application and Exemptive Order.[11]

The Fund seeks long term capital growth. The Fund intends to invest primarily in equity securities (such as common stock and preferred stock) of companies with small or medium sized market capitalizations.

Gabelli Micro Cap ETF

The Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order and the holdings will be consistent with all requirements in the Exemptive Application and Exemptive Order.[12]

The Fund primarily seeks to provide investors with long term capital appreciation. The Fund intends to invest primarily in equity securities of micro-cap companies (as defined by the Fund). The Fund seeks to invest in equity securities including common stocks (including indirect holdings of common stock through depositary receipts) and preferred stocks.

Gabelli ESG ETF

The Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order and the holdings will be consistent with all requirements in the Exemptive Application and Exemptive Order.[13]

The Fund's investment objective is capital appreciation. The Fund seeks to invest primarily in companies that the Adviser believes meet the Fund's guidelines for social responsibility. The Fund intends to invest in common and preferred stocks that are listed on a national securities exchange or similar market.

Gabelli Asset ETF

The Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order and the holdings will

violations, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above. The Funds will also be required to comply with Exchange rules relating to disclosure, including Rule 5.3–E(i).

[8] Pursuant to the Exemptive Order, the only permissible investments for a Fund are the following: Exchange-traded funds (''ETFs''), exchange-traded notes, exchange-listed common stocks, exchange-traded American Depositary Receipts, exchange-traded real estate investment trusts, exchange-traded commodity pools, exchange-traded metals trusts, exchange-traded currency trusts and exchange-traded futures that trade contemporaneously with Fund Shares, as well as cash and cash equivalents (short-term U.S. Treasury securities, government money market funds, and repurchase agreements).

[9] *See id.*

[10] *See id.*

[11] *See id.*

[12] *See id.*

[13] *See id.*

be consistent with all requirements in the Exemptive Application and Exemptive Order.[14]

The Fund primarily seeks to provide growth of capital, with a secondary goal of providing current income. The Fund intends to invest primarily in common stocks and preferred stocks and may also invest in foreign securities by investing in depositary receipts.

Gabelli Equity Income ETF

The Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order and the holdings will be consistent with all requirements in the Exemptive Application and Exemptive Order.[15]

The Fund seeks a high level of total return on its assets with an emphasis on income. The Fund intends to invest in income producing equity securities including common stock and preferred stock.

Gabelli Green Energy ETF

The Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order and the holdings will be consistent with all requirements in the Exemptive Application and Exemptive Order.[16]

The Fund seeks total return through current income and capital appreciation. The Fund intends to invest primarily in U.S. equity securities and depositary receipts issued by clean energy companies.

Investment Restrictions

Each Fund's holdings will be consistent with all requirements described in the Exemptive Application and Exemptive Order.[17]

Each Fund's investments, including derivatives, will be consistent with its investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage). That is, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*e.g.,* 2X or -3X) of the Fund's primary broad-based securities benchmark index (as defined in Form N–1A).[18]

Creations and Redemptions of Shares

Creations and redemptions of Shares will take place as described in Rule 8.900–E. Specifically, in connection with the creation and redemption of Creation Units[19] and Redemption Units,[20] the delivery or receipt of any portfolio securities in-kind will be required to be effected through a separate confidential brokerage account (a ''Confidential Account'').[21] Authorized Participants (''AP''), as defined in the applicable Form N–1A filed with the Commission, will sign an agreement with an AP Representative[22] establishing the Confidential Account for the benefit of the AP. AP Representatives will be broker-dealers. An AP must be a Depository Trust Company (''DTC'') Participant that has executed an authorized participant agreement with the Distributor with respect to the creation and redemption of Creation Units and Redemption Units and formed a Confidential Account for its benefit in accordance with the terms of the Participant Agreement. For purposes of creations or redemptions, all transactions will be effected through the respective AP's Confidential Account, for the benefit of the AP, without disclosing the identity of such securities to the AP.

Each AP Representative will be given, before the commencement of trading each Business Day (as defined below), the Creation Basket (as described below) for that day. This information will permit an AP that has established a Confidential Account with an AP Representative to instruct the AP Representative to buy and sell positions in the portfolio securities to permit creation and redemption of Creation Units and Redemption Units. Shares of each Fund will initially be issued and redeemed in Creation Units and Redemption Units of 5,000 or more Shares, subject to change at the Adviser's discretion. The Funds will offer and redeem Creation Units and Redemption Units on a continuous basis at the net asset value (''NAV'') per Share next determined after receipt of an order in proper form. The NAV per Share of each Fund will be determined as of the close of regular trading on the Exchange on each day that the Exchange is open (a ''Business Day''). The Funds will sell and redeem Creation Units and Redemption Units only on Business Days.

In order to keep costs low and permit each Fund to be as fully invested as possible, Shares will be purchased and redeemed in Creation Units and Redemption Units and generally on an in-kind basis. Accordingly, except where the purchase or redemption will include cash under the circumstances described in the Exemptive Application, APs will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and APs redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'') through the AP Representative in their Confidential Account.[23] On any given Business Day, the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or a redemption, as the ''Creation Basket.''

Placement of Purchase Orders

Each Fund will issue Shares through the Distributor on a continuous basis at NAV. The Exchange represents that the issuance of Shares will operate in a manner substantially similar to that of other ETFs. Each Fund will issue Shares only at the NAV per Share next determined after an order in proper form is received.

The Distributor will furnish acknowledgements to those placing

[14] *See id.*

[15] *See id.*

[16] *See id.*

[17] *See id.*

[18] A Fund's broad-based securities benchmark index will be identified in a future amendment to the Registration Statement following a Fund's first full calendar year of performance.

[19] Rule 8.900–E(c)(6) provides that the term ''Creation Unit'' means a specified number of Managed Portfolio Shares issued by an Investment Company at the request of an Authorized Participant in return for a designated portfolio of instruments and/or cash.

[20] Rule 8.900–E(c)(7) provides that the term ''Redemption Unit'' means a specified minimum number of Managed Portfolio Shares that may be redeemed to an Investment Company at the request of an Authorized Participant in return for a portfolio of instruments and/or cash.

[21] Rule 8.900–E(c)(4) provides that the term ''Confidential Account'' means an account owned by an Authorized Participant and held with an AP Representative on behalf of the Authorized Participant. The account will be established and governed by contractual agreement between the AP Representative and the Authorized Participant solely for the purposes of creation and redemption, while keeping confidential the Creation Basket constituents of each series of Managed Portfolio Shares, including from the Authorized Participant. The books and records of the Confidential Account will be maintained by the AP Representative on behalf of the Authorized Participant.

[22] Rule 8.900–E(c)(3) provides that the term ''AP Representative'' means an unaffiliated broker-dealer, with which an Authorized Participant has signed an agreement to establish a Confidential Account for the benefit of such Authorized Participant, that will deliver or receive, on behalf of the Authorized Participant, all consideration to or from the Investment Company in a creation or redemption. An AP Representative will not be permitted to disclose the Creation Basket to any person, including the Authorized Participants.

[23] According to the Registration Statement, the Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the 1933 Act.

such orders that the orders have been accepted, but the Distributor may reject any order which is not submitted in proper form, as described in a Fund's prospectus or SAI. The NAV of each Fund is expected to be determined once each Business Day at a time determined by the Trust's Board of Trustees, currently anticipated to be as of the close of the regular trading session on the NYSE (ordinarily 4:00 p.m. E.T.) (the ''Valuation Time''). Each Fund will establish a cut-off time (''Order Cut-Off Time'') for purchase orders in proper form. To initiate a purchase of Shares, an AP must submit to the Distributor an irrevocable order to purchase such Shares after the most recent prior Valuation Time.

Purchases of Shares will be settled in-kind and/or cash for an amount equal to the applicable NAV per Share purchased plus applicable transaction fees.

Generally, all orders to purchase Creation Units must be received by the Distributor no later than the end of the Core Trading Session on the date such order is placed (''Transmittal Date'') in order for the purchaser to receive the NAV per Share determined on the Transmittal Date.

Authorized Participant Redemption

The Shares may be redeemed to a Fund in Redemption Unit size or multiples thereof as described below. Redemption orders of Redemption Units must be placed by or through an AP (''AP Redemption Order''). Each Fund will establish an Order Cut-Off Time for redemption orders of Redemption Units in proper form. Redemption Units of a Fund will be redeemable at their NAV per Share next determined after receipt of a request for redemption by the Trust in the manner specified below before the Order Cut-Off Time. To initiate an AP Redemption Order, an AP must submit to the Distributor an irrevocable order to redeem such Redemption Unit after the most recent prior Valuation Time, but not later than the Order Cut-Off Time.

In the case of a redemption, the AP would enter into an irrevocable redemption order, and then instruct the AP Representative to sell the underlying basket of securities that it will receive in the redemption. As with the purchase of securities, the AP Representative will use methods, such as breaking the transaction into multiple transactions and transacting in multiple marketplaces, to avoid revealing the composition of the Creation Basket.

Redemptions will occur primarily in-kind, although redemption payments may also be made partly or wholly in cash. The Participant Agreement signed by each AP will require establishment of a Confidential Account to receive distributions of securities in-kind upon redemption. Each AP will be required to open a Confidential Account with an AP Representative in order to facilitate orderly processing of redemptions.

Net Asset Value

The NAV will be calculated separately for the Shares of each Fund on each Business Day. Each Fund's NAV is determined as of the close of regular trading on the NYSE, normally 4:00 p.m., Eastern Time. The NAV of each Fund is computed by dividing the value of the applicable Fund's net assets, *i.e.,* the value of its securities and other assets less its liabilities, including expenses payable or accrued by the total number of Shares outstanding at the time the determination is made.

Equity securities listed or traded on a national securities exchange are valued at the last quoted sale or a market's official closing price at the close of the exchange's or other market's regular trading hours, as of or prior to the time and day as of which such value is being determined. Portfolio securities traded on more than one national securities exchange or market are valued according to the broadest and most representative market as determined by the Adviser.

Information regarding a Fund's NAV and how often Shares of a Fund traded on the Exchange at a price above (*i.e.,* at a premium) or below (*i.e.,* at a discount) the NAV of a Fund will be posted to a Fund's website when it becomes available.

Availability of Information

The Funds' website, which will be publicly available prior to the listing and trading of Shares, will include a form of the prospectus for each Fund that may be downloaded. The Funds' website will include additional quantitative information updated on a daily basis, including, for each Fund, the prior Business Day's NAV, market closing price or mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[24] and a calculation of the premium and discount of the market closing price or Bid/Ask Price against the NAV. The website and information will be publicly available at no charge.

Form N–PORT requires reporting of a fund's complete portfolio holdings on a position-by-position basis on a quarterly basis within 60 days after fiscal quarter end. Investors can obtain a fund's SAI, its shareholder reports, its Form N–CSR, filed twice a year, and its Form N–CEN, filed annually. Each Fund's SAI and shareholder reports are available free upon request from the Investment Company, and those documents and the Form N–PORT, Form N–CSR, and Form N–CEN may be viewed onscreen or downloaded from the Commission's website at *www.sec.gov.*

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line. In addition, the Verified Intraday Indicative Value (''VIIV''), as defined in Rule 8.900–E(c)(2),[25] will be widely disseminated by the Reporting Authority and/or one or more major market data vendors in one second intervals during the Exchange's Core Trading Session.

Dissemination of the VIIV

With respect to trading of the Shares, the ability of market participants to buy and sell Shares at prices near the VIIV is dependent upon their assessment that the VIIV is a reliable, indicative real-time value for a Fund's underlying holdings. Market participants are expected to accept the VIIV as a reliable, indicative real-time value because (1) the VIIV will be calculated and disseminated based on a Fund's actual portfolio holdings, (2) the securities in which a Fund plans to invest are generally highly liquid and actively traded and trade at the same time as the Funds and therefore generally have accurate real time pricing available, and (3) market participants will have a daily opportunity to evaluate whether the VIIV at or near the close of trading is indeed predictive of the actual NAV.

[24] The Bid/Ask Price of a Fund's Shares is determined using the mid-point between the current national best bid and offer at the time of calculation of such Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Funds or their service providers.

[25] Rule 8.900–E(c)(2) provides that the term ''Verified Intraday Indicative Value'' is the indicative value of a Managed Portfolio Share based on all of the holdings of a series of Managed Portfolio Shares as of the close of business on the prior business day and, for corporate actions, based on the applicable holdings as of the opening of business on the current business day, priced and disseminated in one second intervals during the Core Trading Session by the Reporting Authority.

Information regarding the VIIV is disseminated every second throughout each trading day by the Exchange or by market data vendors or other information providers. The VIIV is based on the current market value of the securities in a Fund's portfolio that day. The methodology for calculating the VIIV is available on the Funds' website. The VIIV is intended to provide investors and other market participants with a highly correlated per Share value of the underlying portfolio that can be compared to the current market price. Therefore, under normal circumstances the VIIV is effectively a ''real-time'' update of a Fund's NAV, which is computed only once a day.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of a Fund.[26] Trading in Shares of a Fund will be halted if the circuit breaker parameters in Rule 7.12–E have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Trading in the Shares will be subject to Rule 8.900–E(d)(2)(C), which sets forth circumstances under which Shares of a Fund will be halted.

Specifically, Rule 8.900–E(d)(2)(C)(i) provides that the Exchange may consider all relevant factors in exercising its discretion to halt trading in a series of Managed Portfolio Shares. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the series of Managed Portfolio Shares inadvisable. These may include: (a) The extent to which trading is not occurring in the securities and/or the financial instruments composing the portfolio; or (b) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.[27]

Rule 8.900–E(d)(2)(C)(ii) provides that, if the Exchange becomes aware that: (i) The Verified Intraday Indicative Value of a series of Managed Portfolio Shares is not being calculated or disseminated in one second intervals, as required; (ii) the net asset value with respect to a series of Managed Portfolio Shares is not disseminated to all market participants at the same time; (iii) the holdings of a series of Managed Portfolio Shares are not made available on at least a quarterly basis as required under the 1940 Act; or (iv) such holdings are not made available to all market participants at the same time (except as otherwise permitted under the currently applicable exemptive order or no-action relief granted by the Commission or Commission staff to the Investment Company with respect to the series of Managed Portfolio Shares), it will halt trading in such series until such time as the Verified Intraday Indicative Value, the net asset value, or the holdings are available, as required.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the Exchange in all trading sessions in accordance with Rule 7.34–E(a). As provided in Rule 7.6–E, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00, for which the MPV for order entry is $0.0001.

The Shares will conform to the initial and continued listing criteria under Rule 8.900–E, as well as all terms in the Exemptive Order. The Exchange will obtain a representation from the issuer of the Shares of each Fund that the NAV per Share of each Fund will be calculated daily and will be made available to all market participants at the same time.

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products. As part of these surveillance procedures and consistent with Rule 8.900–E(b)(3), the Adviser will upon request make available to the Exchange and/or FINRA, on behalf of the Exchange, the daily portfolio holdings of a Fund. The issuer of the Shares of each Fund will be required to represent to the Exchange that it will advise the Exchange of any failure by a Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 5.5–E(m).

FINRA, on behalf of the Exchange, or the regulatory staff of the Exchange, or both, will communicate as needed regarding trading in the Shares and certain exchange-traded instruments with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and FINRA, on behalf of the Exchange, or the regulatory staff of the Exchange, or both, may obtain trading information regarding trading such securities from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and certain exchange-traded instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit (''ETP'') Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares; (2) Rule 9.2–E(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) how information regarding the VIIV is disseminated; (4) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (5) trading information; and (6) that the portfolio holdings of the Shares are not disclosed on a daily basis.

In addition, the Bulletin will reference that the Funds are subject to various fees and expenses described in the Registration Statement. The Bulletin

[26] *See* Rule 7.12–E.

[27] The Exemptive Application provides that the Investment Company or their agent will request that the Exchange halt trading in the applicable series of Managed Portfolio Shares where: (i) The intraday indicative values calculated by the calculation engines differ by more than 25 basis points for 60 seconds in connection with pricing of the Verified Intraday Indicative Value; or (ii) holdings representing 10% or more of a series of Managed Portfolio Shares' portfolio have become subject to a trading halt or otherwise do not have readily available market quotations. Any such requests will be one of many factors considered in order to determine whether to halt trading in a series of Managed Portfolio Shares and the Exchange retains sole discretion in determining whether trading should be halted.

will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m., E.T. each trading day.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[28] in general, and furthers the objectives of Section 6(b)(5) of the Act,[29] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, 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 Exchange believes that this proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Funds would meet each of the rules relating to listing and trading of Managed Portfolio Shares. To the extent that a Fund is not in compliance with such rules, the Exchange would either prevent the Fund from listing and trading on the Exchange or commence delisting procedures under Rule 8.900–E(d)(2)(B). Specifically, the Exchange would consider the suspension of trading, and commence delisting proceedings under Rule 8.900–E(d)(2)(B), of a Fund under any of the following circumstances: (a) If, following the initial twelve-month period after commencement of trading on the Exchange, there are fewer than 50 beneficial holders of the Fund; (b) if the Exchange has halted trading in a Fund because the VIIV is interrupted pursuant to Rule 8.900–E(d)(2)(C)(ii) and such interruption persists past the trading day in which it occurred or is no longer available; (c) if the Exchange has halted trading in a Fund because the net asset value with respect to such Fund is not disseminated to all market participants at the same time, the holdings of such Fund are not made available on at least a quarterly basis as required under the 1940 Act, or such holdings are not made available to all market participants at the same time pursuant to Rule 8.900–E(d)(2)(C)(ii) and such issue persists past the trading day in which it occurred; (d) if the Exchange has halted trading in Shares of a Fund pursuant to Rule 8.900–E(d)(2)(C)(i) and such issue persists past the trading day in which it occurred; (e) if a Fund has failed to file any filings required by the Commission or if the Exchange is aware that a Fund is not in compliance with the conditions of any currently applicable exemptive order or no-action relief granted by the Commission or Commission staff with respect to the Fund; (f) if any of the continued listing requirements set forth in Rule 8.900–E are not continuously maintained; (g) if any of the statements of representations regarding (a) the description of the portfolio, (b) limitations on portfolio holdings, or (c) the applicability of Exchange listing rules as specified herein to permit the listing and trading of a Fund, are not continuously maintained; or (h) if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable.

As discussed above, the Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer and has implemented and will maintain a ''fire wall'' with respect to such affiliate broker-dealer regarding access to information concerning the composition and/or changes to a Fund's portfolio and Creation Basket. In the event that (a) the Adviser becomes registered as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, the Adviser will implement and maintain a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio and/or Creation Basket. Any person related to the Adviser or the Trust who makes decisions pertaining to a Fund's portfolio composition or that has access to information regarding a Fund's portfolio or changes thereto or the Creation Basket will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio or changes thereto and the Creation Basket.

In addition, Rule 8.900–E(b)(5) requires that any person or entity, including an AP Representative, custodian, Reporting Authority, distributor, or administrator, who has access to non-public information regarding the Investment Company's portfolio composition or changes thereto or the Creation Basket, must be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the applicable Investment Company portfolio or changes thereto or the Creation Basket. Moreover, if any such person or entity is registered as a broker-dealer or affiliated with a broker-dealer, such person or entity will erect and maintain a ''fire wall'' between the person or entity and the broker-dealer with respect to access to information concerning the composition and/or changes to such Investment Company portfolio or Creation Basket. Any person or entity who has access to information regarding a Fund's portfolio composition or changes thereto or the Creation Basket will be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the portfolio or changes thereto or the Creation Basket.

The Exchange further believes that Rule 8.900–E is designed to prevent fraudulent and manipulative acts and practices related to the listing and trading of Shares of the Funds because it provides meaningful requirements about both the data that will be made publicly available about the Shares, as well as the information that will only be available to certain parties and the controls on such information. Specifically, the Exchange believes that the requirements related to information protection set forth in Rule 8.900–E(b)(5) will act as a safeguard against misuse and improper dissemination of information related to a Fund's portfolio composition, the Creation Basket, or changes thereto. The requirement that any person or entity implement procedures to prevent the use and dissemination of material non-public information regarding the portfolio or Creation Basket will act to prevent any individual or entity from sharing such information externally and the internal ''fire wall'' requirements applicable where an entity is a registered broker-dealer or affiliated with a broker-dealer will act to make sure that no entity will be able to misuse the data for their own purposes. Accordingly, the Exchange believes that this proposal is designed to prevent fraudulent and manipulative acts and practices.

The Exchange further believes that the proposal is designed to prevent fraudulent and manipulative acts and practices related to the listing and trading of Shares of the Funds and to promote just and equitable principles of trade and to protect investors and the public interest because the Exchange would halt trading under certain circumstances under which trading in the Shares of a Fund may be inadvisable. Specifically, trading in the Shares will be subject to Rule 8.900–E(d)(2)(C)(i), which provides that the Exchange may consider all relevant factors in exercising its discretion to halt trading in a Fund. Trading may be halted because of market conditions or

[28] 15 U.S.C. 78f(b).

[29] 15 U.S.C. 78f(b)(5).

for reasons that, in the view of the Exchange, make trading in the series of Managed Portfolio Shares inadvisable. These may include: (a) The extent to which trading is not occurring in the securities and/or the financial instruments composing the portfolio; or (b) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.[30] Additionally, trading in the Shares will be subject to Rule 8.900–E(d)(2)(C)(ii), which provides that the Exchange would halt trading where the Exchange becomes aware that: (a) The VIIV of a series of Managed Portfolio Shares is not being calculated or disseminated in one second intervals, as required; (b) the net asset value with respect to a series of Managed Portfolio Shares is not disseminated to all market participants at the same time; (c) the holdings of a series of Managed Portfolio Shares are not made available on at least a quarterly basis as required under the 1940 Act; or (d) such holdings are not made available to all market participants at the same time (except as otherwise permitted under the currently applicable exemptive order or no-action relief granted by the Commission or Commission staff to the Investment Company with respect to the series of Managed Portfolio Shares). The Exchange would halt trading in such Shares until such time as the VIIV, the NAV, or the holdings are available, as required.

With respect to the proposed listing and trading of Shares of the Funds, the Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Rule 8.900–E.[31] Each Fund's holdings will conform to the permissible investments as set forth in the Exemptive Application and Exemptive Order.[32] As noted above, FINRA, on behalf of the Exchange, or the regulatory staff of the Exchange, or both, will communicate as needed regarding trading in the Shares and the underlying exchange-traded instruments with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, or the regulatory staff of the Exchange, or both, may obtain trading information regarding trading such instruments from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and the underlying exchange-traded instruments from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

With respect to trading of Shares of the Funds, the ability of market participants to buy and sell Shares at prices near the VIIV is dependent upon their assessment that the VIIV is a reliable, indicative real-time value for a Fund's underlying holdings. Market participants are expected to accept the VIIV as a reliable, indicative real-time value because (1) the VIIV will be calculated and disseminated based on a Fund's actual portfolio holdings, (2) the securities in which the Funds plan to invest are generally highly liquid and actively traded and trade at the same time as the Funds and therefore generally have accurate real time pricing available, and (3) market participants will have a daily opportunity to evaluate whether the VIIV at or near the close of trading is indeed predictive of the actual NAV.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation that the NAV per Share of the Funds will be calculated daily and that the NAV will be made available to all market participants at the same time. Investors can also obtain a Fund's SAI, its shareholder reports, its Form N–CSR (filed twice a year), and its Form N–CEN (filed annually). A Fund's SAI and shareholder reports will be available free upon request from the applicable Fund, and those documents and the Form N–PORT, Form N–CSR, and Form N–CEN may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov.* In addition, a large amount of information will be publicly available regarding the Funds and the Shares, thereby promoting market transparency. Quotation and last sale information for the Shares will be available via the CTA high-speed line. Information regarding the VIIV will be widely disseminated in one second intervals throughout the Core Trading Session by the Reporting Authority and/or one or more major market data vendors. The website for the Funds will include a prospectus for the Funds that may be downloaded, and additional data relating to NAV and other applicable quantitative information, updated on a daily basis. Moreover, prior to the commencement of trading, the Exchange will inform its members in an Information Bulletin of the special characteristics and risks associated with trading the Shares.

In addition, as noted above, investors will have ready access to the VIIV, and quotation and last sale information for the Shares. The Shares will conform to the initial and continued listing criteria under Rule 8.900–E. Each Fund's investments, including derivatives, will be consistent with its investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage). That is, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*e.g.,* 2X or −3X) of the Fund's primary broad-based securities benchmark index (as defined in Form N–1A).

The Exchange also believes that the proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of actively-managed exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the VIIV and quotation and last sale information for the Shares.

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 purposes of the Act. The Exchange believes the proposed rule change would permit the listing and trading of additional actively-managed exchange-traded products, thereby promoting competition among exchange-traded products to the benefit of investors and the marketplace.

[30] *See supra* note 27.

[31] The Exchange represents that, for initial and/or continued listing, each Fund will be in compliance with Rule 10A–3 under the Act. *See* 17 CFR 240.10A–3.

[32] *See supra* note 8.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the 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–NYSEArca–2020–48 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2020–48. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2020–48 and should be submitted on or before June 24, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–11919 Filed 6–2–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88968; File No. SR–CboeBZX–2020–042]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Accommodate Exchange Listing and Trading of Options-Linked Securities

May 28, 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 May 15, 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') proposes to amend Exchange Rule 14.11(d) (''Securities Linked to the Performance of Indexes and Commodities (Including Currencies)'') to accommodate Exchange listing and trading of Options-Linked Securities. 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

Exchange Rule 14.11(d) provides for Exchange listing and trading of Securities Linked to the Performance of Indexes and Commodities (Including Currencies) (''Linked Securities'').[3] The Exchange proposes to amend Rule 14.11(d) to add Options-Linked Securities to the type of Linked Securities permitted to list and trade on the Exchange.

The proposed amendment would include Options-Linked Securities in the list of Linked-Securities set forth in paragraph (d) of Rule 14.11. Additionally, the proposal would provide that the payment at maturity with respect to Options-Linked Securities is based on the performance of U.S. exchange-traded options on any one or combination of the following: (a) Index Fund Shares; (b) Managed Fund Shares, (c) Exchange-Traded Fund Shares; (d) Linked Securities; (e) securities defined in Rule 14.11; (f) the S&P 100 Index, the S&P 500 Index, the Nasdaq 100 Index, the Dow Jones Industrial Average, the MSCI EAFE Index, the MSCI Emerging Markets

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[33] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Rule 14.11(d) currently accommodates Exchange listing and trading of Equity Index-Linked Securities, Commodity-Linked Securities, Fixed Income Index-Linked Securities, Futures-Linked Securities, and Multifactor Index-Linked Securities (collectively referred to as ''Linked Securities'').

Index, the NYSE FANG Index, the Russell 2000 Index, the Russell 1000 Index, the Russell 1000 Growth Index, the Russell 1000 Value Index, the Cboe Volatility Index, Communication Services Select Sector Index, the Consumer Discretionary Select Sector Index, the Consumer Staples Select Sector Index, the Energy Select Sector Index, the Financial Select Sector Index, the Health Care Select Sector Index, the Industrial Select Sector Index, the Materials Select Sector Index, the Real Estate Select Sector Index, the Technology Select Sector Index, or the Utilities Select Sector Index; or (g) a basket or index of any of the foregoing (an ''Options Reference Asset''). The proposal would also include Options Reference Assets as a Multifactor Reference Asset, which would result in Options-Linked Securities as being included as Multifactor Index-Linked Securities.

The proposal would move existing Rule 14.11(d)(2)(K)(v) (Multifactor Index-Linked Securities Listings Standards) to Rule 14.11(d)(2)(K)(vi), and would set forth the Option-Linked Securities Listing Standards in Rule 14.11(d)(2)(K)(v). Proposed Rule 14.11(d)(2)(K)(v)(a) provides that Option-Linked Securities must meet both of the following initial listing criteria: (1) The value of the Options Reference Asset must be calculated and widely disseminated by one or more major market data vendors on at least a 15-second basis during the Exchange's regular market session; and (2) in the case of Options-Linked Securities that are periodically redeemable, the indicative value of the subject Options Linked Securities must be calculated and widely disseminated by the Exchange or one or more major market data vendors on at least a 15-second basis during the Exchange's regular market session. Proposed Rule 14.11(d)(2)(K)(v)(b) provides that Option-Linked Securities must meet the following continued listing criteria: (1) The Exchange will consider the suspension of trading in, and will initiate delisting proceedings pursuant to Rule 14.12 if any of the initial listing criteria described above are not continuously maintained; and (2) the Exchange will consider the suspension of trading in, and will initiate delisting proceedings pursuant to Rule 14.12 under any of the following circumstances: (A) If the aggregate market value or the principal amount of the Options-Linked Securities publicly held is less than $400,000; (B) if an interruption to the dissemination of the value of the Options Reference Asset persists past the trading day in which it occurred or is no longer calculated or available and a new Options Reference Asset is substituted, unless the new Options Reference Asset meets the requirements of this Rule 14.11(d)(2)(K); or (C) if such other event shall occur or condition exists which in the opinion of the Exchange makes further dealings on the Exchange inadvisable.[4]

With respect to equity securities underlying Options Reference Assets, the Exchange notes that Index Fund Shares,[5] Managed Fund Shares,[6] Exchange-Traded Fund Shares,[7] and Linked Securities and securities as defined in Rule 14.11 are subject to initial and continued listing criteria under applicable Exchange Rules as approved by the Commission. In addition, the Commission has approved or issued a notice of effectiveness to permit listing on a national securities exchange of securities based on certain Indexes.[8] Further, Index Fund Shares, Managed Fund Shares, Exchange-Traded Fund Shares, Linked Securities or securities defined in Rule 14.11 based on the Indexes have been listed on national securities exchanges under generic listing criteria applicable to such securities. With respect to options on the Indexes, options on all of the Indexes are currently traded on U.S. options exchanges.

Finally, all Options-Linked Securities listed pursuant to Exchange Rule 14.11(d) would be included within the definition of securities as such terms are used in the Exchange's rules and, as such, are subject to Exchange rules and procedures that currently govern the trading of securities on the Exchange.

The Exchange believes that the proposed standards would continue to ensure transparency surrounding the listing process for Linked Securities. The Exchange also believes that the standards for listing and trading Options-Linked Securities are reasonably designed to promote a fair and orderly market for such securities. The proposed addition of Options Reference Assets, as described above, would also work in conjunction with the initial and continued listing criteria related to surveillance procedures and trading guidelines for Linked Securities.

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of Options-Linked Securities in all trading sessions and to deter and detect violations of Exchange Rules. The issuer of a series of Options-Linked Securities will be required to comply with Rule 10A–3 under the Act[9] for the initial and continued listing of Linked Securities, as provided in Exchange Rule 14.11(d)(2)(F). The Exchange notes that the proposed change is not intended to amend any other component or requirement of Exchange Rule 14.11(d).

Quotation and last sale information for Options-Linked Securities, Index Fund Shares, Managed Fund Shares, Exchange-Traded Fund Shares, Linked Securities, and securities defined in Rule 14.11 are available via the Consolidated Tape Association (''CTA'') high speed line. Quotation and last sale information for such securities also will be available from the exchange on which they are listed. Quotation and last sale information for options on Index Fund Shares, Managed Fund Shares, Exchange-Traded Fund Shares, Linked Securities, securities defined in Rule 14.11 and the Indexes will be available via the Options Price Reporting Authority and major market data vendors. Information regarding values of the Indexes is available from major market data vendors.

The Exchange believes that the proposed rule change will provide investors with the ability to better diversify and hedge their portfolios using an exchange-listed security without having to trade directly in the underlying options contracts, and will facilitate the listing and trading of additional Linked Securities that will enhance competition among market

[4] Proposed Rule 14.11(d)(2)(K)(v)(b) is substantially the same as existing Rules 14.11(d)(2)(K)(ii)(b), 14.11(d)(2)(K)(iii)(c), and 14.11(d)(2)(K)(iv)(c).

[5] *See* Exchange Rule 14.11(c).

[6] *See* Exchange Rule 14.11(i).

[7] *See* Exchange Rule 14.11(l).

[8] *See, e.g.,* Securities Exchange Act Release Nos. 31591 (December 11, 1992), 57 FR 60253 (December 18, 1992) (SR–Amex–92–18) (approving the listing and trading of Portfolio Depositary Receipts based on the S&P 500 Index); 39525 (January 8, 1998), 63 FR 2438 (January 15, 1998) (SR–Amex–97–29) (approving the listing and trading of DIAMONDS Trust Units, Portfolio Depositary Receipts based on the Dow Jones Industrial Average); 39011 (September 3, 1997), 62 FR 47840 (September 11, 1997) (SR–CBOE–97–26) (approving the listing and trading of options on the Dow Jones Industrial Average); 19907 (June 24, 1983), 48 FR 30814 (July 5, 1983) (SR–CBOE–83–08) (approving the listing and trading of options on the S&P 500 Index on the CBOE); 41119 (February 26, 1999), 64 FR 11510 (March 9, 1999) (SR–Amex–98–34) (Order Approving and Notice of Filing and Order Granting Accelerated Approval of Amendment Nos. 3 and 4 to the Proposed Rule Change Relating to the Listing and Trading of Shares of the Nasdaq–100 Trust); 87437 (October 31, 2019), 84 FR 59900 (November 6, 2019) (SR–NYSEArca–2019–62) (Notice of Filing of Amendment No. 1, and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, Relating to the Listing and Trading of Shares of the Innovator MSCI EAFE Power Buffer ETFs and Innovator MSCI Emerging Markets Power Buffer ETFs under NYSE Arca Rule 8.600–E).

[9] 17 CFR 240.10A–3.

participants, to the benefit of investors and the marketplace.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[12] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

With respect to equity securities underlying Options Reference Assets, the Exchange notes that Index Fund Shares, Managed Fund Shares, Exchange-Traded Fund Shares, Linked Securities and securities defined in Rule 14.11 are subject to Exchange initial and continued listing criteria under applicable Exchange rules as approved by the Commission. In addition, the Commission has approved or issued a notice of effectiveness to permit listing on a national securities exchange of securities based on certain Indexes.[13] With respect to options on the Indexes, options on all of the Indexes are currently traded on U.S. options exchanges. All options included in an Options Reference Asset will be U.S. exchange-traded.

Any Options-Linked Securities would be required to meet the following initial listing criteria in proposed Rule 14.11(d)(2)(K)(v)(a): (1) The value of the Options Reference Asset must be calculated and widely disseminated by one or more major market data vendors on at least a 15-second basis during the Exchange's regular market session; and (2) in the case of Options-Linked Securities that are periodically redeemable, the indicative value of the subject Options Linked Securities must be calculated and widely disseminated by the Exchange or one or more major market data vendors on at least a 15-second basis during the Exchange's regular market session. Options-Linked Securities also will be subject to the continued listing criteria in proposed Rule 14.11(d)(2)(K)(v)(b) as described above. Finally, all Options-Linked Securities listed pursuant to Exchange Rule 14.11(d) would be included within the definition of ''security'' or ''securities'' as such terms are used in the Exchange's rules and, as such, are subject to Exchange rules and procedures that currently govern the trading of securities on the Exchange.

The Exchange believes that the proposed standards would continue to ensure transparency surrounding the listing process for Linked Securities. The Exchange also believes that the standards for listing and trading Options-Linked Securities are reasonably designed to promote a fair and orderly market for such securities. The proposed addition of Options Reference Assets, as described above, would also work in conjunction with the initial and continued listing criteria related to surveillance procedures and trading guidelines for Linked Securities. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of Options Linked Securities in all trading sessions and to deter and detect violations of Exchange rules. Trading in the securities may be halted under the conditions specified in Exchange Rule 14.11(d)(2)(H).

The Exchange believes that the proposed rule change will provide investors with the ability to better diversify and hedge their portfolios using an exchange listed security without having to trade directly in the underlying options contracts, and will facilitate the listing and trading of additional Linked Securities that will enhance competition among market participants, to the benefit of investors and the marketplace.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will facilitate the listing and trading of additional Linked Securities that 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 [sic] 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–2020–042 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–2020–042. 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

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *Id.*

[13] *Supra* note 8.

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–2020–042, and should be submitted on or before June 24, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–11920 Filed 6–2–20; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 11114]

30-Day Notice of Proposed Information Collection: Birth Affidavit

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to July 6, 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.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Birth Affidavit.
- *OMB Control Number:* 1405–0132.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Department of State, Bureau of Consular Affairs, Passport Services, Office of Program Management and Operational Support (CA/PPT/S/PMO/CR).
- *Form Number:* DS–10.
- *Respondents:* Individuals.
- *Estimated Number of Respondents:* 5,183.
- *Estimated Number of Responses:* 5,183.
- *Average Time per Response:* 40 minutes.
- *Total Estimated Burden Time:* 3,455 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- 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.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Form DS–10, Birth Affidavit, is submitted in conjunction with an application for a U.S. passport, and is used by Passport Services to collect information for the purpose of establishing the U.S. nationality of a passport applicant who has not submitted an acceptable United States birth certificate with his/her passport application. The Secretary of State is authorized to issue U.S. passports under 22 U.S.C. 211a *et seq.,* 8 U.S.C. 1104, and Executive Order 11295 (August 5, 1966). Pursuant to 22 U.S.C. 212 and 22 CFR 51.2, only U.S. nationals may be issued a U.S. passport. Most passport applicants establish U.S. nationality by providing a birth certificate that lists a place of birth within the United States or its outlying possessions (currently American Samoa and Swains Island). Some applicants, however, may have been born in the United States (and subject to its jurisdiction), but were never issued a birth certificate. Form DS–10 is a form affidavit for completion by a witness to the birth of such an applicant; it collects information relevant to establishing the identity of the affiant, and the birth circumstances of the passport applicant. If credible, the affidavit may permit the applicant to show U.S. nationality based on the applicant's birth in the United States, despite never having been issued a U.S. birth certificate. We use the information collected on the person completing the affidavit to confirm that individual's identity, which is relevant to confirming his or her relationship to the applicant and in assessing the likelihood that the affiant has personal knowledge of the facts of the applicant's birth.

Methodology

When needed by an applicant for a passport, a Birth Affidavit is either provided by the Department or downloaded from the Department's website and filled out by the affiant. It must be signed in the presence of a passport agent, acceptance agent, or notary public.

Zachary Parker,

Director.

[FR Doc. 2020–11965 Filed 6–2–20; 8:45 am]

BILLING CODE 4710–06–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36404]

Iowa Northern Railway Company—Acquisition Exemption—D&W Railroad, LLC

Iowa Northern Railway Company (Iowa Northern), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from D&W Railroad, LLC (D&W) approximately 23.40 miles of rail line, as follows: (i) The rail line from milepost 332.0 at Dewar, Iowa, to milepost 354.5 (end of line), including the most easterly rail line and right of way, known as the Main Line, which is located adjacent to the Oelwein Yard in Oelwein, Iowa, (ii) the rail line from milepost 245.58 to milepost 245.0 at Oelwein, and (iii) the rail line that comprises 0.32 miles of wye track at Oelwein that connects the so-called ''East Leg'' track to the Main Line track (collectively, the Line).

The verified notice states that Iowa Northern has been serving as the operator on the Line since September 2003. *See also Iowa N. Ry.—Operation*

Exemption—Rail Lines of D&W R.R., FD 34402 (STB served Oct. 8, 2003). Under the parties' Asset Purchase Agreement, ownership of the Line will transfer to Iowa Northern, who will continue to operate and provide all rail common carrier service to shippers on the Line after the exemption becomes effective.

Iowa Northern certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed $5 million annually. Iowa Northern further certifies that the acquisition does not involve an interchange commitment.

The transaction may be consummated on or after June 17, 2020, the effective date of the exemption (30 days after the verified notice was filed).[1]

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than June 10, 2020 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36404, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Iowa Northern's representative: T. Scott Bannister, Iowa Northern Railway Company, 201 Tower Park Drive, Suite 300, Waterloo, IA 50701.

Board decisions and notices are available at *www.stb.gov.*

Decided: May 28, 2020.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Jeffrey Herzig,

Clarence Clerk.

[FR Doc. 2020–12045 Filed 6–2–20; 8:45 am]

BILLING CODE 4915–01–P

[1] Iowa Northern supplemented its verified notice on May 18, 2020, which therefore will be considered the filing date for the purpose of calculating the effective date of the exemption.

SURFACE TRANSPORTATION BOARD

Release of Waybill Data

The Surface Transportation Board has received a request from The North Carolina Soybean Producers Association (WB20–23—5/28/20) for permission to use select data from the Board's 1990–2018 Unmasked Carload Waybill Samples. A copy of this request may be obtained from the Board's website under docket no. WB20–23.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Alexander Dusenberry, (202) 245–0319.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2020–11989 Filed 6–2–20; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2020–0021]

Request for Comments Concerning the Extension of Particular Exclusions Granted Under the September 2019 Product Exclusion Notice From the $34 Billion Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: Effective July 6, 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately $34 billion as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. The U.S. Trade Representative initiated the exclusion process in July 2018 and has granted multiple sets of exclusions. He granted the seventh set of exclusions in September 2019, which are scheduled to expire on September 20, 2020. The U.S. Trade Representative has decided to consider a possible extension for up to 12 months of particular exclusions granted in September 2019. The Office of the U.S. Trade Representative (USTR) invites public comment on whether to extend particular exclusions.

DATES:

June 8, 2020 at 12:01 a.m. ET: The public docket on the web portal at *https://comments.USTR.gov* will open for parties to submit comments on the possible extension of particular exclusions.

July 7, 2020 at 11:59 p.m. ET: To be assured of consideration, submit written comments on the public docket by this deadline.

ADDRESSES: You must submit all comments through the online portal: *https://comments.USTR.gov.*

FOR FURTHER INFORMATION CONTACT: Associate General Counsel Philip Butler or Assistant General Counsel Benjamin Allen at (202) 395–5725.

SUPPLEMENTARY INFORMATION:

A. Background

For background on the proceedings in this investigation, please see prior notices including 82 FR 40213 (August 23, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018) 83 FR 38760 (August 7, 2018), 83 FR 40823 (August 16, 2018), 83 FR 47974 (September 21, 2018), 83 FR 65198 (December 19, 2018), 84 FR 67463 (December 28, 2018), 84 FR 7966 (March 5, 2019), 84 FR 11152 (March 25, 2019), 84 FR 16310 (April 18, 2019), 84 FR 21389 (May 14, 2019), 84 FR 25895 (June 4, 2019), 84 FR 32821 (July 9, 2019), 84 FR 49564 (September 20, 2019), 84 FR 52567 (October 2, 2019), 84 FR 69016 (December 17, 2019), 84 FR 70616 (December 23, 2019), 85 FR 7816 (February 11, 2020), 85 FR 15849 (March 19, 2020), 85 FR 20332 (April 10, 2020), 85 FR 28692 (May 13, 2020), and 85 FR 29503 (May 15, 2020).

Effective July 6, 2018, the U.S. Trade Representative imposed additional 25 percent duties on goods of China classified in 818 eight-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of $34 billion. *See* 83 FR 28710. The U.S. Trade Representative's determination included a decision to establish a process by which U.S. stakeholders could request exclusion of particular products classified within an eight-digit HTSUS subheading covered by the $34 billion action from the additional duties. The U.S. Trade Representative issued a notice setting out the process for product exclusions, and opened a public docket. *See* 83 FR 32181 (July 11 notice).

The July 11 notice required submission of requests for exclusion from the $34 billion action no later than October 9, 2018, and noted that the U.S. Trade Representative periodically would announce decisions. The U.S. Trade Representative has granted multiple sets of exclusions. He granted the seventh set of exclusions in September 2019, which are scheduled to expire on September 20, 2020. *See* 84

FR 49564 (September 20, 2019) (the September 2019 notice).

B. Possible Extensions of Particular Product Exclusions

The U.S. Trade Representative has decided to consider a possible extension for up to 12 months of particular exclusions granted in the September 2019 notice. Accordingly, USTR invites public comments on whether to extend particular exclusions granted in the September 2019 notice. For exclusions amended or corrected by a later issued notice of product exclusions, parties should provide their extension comments on the docket corresponding to the initial notice of product exclusions.

USTR will evaluate the possible extension of each exclusion on a case-by-case basis. The focus of the evaluation will be whether, despite the first imposition of these additional duties in July 2018, the particular product remains available only from China. In addressing this factor, commenters should address specifically:

- Whether the particular product and/or a comparable product is available from sources in the United States and/or in third countries.
- Any changes in the global supply chain since July 2018 with respect to the particular product or any other relevant industry developments.
- The efforts, if any, the importers or U.S. purchasers have undertaken since July 2018 to source the product from the United States or third countries.

In addition, USTR will continue to consider whether the imposition of additional duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests.

C. Procedures To Comment on the Extension of Particular Exclusions

To submit a comment regarding the extension of a particular exclusion granted in the September 2019 notice, commenters first must register on the portal at *https://comments.USTR.gov.* As noted above, the public docket on the portal will be open from June 8, 2020, to July 7, 2020. After registration, the commenter may submit an exclusion extension comment form to the public docket.

Fields on the comment form marked with an asterisk (*) are required fields. Fields with a gray (BCI) notation are for Business Confidential Information and the information entered will not be publicly available. Fields with a green (Public) notation will be publicly available. Additionally, parties will be able to upload documents and indicate whether the documents are BCI or public. Commenters will be able to review the public version of their comments before they are posted.

In order to facilitate the preparation of comments prior to the June 8 opening of the public docket, a facsimile of the exclusion extension comment form parties will use on the portal is annexed to this notice. Please note that the color-coding of public fields and BCI fields is not visible on the attached facsimile, but will be apparent on the actual comment form used on the portal.

Set out below is a summary of the information to be entered on the exclusion extension comment form.

- Contact information, including the full legal name of the organization making the comment, whether the commenter is a third party (*e.g.,* law firm, trade association, or customs broker) submitting on behalf of an organization or industry, and the name of the third party organization, if applicable.
- The number for the exclusion on which you are commenting as provided in the Annex of the **Federal Register** notice granting the exclusion and the description. For descriptions amended or corrected by a later issued notice of product exclusions, parties should use the amended or corrected description.
- Whether the product or products covered by the exclusion are subject to an antidumping or countervailing duty order issued by the U.S. Department of Commerce.
- Whether you support or oppose extending the exclusion and an explanation of your rationale. Commenters must provide a public version of their rationale, even if the commenter also intends to submit a more detailed business confidential rationale.
- Whether the products covered by the exclusion or comparable products are available from sources in the U.S. or in third countries. Please include information concerning any changes in the global supply chain since July 2018 with respect to the particular product.
- The efforts you have undertaken since July 2018 to source the product from the United States or third countries.
- The value and quantity of the Chinese-origin product covered by the specific exclusion request purchased in 2018 and 2019. Whether these purchases are from a related company, and if so, the name of and relationship to the related company.
- Whether Chinese suppliers have lowered their prices for products covered by the exclusion following the imposition of duties.
- The value and quantity of the product covered by the exclusion purchased from domestic and third country sources in 2018 and 2019.
- If applicable, the commenter's gross revenue for 2018 and 2019.
- Whether the Chinese-origin product of concern is sold as a final product or as an input.
- Whether the imposition of duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests.
- Any additional information in support of or in opposition to extending the exclusion.

Commenters also may provide any other information or data that they consider relevant.

D. Submission Instructions

To be assured of consideration, you must submit your comment between the opening of the public docket on the portal on June 8, 2020, and the July 7, 2020 submission deadline. Parties seeking to comment on two or more exclusions must submit a separate comment for each exclusion.

By submitting a comment, the commenter certifies that the information provided is complete and correct to the best of their knowledge.

E. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 and its implementing regulations, the Office of Management and Budget assigned control number 0350–0015, which expires January 31, 2023.

Joseph Barloon,

General Counsel, Office of the U.S. Trade Representative.

BILLING CODE 3290–F0–P

ANNEX

OMB Control Number: 0350-0015 Expiration Date: January 31, 2023

Exclusion Extension Comment Form

1. Submitter Information

Full Organization Legal Name **(Public)**	
Commenter First Name **(BCI)**	
Commenter Last Name **(BCI)**	
Commenter Phone Number **(BCI)**	
Commenter Mailing Address **(BCI)**	
Contact Email Address **(BCI)**	

Are you a third party, such as a law firm, trade association, or customs broker, submitting on behalf of an organization or industry? (Public)

Note: If you are submitting on behalf of an organization/industry, the information below is required.

Third Party Firm/Association Name **(Public)**	
Third Party First Name **(BCI)**	
Third Party Last Name **(BCI)**	
Third Party Phone Number **(BCI)**	
Third Party Mailing Address **(BCI)**	
Third Party Email Address **(BCI)**	

2. a) From the Annex of the Federal Register Notice granting the exclusion, please provide the number and product description for the exclusion you are commenting on. For descriptions subsequently amended or corrected by a later notice, parties should use the amended or corrected description. Click the magnifying glass in the box below to search for and select the number and product description applicable to your comment. You may search by the HTS code or key words in the exclusion. (Public)

b) Is this product subject to an antidumping or countervailing duty order issued by the U.S. Department of Commerce? (Public)

3. Do you support extending the exclusion (yes or no)? Please explain your rationale. (You must provide a public version of your rationale.) (Public)

4. Please explain whether the products covered by the exclusion, or comparable products, are available from sources in the United States? (Please include information concerning any changes in the global supply chain since July 2018 with respect to the particular product or any other relevant industry developments.) (Public)

5. Please explain whether the products covered by the exclusion, or a comparable products, are available from sources in third countries? (Please include information concerning any changes in the global supply chain since July 2018 with respect to the particular product.) (Public)

6. a) Please provide the value in USD and quantity (with units) of the Chinese-origin product covered by the specific exclusion that you purchased in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)

2018 Value: **2018 Quantity:**
2019 Value: **2019 Quantity:**

Are the provided figures estimates? (BCI)

Are any of these purchases from a related company? (BCI)

Please list the name and relationship of the related company. (BCI)
Name: **Relationship:**

b) Please discuss whether Chinese suppliers have lowered their prices for products covered by the exclusion following imposition of the duties. (BCI)

7. Please provide the value in USD and quantity (with units) of the product covered by the specific exclusion that you purchased from any third-country source in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)

2018 Value: **2018 Quantity:**
2019 Value: **2019: Quantity:**

Are the provided figures estimates? (BCI)

8. Please provide the value in USD and quantity (with units) of the product covered by the specific exclusion that you purchased from domestic sources in 2018 and

2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)

2018 Value:		**2018 Quantity:**	
2019 Value:		**2019 Quantity:**	

Are the provided figures estimates? (BCI)

9. Please discuss any efforts you have undertaken since July 2018 to source this product from United States or third countries. (BCI)

10 Please provide information regarding your company's gross revenue in USD for 2018 and 2019. (BCI)

2018 Gross Revenue:	
2019 Gross Revenue:	

Are the provided gross revenue figures estimates? (BCI)

11 Is the Chinese-origin product of concern sold as a final product or as an input used in the production of a final product or products? (BCI)

12 Please comment on whether the imposition of additional duties on the product(s) covered by the exclusion you are seeking an extension for, will result in severe economic harm to your company or other U.S. interests. (BCI)

13 Please provide any additional information in support of your comment, taking account of the instructions provided in Section B of the Federal Register notice. (BCI)

14 You may upload additional attachments in support of your comment. Please specify whether the attachment is Public or contains Business Confidential Information. (Submitter Determines Public or BCI)

[FR Doc. 2020–11942 Filed 6–2–20; 8:45 am]
BILLING CODE 3290–F0–C

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2020–0016]

Request for Comments Concerning the Extension of Particular Exclusions Granted Under the $200 Billion Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: Effective September 24, 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately $200 billion as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. The U.S. Trade Representative initiated an exclusion process for the $200 billion action in June 2019 and issued 14 product exclusion notices under this action. The product exclusions granted under these notices are scheduled to expire on August 7, 2020. The U.S. Trade Representative previously decided to consider a possible extension for up to 12 months of particular exclusions granted under the initial 11 product exclusion notices and has now decided to consider a possible extension for up to 12 months of particular exclusions granted under the remaining product exclusion notices. The Office of the U.S. Trade Representative (USTR) invites public comment on whether to extend particular exclusions.

DATES: June 8, 2020 at 12:01 a.m. ET: The public docket on the web portal at *https://comments.USTR.gov* will open for parties to submit comments on the possible extension of particular exclusions.

July 7, 2020 at 11:59 p.m. ET: To be assured of consideration, submit written comments on the public docket by this deadline.

ADDRESSES: You must submit all comments through the online portal: *https://comments.USTR.gov.*

FOR FURTHER INFORMATION CONTACT: Associate General Counsel Philip Butler or Assistant General Counsel Benjamin Allen at (202) 395–5725.

SUPPLEMENTARY INFORMATION:

A. Background

For background on the proceedings in this investigation, please see prior notices including 82 FR 40213 (August 24, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 47974 (September 21, 2018), 83 FR 49153 (September 28, 2018), 83 FR 65198 (December 19, 2018), 84 FR 7966 (March 5, 2019), 84 FR 20459 (May 9, 2019), 84 FR 29576 (June 24, 2019), 84 FRN 38717 (August 7, 2019), 84 FR 46212 (September 3, 2019), 84 FR 49591 (September 20, 2019), 84 FR 57803 (October 28, 2019), 84 FR 61674 (November 13, 2019), 84 FR 65882 (November 29, 2019), 84 FR 69012 (December 17, 2019), 85 FR 549 (January 6, 2020), 85 FR 6674 (February 5, 2020), 85 FR 9921 (February 20, 2020), 85 FR 15015 (March 16, 2020), 85 FR 17158 (March 26, 2020), 85 FR 23122 (April 24, 2020), 85 FR 27489 (May 8, 2020), and 85 FR 32094 (May 28, 2020).

Effective September 24, 2018, the U.S. Trade Representative imposed additional 10 percent duties on goods of China classified in 5,757 full and partial subheading of the Harmonized Tariff Schedule of the United States (HTSUS) with an approximate annual trade value of $200 billion. *See* 83 FR 47974, as modified by 83 FR 49153. In May 2019, the U.S. Trade Representative increased the additional duty to 25 percent. *See* 84 FR 20459. On June 24, 2019, the U.S. Trade Representative established a process by which U.S. stakeholders could request exclusion of particular products classified within an eight-digit HTSUS subheading covered by the $200 billion action from the additional duties. *See* 84 FR 29576 (the June 24 notice).

The June 24 notice required submission of requests for exclusion from the $200 billion action no later than September 30, 2019, and noted that the U.S. Trade Representative periodically would announce decisions. As of May 28, 2020, the U.S. Trade Representative has issued 14 notices of product exclusions under the $200 billion action. These exclusions are scheduled to expire on August 7, 2020.

B. Possible Extensions of Particular Product Exclusions

On May 6, 2020, USTR requested comments concerning the possible extension for up to 12 months of particular exclusions granted under the initial 11 product exclusion notices under the $200 billion action. *See* 85 FR 27011 (the May 6 notice). The U.S. Trade Representative has now decided to consider a possible extension for up to 12 months of particular exclusions granted under the final three product exclusion notices under the $200 billion action. Accordingly, USTR invites public comments on whether to extend particular exclusions granted under the following notices of product exclusions:

- 85 FR 23122 (April 24, 2020)
- 85 FR 27489 (May 8, 2020)
- 85 FR 32094 (May 28, 2020)

Comments on exclusions granted under the initial 11 product exclusion notices will not be considered on this docket and must be submitted according to the May 6 notice on Docket Number USTR–2020–0015. For exclusions amended or corrected by a later issued notice, parties should provide their extension comments on the docket corresponding to the initial notice of product exclusions.

USTR will evaluate the possible extension of each exclusion on a case-by-case basis. The focus of the evaluation will be whether, despite the first imposition of these additional duties in September 2018, the particular product remains available only from China. In addressing this factor, commenters should address specifically:

- Whether the particular product and/or a comparable product is available from sources in the United States and/or in third countries.
- Any changes in the global supply chain since September 2018 with respect to the particular product or any other relevant industry developments.
- The efforts, if any, the importers or U.S. purchasers have undertaken since September 2018 to source the product from the United States or third countries.

In addition, USTR will continue to consider whether the imposition of additional duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests.

C. Procedures To Comment on the Extension of Particular Exclusions

To submit a comment regarding the extension of a particular exclusion granted under the above referenced product exclusion notices under the $200 billion action, commenters first must register on the portal at *https://comments.USTR.gov.* As noted above, the public docket on the portal will be open from June 08, 2020, to July 7, 2020. After registration, the commenter may submit an exclusion extension comment form to the public docket.

Fields on the comment form marked with an asterisk (*) are required fields. Fields with a gray (BCI) notation are for business confidential information and the information entered will not be publicly available. Fields with a green (public) notation will be publicly

available. Additionally, parties will be able to upload documents and indicate whether the documents are BCI or public. Commenters will be able to review the public version of their comments before they are posted.

In order to facilitate the preparation of comments prior to the June 8 opening of the public docket, a facsimile of the exclusion extension comment form to be used on the portal is annexed to this notice. Please note that the color-coding of the public and BCI fields is not visible on the annex, but will be apparent on the actual comment form used on the portal.

Set out below is a summary of the information to be entered on the exclusion extension comment form.

- Contact information, including the full legal name of the organization making the comment, whether the commenter is a third party (*e.g.,* law firm, trade association, or customs broker) submitting on behalf of an organization or industry, and the name of the third party organization, if applicable.
- The number for the exclusion on which you are commenting as provided in the annex of the **Federal Register** notice granting the exclusion and the description. For descriptions, amended or corrected by a later issued notice of product exclusions, parties should use the amended or corrected description.
- Whether the product or products covered by the exclusion are subject to an antidumping or countervailing duty order issued by the U.S. Department of Commerce.
- Whether you support or oppose extending the exclusion and an explanation of your rationale. Commenters must provide a public version of their rationale, even if the commenter also intends to submit a more detailed BCI rationale.
- Whether the products covered by the exclusion or comparable products are available from sources in the U.S. or in third countries. Please include information concerning any changes in the global supply chain since September 2018 with respect to the particular product.
- The efforts you have undertaken since September 2018 to source the product from the United States or third countries.
- The value and quantity of the Chinese-origin product covered by the specific exclusion request purchased in 2018 and 2019. Whether these purchases are from a related company, and if so, the name of and relationship to the related company.
- Whether Chinese suppliers have lowered their prices for products covered by the exclusion following the imposition of duties.
- The value and quantity of the product covered by the exclusion purchased from domestic and third country sources in 2018 and 2019.
- If applicable, the commenter's gross revenue for 2018 and 2019.
- Whether the Chinese-origin product of concern is sold as a final product or as an input.
- Whether the imposition of duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests.
- Any additional information in support of or in opposition to extending the exclusion.

Commenters also may provide any other information or data that they consider relevant.

D. Submission Instructions

To be assured of consideration, you must submit your comment between the opening of the public docket on the portal on June 08, 2020 and the July 07, 2020 submission deadline. Parties seeking to comment on more than one exclusion must submit a separate comment for each exclusion.

By submitting a comment, the commenter certifies that the information provided is complete and correct to the best of their knowledge.

E. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 and its implementing regulations, the Office of Management and Budget has assigned control number 0350–0015, which expires January 31, 2023.

Joseph Barloon,

General Counsel, Office of the United States Trade Representative.

BILLING CODE 3290–F0–P

ANNEX

OMB Control Number: 0350-0015 Expiration Date: January 31, 2023

Exclusion Extension Comment Form

1. Submitter Information

Full Organization Legal Name **(Public)**	
Commenter First Name **(BCI)**	
Commenter Last Name **(BCI)**	
Commenter Phone Number **(BCI)**	
Commenter Mailing Address **(BCI)**	
Contact Email Address **(BCI)**	

Are you a third party, such as a law firm, trade association, or customs broker, submitting on behalf of an organization or industry? **(Public)**

Note: If you are submitting on behalf of an organization/industry, the information below is required.

Third Party Firm/Association Name **(Public)**	
Third Party First Name **(BCI)**	
Third Party Last Name **(BCI)**	
Third Party Phone Number **(BCI)**	
Third Party Mailing Address **(BCI)**	
Third Party Email Address **(BCI)**	

2. a) From the Annex of the Federal Register Notice granting the exclusion, please provide the number and product description for the exclusion you are commenting on. For descriptions subsequently amended or corrected by a later notice, parties should use the amended or corrected description. Click the magnifying glass in the box below to search for and select the number and product description applicable to your comment. You may search by the HTS code or key words in the exclusion. **(Public)**

b) Is this product subject to an antidumping or countervailing duty order issued by the U.S. Department of Commerce? **(Public)**

3. Do you support extending the exclusion (yes or no)? Please explain your rationale. (You must provide a public version of your rationale.) **(Public)**

4. **Please explain whether the products covered by the exclusion, or comparable products, are available from sources in the United States? (Please include information concerning any changes in the global supply chain since September 2018 with respect to the particular product or any other relevant industry developments.) (Public)**

5. **Please explain whether the products covered by the exclusion, or a comparable products, are available from sources in third countries? (Please include information concerning any changes in the global supply chain since September 2018 with respect to the particular product.) (Public)**

6. **a) Please provide the value in USD and quantity (with units) of the Chinese-origin product covered by the specific exclusion that you purchased in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)**

2018 Value:		**2018 Quantity:**	
2019 Value:		**2019 Quantity:**	

Are the provided figures estimates? (BCI)

Are any of these purchases from a related company? (BCI)

Please list the name and relationship of the related company. (BCI)

Name:		**Relationship:**	

b) Please discuss whether Chinese suppliers have lowered their prices for products covered by the exclusion following imposition of the duties. (BCI)

7. **Please provide the value in USD and quantity (with units) of the product covered by the specific exclusion that you purchased from any third-country source in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)**

2018 Value:		**2018 Quantity:**	
2019 Value:		**2019: Quantity:**	

Are the provided figures estimates? (BCI)

8. Please provide the value in USD and quantity (with units) of the product covered by the specific exclusion that you purchased from domestic sources in 2018 and 2019. Limit this figure to the products purchased by your firm (or by members of your trade association). Please provide estimates if precise figures are unavailable. (BCI)

2018 Value:		**2018 Quantity:**	
2019 Value:		**2019 Quantity:**	

Are the provided figures estimates? (BCI)

9. Please discuss any efforts you have undertaken since September 2018 to source this product from United States or third countries. (BCI)

10. Please provide information regarding your company's gross revenue in USD for 2018 and 2019. (BCI)

2018 Gross Revenue:	
2019 Gross Revenue:	

Are the provided gross revenue figures estimates? (BCI)

11. Is the Chinese-origin product of concern sold as a final product or as an input used in the production of a final product or products? (BCI)

12. Please comment on whether the imposition of additional duties on the product(s) covered by the exclusion you are seeking an extension for, will result in severe economic harm to your company or other U.S. interests. (BCI)

13. Please provide any additional information in support of your comment, taking account of the instructions provided in Section B of the Federal Register notice. (BCI)

14. You may upload additional attachments in support of your comment. Please specify whether the attachment is Public or contains Business Confidential Information. (Submitter Determines Public or BCI)

[FR Doc. 2020–11952 Filed 6–2–20; 8:45 am]

BILLING CODE 3290–F0–C

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

National Hazardous Materials Route Registry

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice; revisions to the listing of designated and restricted routes for hazardous materials.

SUMMARY: This notice makes revisions to the National Hazardous Materials Route Registry (NHMRR) reported to the FMCSA from April 1, 2019 through March 31, 2020. The NHMRR is a listing, as reported by States and Tribal governments, of all designated and restricted roads and preferred highway routes for transportation of highway route controlled quantities of Class 7 (radioactive materials) (HRCQ/RAM) and non-radioactive hazardous materials (NRHM).

DATES: Effective date: June 3, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Williams, Hazardous Materials Division, Office of Enforcement and Compliance, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE, Washington, DC 20590, (202) 366–4163, *melissa.williams@dot.gov.*

SUPPLEMENTARY INFORMATION:

Legal Basis and Background

Paragraphs (a)(2) and (b) of section 5112 of title 49, United States Code (U.S.C.), permit States and Tribal governments to designate and limit highway routes over which hazardous materials (HM) may be transported, provided the State or Tribal government complies with standards prescribed by the Secretary of Transportation (the Secretary) and meets publication requirements in section 5112(c). To establish standards under paragraph (b), the Secretary must consult with the States, and, under section 5112(c), coordinate with the States to ''update and publish periodically'' a list of currently effective HM highway routing designations and restrictions. The requirements that States and Tribal governments must follow to establish, maintain, or enforce routing designations for the transport of placardable quantities of NRHM are set forth in 49 CFR part 397, subpart C. Subpart D of part 397 sets out the requirements for designating preferred routes for highway route controlled quantities of HRCQ/RAM shipments as an alternative, or in addition, to Interstate System highways. For HRCQ/RAM shipments, § 397.101 defines a preferred route as an Interstate Highway for which no alternative route is designated by the State; a route specifically designated by the State; or both. (See § 397.65 for the definition of ''NRHM'' and ''routing designations.'')

Under a delegation from the Secretary,[1] FMCSA has authority to implement 49 U.S.C. 5112.

Currently, § 397.73 establishes public information and reporting requirements for NRHM. States or Tribal governments are required to furnish information to FMCSA regarding any new or changed routes within 60 days after establishment. Under § 397.103, a State routing designation for HRCQ/RAM routes (preferred routes) as an alternative, or in addition, to an Interstate System highway, is effective when the authorized routing agency provides FMCSA with written notification, FMCSA acknowledges receipt in writing, and the route is published in FMCSA's NHMRR. The Office of Management and Budget has approved these collections of information under control number 2126–0014, Transportation of Hazardous Materials, Highway Routing.

In this notice, FMCSA is merely performing the ministerial function of updating and publishing the NHMRR based on input from its State and Tribal partners under 49 U.S.C. 5112(c)(1). Accordingly, this notice serves only to provide the most recent revisions to the NHMRR; it does not establish any new public information and reporting requirements.

Updates to the NHMRR

FMCSA published the full NHMRR in a **Federal Register** notice on April 29, 2015 (80 FR 23859). Since publication of the 2015 notice, FMCSA published three updates to the NHMRR in **Federal Register** notices on August 8, 2016 (81 FR 52518), August 9, 2018 (83 FR 39500) and September 24, 2019 (84 FR 50098).

This notice makes revisions to the NHMRR, reported to the FMCSA from April 1, 2019 through March 31, 2020. The revisions to the NHMRR listings in this notice supersede and replace corresponding NHMRR listings published in the April 29, 2015 notice and corresponding revisions to the NHMRR listings published in the August 8, 2016, August 9, 2018, and September 24, 2019 notices. Please continue to refer to the April 29, 2015 notice for additional background on the NHMRR and the August 8, 2016 notice for the procedures for State and Tribal government routing agencies to update their Route Registry listings and contact information.

The full current NHMRR for each State is posted on FMCSA's website at: *https://www.fmcsa.dot.gov/regulations/hazardous-materials/national-hazardous-materials-route-registry.*

Revisions to the NHMRR in This Notice

In accordance with the requirements of §§ 397.73 and 397.103, the NHMRR is revised as follows:

Table 2.—California—Designated NRHM Routes

The existing Route Order Designator ''A1'' is revised to remove the ''I'' designation.

A new additional Route Order Designator ''A1'' is added and assigned an ''I'' designation.

Route Order Designator ''A2'' with the ''I'' designation is revised.

Route Order Designator ''A4A–3.0B'' with the ''I'' designation is revised to remove the QA comment.

Route Order Designator ''A4A–3.0–D'' is revised to remove the ''B'' designation.

Route Order Designator ''A5A–3.0–C1'' is revised and the QA comment is removed.

Route Order Designator ''A5A–3.0–C2'' is revised and the QA comment is removed.

A new Route Order Designator ''A5A–3.0–C3'' is added.

Route Order Designator ''A5A–3.0–D'' is revised and the QA comment is removed.

Route Order Designator ''A10Q–2.0'' is revised.

A new Route Order Designator ''A11P–1.0–A1'' is added.

Route Order Key

Each listing in the NHMRR includes codes to identify each route designation and each route restriction reported by the State. Designation codes identify the routes along which a driver may or must transport specified HM. Among the designation codes is one for preferred routes, which apply to the transportation of a highway route controlled quantity of Class 7 (radioactive) material. Restriction codes identify the routes along which a driver may not transport specified HM shipments.

TABLE 1—RESTRICTION/DESIGNATION KEY

Restrictions	Designations
0—ALL Hazardous Materials.	A—ALL NR Hazardous Materials.
1—Class 1—Explosives	B—Class 1—Explosives.

[1] 49 CFR 1.87(d)(2).

TABLE 1—RESTRICTION/DESIGNATION KEY—Continued

Restrictions	Designations
2—Class 2—Gas	I—Poisonous Inhalation Hazard (PIH).
3—Class 3—Flammable	P—*Preferred Route* Class 7—Radioactive.
4—Class 4—Flammable Solid/Combustible.	
5—Class 5—Organic.	

TABLE 1—RESTRICTION/DESIGNATION KEY—Continued

Restrictions	Designations
6—Class 6—Poison.	
7—Class 7—Radioactive.	
8—Class 8—Corrosives.	
9—Class 9—Dangerous (Other).	

TABLE 1—RESTRICTION/DESIGNATION KEY—Continued

Restrictions	Designations
i—Poisonous Inhalation Hazard (PIH).	

Revisions to the National Hazardous Materials Route Registry (March 31, 2020)

TABLE 2—CALIFORNIA—DESIGNATED NRHM ROUTES

Designation date	Route order	Route description	City	County	Designation(s) (A,B,I,P)	FMCSA QA comment
12/07/17 and 01/01/20.	A1	State Route 905 from Mexican Border to Interstate 5.			B.	
01/01/20	A1	State Route 905 from Mexican Border to Interstate 805.			I.	
04/16/92 and 01/01/20.	A2	Interstate 805 [San Diego] from SR 163 [San Diego] to State Route 905.	San Diego	San Diego	I.	
04/16/92	A4A–3.0–B	Interstate 15 from State 60 [Mira Loma] to State 163 [San Diego].			I.	
04/16/92	A4A–3.0–D	CR S30/Forrester Rd. from State 86 [Westmorland] to Interstate 8 [El Centro].		Imperial	I	This route will be considered by the California Highway Patrol for updates in a future rulemaking.
10/28/92	A5A–3.0–C1	State 7 from Interstate 8 to Calexico East Port of Entry [at Mexico].	Calexico	Imperial	B.	
10/28/92	A5A–3.0–C2	State 111 from State 78 (Hovley) to Interstate 8 [El Centro].		Imperial	B.	
12/26/18	A5A–3.0–C3	State 78 from Forrester Road (Westmorland) to State 111 (Hovley).			B.	
10/28/92 (B) 04/16/92 (I).	A5A–3.0–D	State 86 [Indio] to State 78 [Westmorland].			B,I.	
10/28/92	A10Q–2.0	State 43 from State 99 [Selma] to Interstate 5.			B.	
03/06/19	A11P–1.0–A1	Business 58 from State 58 to State 58 [Mojave].			B.	

End of Revisions to the National Hazardous Materials Route Registry

James A. Mullen,

Deputy Administrator.

[FR Doc. 2020–11912 Filed 6–2–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FTA Fiscal Year 2020 Apportionments, Allocations and Program Information

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice provides priorities for programs in Fiscal Year (FY) 2020, announces the full-year apportionments and allocations for grant programs, provides contract authority, and describes plans for several competitive programs.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Kimberly Sledge, Deputy Associate Administrator, Office of Program Management, at (202) 366–2053. Please contact the appropriate FTA Regional Office for any specific requests for information or technical assistance. FTA Regional Office contact information is available on FTA's website: *www.transit.dot.gov.* An FTA headquarters contact for each major program area is included in the discussion of that program in the text of this notice. FTA recommends stakeholders subscribe on FTA's website: *www.transit.dot.gov* to receive email notifications when new information is available.

SUPPLEMENTARY INFORMATION:

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I. Overview

This document provides notice to stakeholders that FTA is apportioning the full Fiscal Year (FY) 2020 authorized contract authority through September 30, 2020 for FTA formula and competitive programs pursuant to Division H of the Further Consolidated Appropriations Act, 2020 (Pub. L. 116–94). In addition, this document contains important information about FTA programs, statutory requirements, and policy priorities.

For each FTA program, FTA has provided information on the FY 2020 authorized funding levels, funding availability and the period of availability of funds. A separate section provides information on pre-award authority as well as other requirements applicable to FTA programs and grant administration. Finally, the notice includes a reference to tables on FTA's website that show new contract authority apportioned and made available through September 30, 2020.

Information in this document includes references to existing FTA program guidance and circulars. Some information in FTA's guidance documents and circulars may have been superseded by new provisions in the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114–94), but these guidance documents and circulars remain a resource for program management in most areas.

II. FY 2020 Funding for FTA Programs

A. Funding Available Under the Further Consolidated Appropriations Act, 2020

Division H of the Further Consolidated Appropriations Act, 2020 (Pub. L. 116–94) (''Further Consolidated Appropriations Act, 2020'') makes $12.8 billion in funding available for FTA programs in FY 2020. The Further Consolidated Appropriations Act, 2020 provides $10.15 billion in funding from the Mass Transit Account of the Highway Trust Fund at the amounts authorized by the FAST Act for FY 2020, along with $2.64 billion in general funds including $1.978 billion for Capital Investment Grants, $150 million in additional general contract authority for the Washington Metropolitan Area Transit Authority (WMATA) and $510 million for transit infrastructure grants including: $168 million for Grants for Buses and Bus Facilities formula grants, $170 million for Buses and Bus Facilities competitive grants, $75 million for Low or No Emissions Grants, $40 million for Formula Grants for Rural Areas, $40 million for the Section 5340 High Density States Apportionments, $5.5 million for Section 5312 Public Transportation Innovation, and $3 million for low and no emission vehicle testing facilities. Also included is $8.5 million for new competitive grants in areas of persistent poverty. Current funding availability for each program is identified in section IV of this notice and in Table 1 located on FTA's FY 2020 Apportionment web page: *www.transit.dot.gov/funding/apportionments.*

B. Oversight Takedown

Section 5338(f) of title 49, United States Code (all subsequent statutory references are to title 49, United States Code unless otherwise noted) provides for the following oversight takedowns of FTA programs: 0.5 percent of Metropolitan and Statewide Planning funds, 0.75 percent of Urbanized Area Formula Grant funds, 1 percent of Fixed Guideway Capital Investment Grants funds, 0.5 percent of Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities funds, 0.5 percent of Formula Grants for Rural Areas funds, 1 percent of State of Good Repair Formula Grants funds, 0.75 percent of Grants for Buses and Bus Facilities funds, and 1 percent of funds for Capital and Preventive Maintenance Projects for grants to the Washington Metropolitan Area Transit Authority. FTA uses the funds to provide necessary oversight activities, such as oversight of the construction of any major capital project receiving Federal public transportation assistance; to conduct State Safety Oversight, drug and alcohol, civil rights, procurement systems, management, planning certification, and financial management reviews and audits; evaluations and analyses of grantee-specific problems and issues; and to generally provide technical assistance and correct deficiencies identified in compliance reviews and audits.

C. FY 2020 Formula Apportionments: Data and Methodology

1. Apportionment Tables

FTA publishes apportionment tables on its website for each program that reflects the funding level in the full-year appropriations act less oversight take-downs, as applicable. FTA has posted tables displaying the funds available to eligible states, tribes, and urbanized areas to *www.transit.dot.gov/funding/apportionments.* This website contains a page listing the apportionment and allocation tables for FY 2020, links to prior year formula apportionment notices and tables, and the National Transit Database (NTD) and Census data used to calculate the FY 2020 apportionments.

2. National Transit Database (NTD) and Census Data Used in the FY 2020 Apportionments

Consistent with past practices, the apportionments calculations for Sections 5307, 5311 (including 5311(c)(1)), 5329, 5337, and 5339 rely on the most-recent transit service data reported to the NTD, which for FY 2020 is the 2018 report year. In some cases, where an apportionment is based on the age of the system, the age is calculated as of September 30, 2019, the last day before FY 2020 began. Recipients or beneficiaries of either Section 5307 or 5311 funds are required to report to the NTD. Additionally, several transit

operators report to the FTA's NTD on a voluntary basis. For the 2018 report year, the NTD includes data from 941 reporters in urbanized areas, 925 of which reported operating transit service. The NTD also includes data from 1,475 providers of rural transit service, which includes 134 Indian Tribes providing transit service.

The 2010 Census data is used to determine population and population density for Sections 5303, 5305, 5307 and 5339 as well as rural population and rural land area for the 5311 program. The formulas for Sections 5307, 5311, and 5311(c)(1) include tiers where funding is allocated based on the number of persons living in poverty, and the Section 5310 formula program allocates funding based on the population of older adults and people with disabilities. The Census Bureau no longer publishes decennial census data on persons living in poverty and persons with disabilities. As a result, since FY 2013, FTA has used the data for these populations available via the Census' American Community Survey (ACS). The NTD and Census data that FTA used to calculate the apportionments associated with this notice can be found on FTA's website: *www.transit.dot.gov/funding/apportionments.*

The FY 2020 apportionments use data on low-income persons, persons with disabilities, and older adults from the 2013–2017 ACS five-year data set, which was published in December 2018. This data represents the most recent five-year ACS estimates that are available as of October 1 for the year being apportioned. As was the case in prior years, data on low-income persons comes from ACS Table B17024, ''Age by Ratio of Income to Poverty in the Last Twelve Months,'' and data on people with disabilities under 65 years old comes from ACS Table S1810, ''Disability Characteristics.'' Data on older adults (over 65 years old) comes from ACS Table B01001, ''Sex by Age.''

The Bureau of the Census will carry out the next decennial census in 2020. Data collected during the decennial census impacts the type and amount of funding that FTA recipients are eligible to receive. The Bureau of the Census will issue a list of Urbanized Areas and population statistics based on 2020 Census data. Changes to an area's designation as an urban or rural area will change the grant programs for which recipients in that area are eligible. Changes to the size and population of an area may mean that the area will receive more or less formula funding than it received based on 2010 Census data, or may change whether a recipient receives funding directly from FTA or indirectly from a pass-through entity. It is expected that 2020 Census data will be utilized for FTA funding beginning in FY 2023, after careful processing of the data by the Bureau of the Census, followed by review and evaluation of the data by FTA.

III. FY 2020 Program Highlights

A. Emergency Relief Docket

Pursuant to 49 CFR 601.42, on January 15, 2020 FTA announced the establishment of an Emergency Relief Docket for calendar year 2020. See *https://federalregister.gov/d/2020-00539* for more information. After an emergency or major disaster, if FTA requirements impede a recipient's or subrecipient's ability to respond to the emergency or major disaster, a recipient or subrecipient may submit a request for temporary relief from FTA administrative and statutory requirements. A recipient or subrecipient seeking relief must submit a petition for waiver of FTA requirements at *www.regulations.gov* for posting in the docket (FTA–2020–0001). For additional information on the Emergency Relief Docket, please contact the appropriate FTA Regional Office.

B. Policy Priorities

As FTA implements its programs, it is particularly focused on the following policy priority areas in FY 2020.

1. Accelerating Innovative Mobility

FTA is launching the Accelerating Innovative Mobility (AIM) Initiative to significantly advance the adoption of innovative technologies, practices or service models to improve mobility and the customer experience. Furthermore, the AIM initiative seeks to ensure these new technologies or practices permit interoperability across transit systems.

On March 18, 2020, FTA announced an $11 million Notice of Funding Opportunity under the AIM Initiative to support and advance innovation in the transit industry. AIM challenge grants will help transit agencies explore new service models that provide more efficient and frequent service, which will help retain riders. As a funding partner, FTA will help alleviate the potential risks involved in adopting new technologies and practices.

FTA's Fiscal Year 2020 competitive capital grant programs, which total $615 million, will highlight innovation as part of their selection criteria. This will provide applicants with an opportunity to showcase how they can incorporate new approaches to improve the rider experience. FTA's Technical Assistance Centers will provide targeted technical assistance to deploy successful innovative models and develop case studies and hands-on resources. The centers will hold workshops focused on bringing together transit agencies to discuss best practices, identify barriers, and advance the adoption of new technologies and practices while ensuring safety for riders. More information on the AIM initiative is available at: *www.transit.dot.gov/AIM.*

2. Public Transportation Agency Safety Plans

The Public Transportation Agency Safety Plan (PTASP) regulation at 49 CFR part 673 requires certain operators of public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53 to draft and certify a Public Transportation Agency Safety Plan (ASP) by July 20, 2020. On April 22, 2020, FTA issued a Notice of Enforcement Discretion to alert transit agencies that, until December 31, 2020, FTA will refrain from taking enforcement action against any FTA recipient or subrecipient subject to the PTASP regulation that is unable to certify that it has established an Agency Safety Plan that complies with the regulation by the July 20 compliance deadline. During this time, the PTASP Technical Assistance Center will remain available to meet grantees' PTASP technical assistance needs.

a. Applicability

The PTASP regulation applies to all operators of public transportation systems that are recipients and sub-recipients of federal financial assistance under the Urbanized Area Formula Program (49 U.S.C. 5307) and rail transit agencies that are subject to FTA's State Safety Oversight Program. FTA has deferred applicability of Part 673 for operators that only receive funds through FTA's Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program under 49 U.S.C. 5310 and/or Formula Grants for Rural Areas Program under 49 U.S.C. 5311. In addition, Part 673 does not apply to certain modes of transit service that are subject to the safety jurisdiction of another Federal agency, including passenger ferry operations that are regulated by the United States Coast Guard and commuter rail operations that are regulated by the Federal Railroad Administration.

In addition, States must draft and certify ASPs on behalf of small public transportation providers within a State, unless a small provider opts to draft and certify their own ASP and notifies the

State that they will do so. A small public transportation provider is a transit operator that meets all of the following requirements:

- Is a recipient or sub-recipient of FTA's Urbanized Area Formula Program,
- Operates 100 or fewer vehicles in peak revenue service across all fixed route modes and any each non-fixed route mode, and
- Does not operate rail fixed-guideway public transportation.

Regardless of who drafts and certifies an ASP, each transit operator is required to carry out and implement its own ASP.

State Safety Oversight Agencies must review and approve the ASP of each rail transit agency that they oversee.

b. Certifications and Assurances

Applicants for Urbanized Area Formula Program funds, rail transit agencies that are subject to FTA's State Safety Oversight Program, and States that are required to draft and certify an ASP on behalf of a small public transportation provider must certify that they have met the requirements of the PTASP regulation no later than July 20, 2020. The certification requirement does not apply to any applicant that receives financial assistance from FTA exclusively under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. 5310), the Formula Grants for Rural Areas Program (49 U.S.C. 5311), or combination of these two programs.

Applicants that receive awards prior to fulfilling their requirements under the PTASP regulation and prior to July 20, 2020, will execute all other relevant certifications and then execute the PTASP certification after the requirements are met, but no later than July 20, 2020. After July 20, 2020, FTA will not process a grant application without the PTASP certification.

For more information on the requirements, please visit the PTASP Technical Assistance Center at *https://www.transit.dot.gov/PTASP-TAC.*

3. Value Capture

FTA encourages grantees to consider options to utilize value capture in planning and financing capital projects. Per 49 U.S.C. 5302(24), value capture is the process by which a public agency leverages or recovers a portion of the increased value of properties located near public transportation. Extensive research has shown that public transportation investments can lead to significant increases in land values located close to transit systems due to the increased access to that location. While these increased values typically accrue to private landowners, the public investment leading to these increases may depend upon the return of a portion of that value to finance the project or fund the continuing upkeep and maintenance of the associated transit system infrastructure. This recaptured revenue may reduce the amount of public funding required from Federal, state and local government sources and increase the amount of total funding available for urgent infrastructure projects.

There are many mechanisms available for transit agencies and local governments to recover or leverage the increased value that transit creates to generate revenues to fund current transit operations or future capital investments. Examples include tax increment financing, impact fees, joint development, sale of air rights or naming rights, special assessment districts, and others. Value capture revenues are also eligible to be used as local match for Federal grants (49 U.S.C. 5323(s)).

Recognizing that value capture can help to promote transit-supportive land uses and can optimize the benefits of transit investments, FTA intends to solicit comment from transit agencies, local governments, land developers and other stakeholders on how FTA can support and better assess the use of value capture for public transportation projects. The upcoming call for public comment will include several questions regarding how FTA identifies, supports and assesses value capture through its funding programs and related policies.

4. Coordinating Council on Access and Mobility

The Coordinating Council on Access and Mobility (CCAM) is an interagency partnership established by Executive Order 13330 to coordinate the efforts of the Federal agencies that fund transportation services for transportation disadvantaged populations. The CCAM met on October 29, 2019 and adopted a new Strategic Plan. To facilitate coordination the CCAM has clarified the ability to use federal funds as match and the applicability of FTA's Charter Service Regulations.

a. Federal Braiding of Funds

Federal fund braiding refers to funding arrangements in which funds from one federal program are used to meet the local match requirements of another. FTA Urbanized Area Formula Grants (49 U.S.C. 5307), Enhanced Mobility of Seniors and Individuals with Disabilities Formula Grants (49 U.S.C. 5310), Formula Grants for Rural Areas (49 U.S.C. 5311) and Tribal Transit Program Formula Grants (49 U.S.C. 5311(c)(1)(B)) allow federal funds from outside the Department of Transportation (DOT) to be used as local match. In 2019, the Coordinating Council on Access and Mobility (CCAM) partner agencies developed the CCAM Program Inventory which identifies 130 Federal programs that may fund transportation services for people with disabilities, older adults, and/or individuals of low income. For instance, sixty-six programs from the U.S. Department of Health and Human Services (HHS) are eligible to be used as local match for Section 5307, 5310, 5311 and 5311(c)(1)(B) grants.

b. Coordination and FTA's Charter Service Regulations

FTA's Charter Service Regulations (49 CFR part 604), which implement 49 U.S.C. 5323(d), have limited exceptions when an FTA grantee may provide charter service, including services provided by Qualified Human Service Organizations (QHSO) serving elderly, persons with disabilities, and low-income individuals. The Charter Rule exception for QHSOs applies to organizations that are either registered on the FTA website on a bi-annual basis, or receive funding from one of the sources listed in *Charter Rule Appendix A* published on January 14, 2008. In addition, individual demand response service is excluded from the definition of Charter service. To learn more, visit FTA's Charter service website: *https://www.transit.dot.gov/regulations-and-guidance/access/charter-bus-service/charter-bus-service-regulations-0.*

5. Rural Opportunities To Use Transportation for Economic Success (ROUTES)

Rural transportation infrastructure faces significant challenges. Over 70 percent of America's road miles are in rural areas. While one-fifth of Americans live in rural areas, rural America's traffic fatalities are disproportionately high, totaling 46 percent of fatalities in 2018. Further, of the nation's bridges that are posted for weight limits, 90 percent are in rural areas.

The new ROUTES Initiative will address these challenges by assisting rural stakeholders in understanding how to access DOT grants and financing products, and developing data-driven approaches to better assess needs and benefits of rural transportation projects. This builds on DOT's Transportation Infrastructure Finance and Innovation Act Loan Program's Rural Project

Initiative, which offers lower project-cost thresholds for loan eligibility, low subsidized interest rates, and the coverage of fees to encourage use of the credit program for infrastructure projects in rural areas. DOT will engage rural transportation stakeholders at events over the coming year to educate project sponsors about the funding and finance opportunities at DOT, as well as to receive their feedback.

Consistent with the ROUTES Initiative, FTA will encourage applicants to FY 2020 competitive funding opportunities to consider how their proposed projects will address the challenges faced by rural areas.

DOT also formed a rural transportation infrastructure council, the ROUTES Council, to lead the way on this initiative. This new internal deliberative body at DOT will identify critical rural transportation concerns and coordinate efforts among DOT's different modal administrations. The Council will initially review public comments and create a rural resources handbook. The first meeting was held in November 2019. To learn more, visit the ROUTES Initiative website: *https://www.transportation.gov/rural.*

6. Opportunity Zones

Despite the growing national economy, economically distressed communities are located in every corner of the United States and its territories. These communities have high levels of poverty, failing schools, job scarcity, and a lack of investment. A new tax incentive, Opportunity Zones, was created by the 2017 Tax Cuts and Jobs Act to spur economic development and job creation by encouraging long-term investment in low-income communities nationwide.

The Opportunity Zone designation encourages investment in communities by granting investors extensive Federal tax advantages for using their capital gains to finance new projects and enterprises. There are more than 8,700 designated Qualified Opportunity Zones located in all 50 States, the District of Columbia, and five United States territories. Of the Qualified Opportunity Zones 40 percent are in rural census tracts, 38 percent are in urban tracts, and 22 percent are in suburban tracts.

In determining the allocation of competitive program funds, FTA may prioritize projects located in or that support public transportation service in a qualified Opportunity Zone.

C. FY 2020 Competitive Program Funding

FTA's competitive grants programs and the FY 2020 appropriated funding levels are identified in the chart below. FTA selects projects for funding after issuance of a Notice of Funding Opportunity. Additional information about each competitive program is in Section III of this notice.

FY 2020 competitive programs	Statute 49 U.S.C.	2020 amount ($M)	NOFO published	Applications due
Pilot Program for Innovative Coordinated Access and Mobility.	FAST Section 3006(b)	$3.50	Nov 1, 2019	Jan 6, 2020.
Low or No Emission Grants Competitive Program	5339(c)	130.00	Jan 17, 2020	Mar 17, 2020.
Grants for Buses and Bus Facilities Competitive Program	5339(b)	454.63	Jan 30, 2020	April 29, 2020.
Passenger Ferry Grant Program	5307(h)	30.00	Jan 30, 2020	April 29, 2020.
Redesign of Transit Bus Operator Compartment	5312	2.00	Feb 11, 2020	Mar 24, 2020.
Safety Research Demonstrations	5312	7.30	Feb 13, 2020	Mar 24, 2020.
Helping Provide Prosperity for Everyone (HOPE) Grants		8.50	Mar 3, 2020	June 3, 2020.
Accelerating Innovative Mobility Challenge Grants	5312	11.00	Mar 18, 2020	May 18, 2020.
Tribal Transit	5311(c)(1)(A)	5.00	May 2020	August 2020.
Real-Time Infrastructure and Rolling Stock Condition Assessment Demonstrations.	5312	1.25	TBD	TBD.
Transit Oriented Development Planning Grants	MAP–21 20005(b)	TBD	TBD	TBD.

D. National Defense Authorization Act for FY 2020

Section 7613 of the National Defense Authorization Act for FY 2020 (NDAA) amends 49 U.S.C. 5323 to add subsections (u) Limitation on Certain Rail Rolling Stock Procurements and (v) Cybersecurity Certification for Rail Rolling Stock and Operations. FTA issued guidance to help transit agencies and transit vehicle manufacturers understand and comply with the prohibitions on FTA-funded rolling stock procurements contained in the FY2020 NDAA found at *https://www.congress.gov/116/bills/s1790/BILLS-116s1790enr.pdf.* The NDAA frequently asked questions are based on inquiries from grantees and transit vehicle manufacture and can be found at *https://www.transit.dot.gov/funding/procurement/frequently-asked-questions-regarding-section-7613-national-defense.*

IV. FY 2020 Program-Specific Information

A. Metropolitan Planning Program (49 U.S.C. 5303 and 5305(d))

Section 5305(d) authorizes Federal funding to support a cooperative, continuous, and comprehensive planning program for transportation investment decision-making at the metropolitan area level. The specific requirements of metropolitan transportation planning are set forth in 49 U.S.C. 5303 and further explained in 23 CFR part 450, as incorporated by reference in 49 CFR part 613, Planning Assistance and Standards. The State DOTs are the designated recipients of Metropolitan Planning Programs (MPP) and State Planning and Research Program (SPRP) funds allocated by FTA, which are then sub-allocated to Metropolitan Planning Organizations (MPOs) for planning activities that support the economic vitality of the metropolitan area. The Secretary has the discretion to award MPP and SPRP assistance to States, authorities of States, MPOs, and local governmental authorities.

Each MPO must establish specific performance targets against system performance measures issued by DOT, and use these in tracking progress towards attaining critical outcomes. The MPO must coordinate with States and transit providers in setting these targets. MPOs must provide a system performance report that evaluates progress in meeting the performance targets in comparison with the system performance identified in prior reports. MPP funding must support work resulting in balanced and comprehensive intermodal transportation planning for the movement of people and goods in the metropolitan area. Comprehensive transportation planning is not limited to transit planning or surface transportation planning, but also encompasses the relationships among

land use and all transportation modes, without regard to the programmatic source of Federal assistance. MPP funds may be used for studies relating to management, mobility management, planning, operations, capital requirements, economic feasibility, performance-based planning, safety, and transit asset management. Funds may be used to develop or update the metropolitan planning agreements, and to evaluate previously funded projects or to conduct peer reviews and exchanges of technical data, information, or assistance, among MPOs and other transportation planners. Funds may be used for planning for multimodal transportation access to transit facilities; system planning; scenario planning; corridor-level alternative analysis; development of federally required documents, including the Transit Asset Management Plan and Public Transportation Agency Safety Plan; safety, security and emergency transportation planning; coordinated public transit human services transportation planning; transportation and air quality planning and conformity analysis; and public participation in the transportation planning, including the development of the Public Participation Plan. An exhaustive list of eligible work activities is provided in FTA Circular 8100.1D, Program Guidance for Metropolitan Planning and State Planning and Research Program Grants, dated September 10, 2018.

For more information about the Metropolitan Planning program, please contact Victor Austin at (202) 366–2996 or victor.austin@dot.gov.

1. Authorized Amounts

Federal public transportation law authorizes $142,036,417 to carry out section 5305. Of the amounts authorized for Section 5305, 82.72 percent, or $117,492,524, is made available to the Metropolitan Planning Program in FY 2020 to provide financial assistance for metropolitan planning needs under Section 5303.

2. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $117,492,524 is available to the Metropolitan Planning Program (Section 5305(d)) to support metropolitan transportation planning activities set forth in Section 5303. The total amount apportioned for the Metropolitan Planning Program to States for use by MPOs in urbanized areas (UZAs) is $123,181,798 as shown in the table below, after the deduction for oversight (authorized by Section 5338) and the addition of reapportioned funds.

METROPOLITAN PLANNING PROGRAM

Total FY 2020 Appropriation Available	$117,492,524
Oversight Deduction	(587,463)
Reapportioned Funds	6,276,737
Total Apportioned	123,181,798

3. Period of Availability

The Metropolitan Planning program funds apportioned in this notice are available for obligation during FY 2020 plus three additional fiscal years. Funds apportioned in FY 2020 must be obligated in grants by September 30, 2023. Any FY 2020 apportioned funds that remain unobligated at the close of business on September 30, 2023, will revert to FTA for reapportionment under the Metropolitan Planning Program.

B. State Planning and Research Program (49 U.S.C. 5304 and 5305(e))

This program provides financial assistance to States for statewide transportation planning and other technical assistance activities, including supplementing the technical assistance program provided through the Metropolitan Planning program and planning support for non-urbanized areas. The specific requirements of Statewide transportation planning are set forth in 49 U.S.C. 5304 and further explained in 23 CFR part 450 as referenced in 49 CFR part 613, Planning Assistance and Standards. State DOTs are required to reference performance measures and performance targets within the Statewide Planning process. This funding must support work resulting in balanced and comprehensive intermodal transportation planning for the movement of people and goods and has the same eligibilities as MPP funds.

For more information about the State Planning and Research program, please contact Victor Austin at (202) 366–2996 or victor.austin@dot.gov.

1. Authorized Amounts

Federal public transportation law authorizes $24,543,893 in FY 2020, to provide financial assistance for statewide planning and other technical assistance activities under Section 5305. As specified in law, this represents the 17.28 percent of the amounts available for Section 5305 that are allocated to the Statewide Planning and Research program.

2. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $24,543,893 is available for the State Planning and Research Program (Section 5305(e)). The total amount apportioned for the State Planning and Research Program (SPRP) is $24,421,174 as shown in the table below, after the deduction for oversight (authorized by Section 5338).

STATEWIDE TRANSPORTATION PLANNING PROGRAM

Total FY 2020 Appropriation Available	$24,543,893
Oversight Deduction	(122,719)
Total Apportioned	24,421,174

States' apportionments for this program are displayed in Table 2.

3. Period of Availability

The State Planning and Research program funds apportioned in this notice are available for obligation during FY 2020 plus three additional fiscal years. Accordingly, funds apportioned in FY 2020 must be obligated in grants by September 30, 2023. Any FY 2020 apportioned funds that remain

unobligated at the close of business on September 30, 2023 will revert to FTA for reapportionment under the State Planning and Research program.

C. Urbanized Area Formula Program (49 U.S.C. 5307)

The Urbanized Area Formula Program provides financial assistance to designated recipients in urbanized areas (UZAs) for capital investments in public transportation systems, planning, job access and reverse commute projects, and, in some cases, operating assistance. FTA apportions funds for this program through a statutory formula. Of the amount authorized for Section 5307 each year, $30 million is set aside for the competitive Passenger Ferry Grant Program (Ferry program), as authorized under 49 U.S.C. 5307(h). The Ferry program offers financial assistance to public ferry systems in urbanized areas for capital projects. Projects are selected annually through a funding competition. Additionally, 0.5 percent will be apportioned to eligible States for State Safety Oversight (SSO) Program grants, and 0.75 percent will be set aside for program oversight. Further information on the 0.5 percent apportionment to States for the State Safety Oversight Program is provided in section IV.M. of this notice.

For more information about the Urbanized Area Formula Program, Contact John Bodnar at (202) 366–9091 or john.bodnar@dot.gov. For more information about the Ferry program, contact Vanessa Williams at (202) 366–4818 or vanessa.williams@dot.gov.

1. Authorized Amounts

Federal public transportation law authorizes $4,929,452,499 in FY 2020 to provide financial assistance for urbanized areas under Section 5307.

2. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $4,929,452,499 is available for the Urbanized Area Formula program. The total amount apportioned is $5,371,536,821, which includes the addition of reapportioned funds and amounts apportioned to UZAs pursuant to the Section 5340 Growing States and High-Density States Formula factors. This amount to UZAs excludes the set-aside of $30 million for the Ferry program, apportionments under the State Safety Oversight Program, and oversight (authorized by Section 5338), as shown in the table below:

URBANIZED AREA FORMULA PROGRAM

Total FY 2020 Appropriation Available	[a] $4,929,452,499
Oversight Deduction	(36,970,894)
State Safety Oversight Program	(24,647,263)
Ferry Discretionary Program	(30,000,000)
5340 High Density States	309,364,074
5340 Growing States	215,020,586
Reapportioned Funds	9,317,819
Total Apportioned	5,371,536,821

[a] Includes 1.5 percent set-aside for Small Transit Intensive Cities Formula Table 3 displays the amounts apportioned under the Urbanized Area Formula Program.

3. Period of Availability

Funds made available under the Urbanized Area Formula Program are available for obligation during the year of apportionment plus five additional years. Accordingly, funds apportioned in FY 2020 must be obligated by September 30, 2025. Any FY 2020 apportioned funds that remain unobligated at the close of business on September 30, 2025 will revert to FTA for reapportionment under the Urbanized Area Formula Program.

Funds allocated under the Ferry program have the same period of availability as Section 5307. Accordingly, funds allocated in FY 2020 must be obligated by September 30, 2025. Any of the funds allocated in FY 2020 that remain unobligated at the close of business on September 30, 2025 will revert to FTA for reallocation under the Ferry program. Competitive Ferry program funds are available for obligation during the FY in which funds are allocated/awarded to projects plus five additional years.

D. Fixed Guideway Capital Investment Grants Program (49 U.S.C. 5309)

The Capital Investment Grants (CIG) Program includes four types of eligible projects: New Starts projects, Small Starts projects, Core Capacity Improvement projects, and Programs of Inter-related Projects. Funding is provided for construction of: (1) New fixed guideway systems or extensions to existing fixed guideway systems such as rapid rail (heavy rail), commuter rail, light rail, trolleybus (using overhead catenary), cable car, passenger ferries, and bus rapid transit operating on an exclusive transit lane for the majority of the corridor length during peak periods that also includes features that emulate the services provided by rail fixed guideway, including defined stations, traffic signal priority for public transit vehicles, and short headway bi-directional service for a substantial part of weekdays and weekends; (2) corridor-based bus rapid transit service that does not operate on an exclusive transit lane but includes features that emulate the services provided by rail fixed guideway, including defined stations, traffic signal priority for public transit vehicles, and short headway bi-directional services for a substantial part of weekdays; (3) projects that expand the capacity by at least 10 percent in an existing fixed guideway corridor that is at capacity today or will be in five years; and (4) programs of two or more interrelated projects as described above that have logical connectivity with one another and will all begin construction in a reasonable timeframe. FAST Act Section 3005(b) authorizes an Expedited Project Delivery for the CIG Pilot Program.

For more information about the Capital Investment Grant program contact Elizabeth Day, Office of Capital Project Development, at (202) 366–5159 or elizabeth.day@dot.gov. For information about published allocations contact Eric Hu, Office of Transit Programs, at (202) 366–0870 or eric.hu@dot.gov.

1. Authorized Amounts

Federal public transportation law authorizes $2,301,785,760 in FY 2020, to provide financial assistance for Capital Investment Grants under Section 5309 and Section 3005(b) of the FAST Act.

2. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $1,978,000,000 is available for Capital Investment Grants for the Fixed Guideway Capital Investment Grants Program and the FAST Act Section 3005(b) Expedited Project Delivery for CIG Pilot Program. The Further Consolidated Appropriations Act, 2020 requires that $1,681,300,000 of the amount available must be allocated by December 31, 2021. The funds are available to be allocated in the following amounts: $1,458,000,000 for New Starts projects; $300,000,000 for Core Capacity projects; $100,000,000 for Small Starts projects; $100,000,000 for FAST Act Section 3005(b) Expedited Project Delivery for CIG Pilot Program projects and $19,780,000 for Oversight. The total amount available for projects is $1,958,220,000 as shown in the table below, after the deduction for oversight (authorized by Section 5338).

CAPITAL INVESTMENT GRANTS PROGRAM

Total FY 2020 Appropriation Available	[a] $1,978,000,000
Oversight Deduction	(19,780,000)
Total Apportioned	1,958,220,000

[a] Includes $220,000 in unallocated funds.

3. Period of Availability

Capital Investment Grant program funds apportioned in this notice are available for obligation during FY 2020 plus three additional fiscal years. Accordingly, funds apportioned in FY 2020 must be obligated in grants by September 30, 2023.

Section 143 of the Further Consolidated Appropriations Act, 2020, Public Law 116–94, eliminated the requirement for a portion of FY 2018 CIG funds to be obligated by December 31, 2019 and a portion of FY 2019 funds to be obligated by December 31, 2020. All FY 2018 CIG funds must now be obligated by September 30, 2021 and must be disbursed by the recipient by September 30, 2026. All FY 2019 CIG funds must now be obligated by September 30, 2022 and must be disbursed by the recipient by September 30, 2027.

E. Formula Grants for the Enhanced Mobility of Seniors and Individuals With Disabilities Program (49 U.S.C. 5310)

The Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program provides formula funding to states and urbanized areas for meeting the transportation needs of older adults and people with disabilities when the public transportation service provided is unavailable, insufficient, or inappropriate to meet these needs. The program aims to improve mobility for seniors and individuals with disabilities by removing barriers to transportation service and expanding transportation mobility options. The Pilot Program for Innovative Coordinated Access and Mobility Program (Pilot Program) was established by Section 3006(b) of the FAST Act. The purpose of the program is to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation (NEMT) services, including, for example, the deployment of coordination technology, and projects that create or increase access to community One-Call/One-Click Centers.

For more information about the Enhanced Mobility of Seniors and Individuals with Disabilities program, please contact Amy Fong at (202) 366–0876 or amy.fong@dot.gov.

1. Authorized Amounts

Federal public transportation law authorizes $285,574,688 in FY 2020 to provide formula funding to designated recipients and states for meeting the transportation needs of older adults and people with disabilities. The law also authorizes $3.50 million for the competitive Innovative Coordinated Access and Mobility Pilot Program.

2. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $285,574,688 is available for the Section 5310 formula program. The total amount apportioned is $288,155,908 after the oversight deduction and the addition of reapportioned funds as shown in the table below. A total of $3,500,000 is available for the competitive Pilot Program.

FORMULA GRANTS FOR THE ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM

Total FY 2020 Appropriation Available	$285,574,688
Oversight Deduction	(1,427,873)
Reapportioned Funds	4,009,093
Total Apportioned	288,155,908

3. Period of Availability

The Enhanced Mobility of Seniors and Individuals with Disabilities program funds apportioned in this notice are available for obligation during FY 2020 plus two additional fiscal years. Accordingly, funds apportioned in FY 2020 must be obligated in grants by September 30, 2022. Any FY 2020 apportioned funds that remain unobligated at the close of business on September 30, 2022, will revert to FTA for reapportionment among the States and urbanized areas.

F. Formula Grants for Rural Areas Program (49 U.S.C. 5311)

The Formula Grants for Rural Areas Program provides formula funding to States and Indian tribes for supporting public transportation in areas with a population of less than 50,000. Funding may be used for capital, operating, planning, job access and reverse commute projects, and State administration expenses. Eligible subrecipients include State and local governmental authorities, Indian Tribes, private non-profit organizations, and

private intercity bus companies. Indian Tribes are also eligible direct recipients under the Formula Grants for Rural Areas Program, both for funds apportioned to the States and for projects apportioned or competitively selected to be funded with funds set aside from the Tribal Transit Program.

For more information about the Formula Grants for Rural Areas program, please contact Élan Flippin at (202) 366–3800 or elan.flippin@dot.gov.

1. Authorized Amounts

Federal public transportation law authorizes $673,299,658 for FY 2020 to provide financial assistance for rural areas under the Formula Grants for Rural Areas Program. This amount includes $35 million for the Tribal Transit Program; $20 million for the Appalachian Program; $13,465,993 for the Rural Transit Assistance Program; and $604,833,664 for the Rural Formula Program.

2. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $644,033,664 is available for the Rural Area Formula Program. The total amount apportioned to the program is $727,197,332 as shown in the table below, after the addition of reapportioned funds, the addition of Section 5340(c) Growing States funds, and the oversight deduction authorized by Section 5338.

GRANTS FOR RURAL AREAS FORMULA PROGRAM

Total FY 2020 Appropriation Available	$644,033,664
Oversight Deduction	(3,566,498)
5340 Growing States	85,648,257
Reapportioned Funds	1,081,909
Total Apportioned	727,197,333

3. Period of Availability

The Formula Grants for Rural Areas Program funds apportioned in this notice are available for obligation during FY 2020 plus two additional fiscal years. Accordingly, funds apportioned in FY 2020 must be obligated in grants by September 30, 2022. Any FY 2020 apportioned funds that remain unobligated at the close of business on September 30, 2022, will revert to FTA for reapportionment under the Formula Grants for Rural Areas Program.

G. Rural Transportation Assistance Program (49 U.S.C. 5311(b)(3))

This program provides funding to assist in the design and implementation of training and technical assistance projects, research, and other support services tailored to meet the needs of transit operators in rural areas.

For more information about Rural Transportation Assistance Program (RTAP), please contact Élan Flippin at (202) 366–3800 or elan.flippin@dot.gov.

1. Authorized Amounts

Federal public transportation law authorized $13,465,993, or two percent of the funds made available for the Formula Grants for Rural Areas Program, to be made available for the Rural Transportation Assistance Program (RTAP). Of the two percent takedown, 15 percent is reserved for the National Rural Transit Assistance Program (NRTAP). The remainder is available for allocation to the States.

2. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $14,265,993 is available for the RTAP. The total amount apportioned for RTAP is $12,126,094 as shown in the table below, after the deduction for NRTAP.

RURAL TRANSPORTATION ASSISTANCE PROGRAM (RTAP)

Total FY 2020 Appropriation Available	$14,265,993
National RTAP	(2,139,899)
Total Apportioned	12,126,094

3. Period of Availability

The RTAP funds apportioned in this notice are available for obligation during FY 2020 plus two additional fiscal years. Accordingly, funds apportioned in FY 2020 must be obligated in grants by September 30, 2022.

H. Appalachian Development Public Transportation Assistance Program (49 U.S.C. 5311(c)(2))

This program is a take-down under the Formula Grants for Rural Areas Program to provide additional funding to support public transportation in the Appalachian region. There are thirteen eligible States that receive an allocation under this provision. The State allocations are shown in the Formula Grants for Rural Areas Program table posted on FTA's website on the FY 2020 Apportionments page.

For more information about the Appalachian Development Public Transportation Assistance Program, please contact Élan Flippin at (202) 366–3800 or elan.flippin@dot.gov.

1. Authorized Amounts

Federal public transportation law authorizes $20 million in FY 2020 as a take-down under the Formula Grants for Rural Areas program to support public transportation in the Appalachian region.

2. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $20 million is available.

APPALACHIAN DEVELOPMENT PUBLIC TRANSPORTATION ASSISTANCE PROGRAM

Total FY 2020 Appropriation Available	$20,000,000
Total Apportioned	20,000,000

3. Period of Availability

The Appalachian program funds apportioned in this notice are available for obligation during FY 2020 plus two additional fiscal years, consistent with that established for the Formula Grants for Rural Areas Program.

I. Public Transportation on Indian Reservations Program (49 U.S.C. 5311(c)(1))

The Public Transportation on Indian Reservations Program, or Tribal Transit Program (TTP), totals $35 million, of which $30 million is for a formula program and $5 million is for a competitive grant program. It is funded as a takedown from funds made available for the Formula Grants for Rural Areas program. Formula factors include vehicle revenue miles and the number of low-income individuals residing on tribal lands (defined as American Indian Areas and Alaska Native Areas). Eligible direct recipients are Federally recognized Indian tribes and Alaskan Native Villages providing public transportation in rural areas. The TTP funds are allocated for grants to eligible recipients for any purpose eligible under Formula Grants for Rural Areas program, which includes capital, operating, planning, and job access and reverse commute projects.

For more information about the Tribal Transit Program, contact Amy Fong, Office of Transit Programs at (202) 366–0876 or amy.fong@dot.gov.

1. Authorized Amounts

Federal public transportation law authorizes $35 million in FY 2020 to provide assistance to tribes through the Public Transportation on Indian Reservations formula and competitive programs.

2. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $30 million is available for the formula program and $5 million for the competitive program. The total apportioned for the formula program is $32,604,193 after the addition of reapportioned funds.

PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAM FORMULA GRANTS

Total FY 2020 Appropriation Available	$30,000,000
Reapportioned Funds	2,604,193
Total Apportioned	32,604,193

PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAM COMPETITIVE GRANTS

Total FY 2020 Appropriation Available	$5,000,000
Total Apportioned	5,000,000

3. Period of Availability

The TTP formula program funds apportioned in this notice are available for obligation during FY 2020 plus two additional fiscal years. Accordingly, funds apportioned in FY 2020 must be obligated in grants by September 30, 2022. Any FY 2020 apportioned funds that remain unobligated at the close of business on September 30, 2022, will revert to FTA for reapportionment under the TTP formula program. Competitive TTP funds are available for obligation during the FY in which funds are awarded to projects plus two additional years.

J. Public Transportation Innovation (49 U.S.C. 5312)

Public Transportation Innovation is FTA's research program with the overarching statutory goal to improve public transportation. The law specifies research focus areas, including providing more effective and efficient public transportation service; mobility management; system capacity; advanced vehicle design; asset maintenance; construction and project management; environment and energy efficiency; and safety improvements. FTA may make grants, enter into contracts, cooperative agreements, and other agreements to carry out the research, development, demonstration, and deployment projects, including research and technology of national significance to public transportation.

Within this section are three distinct programs: (a) A Research, Development, Demonstration, Deployment, and Evaluation program (49 U.S.C. 5312(b–e)); (b) a Low or No Emission Vehicle Component Assessment Program (LoNo-CAP) (49 U.S.C. 5312(h)); and (c) a Transit Cooperative Research Program (49 U.S.C. 5312(i)). Eligible recipients can be departments, agencies, and governmental agencies, including Federal Laboratories; state and local entities; providers of public transportation; private or non-profit organizations; institutions of higher education; and technical community colleges. Each program area has specific requirements relating to the type of organization that may receive a grant or enter an agreement.

The types of research eligible for funding are broad and include: Opportunities to enhance public transportation operational effectiveness and efficiency; improve services; leverage new types of vehicle technologies; utilize transformative technologies to improve public transportation; field new mobility models; and support increased safety.

For more information about the Public Transportation Innovation program (Sections 5312(b–e) and 5312(i)), contact Edwin Rodriguez, Office of Research, Demonstration and Innovation at (202) 366–0671 or edwin.rodriguez@dot.gov.

For more information about the LoNo-CAP program (Section 5312(h)), please contact Sam Yimer at (202) 366–1321 or samuel.yimer@dot.gov.

1. Authorized Amounts

Federal public transportation law authorizes $28 million in FY 2020 funding for the Public Transportation Innovation program.

2. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $36,500,000 is available for the Public Transportation Innovation program. The total amounts apportioned to each subcomponent of the program is shown below in the table.

PUBLIC TRANSPORTATION INNOVATION PROGRAM

Research, Development, Demonstration, Deployment, & Evaluation	$25,500,000
Low or No Emission Vehicle Component Testing	3,000,000
Transit Cooperative Research Program (TCRP)	5,000,000
Low or No Emission Bus Testing	3,000,000
Total Apportioned	36,500,000

3. Period of Availability

Funding is available until expended.

K. Technical Assistance and Workforce Development (49 U.S.C. 5314)

1. Authorized Amounts

Federal public transportation law authorizes $9 million in contract authority for the Technical Assistance and Workforce Development Program, of which $5 million is authorized for NTI. An additional $5 million is authorized to be appropriated from the general fund.

2. FY 2020 Funding Availability

In FY 2020 under the Further Consolidated Appropriations Act, 2020, $14 million is available for the Technical Assistance and Workforce Development program, as shown in the table below. Of the available amounts $5 million is available for the NTI.

TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT

Total FY 2020 Appropriation Available	$14,000,000
Total Apportioned	14,000,000

3. Period of Availability

FTA establishes the period in which the funds must be obligated to each project. If the funds are not obligated within that time, they revert to FTA for reallocation under the program.

L. Public Transportation Emergency Relief Program (49 U.S.C. 5324)

For more information about the Emergency Relief Program, please contact Thomas Wilson at (202) 366–5279 or thomas.wilson@dot.gov.

M. State Safety Oversight Formula Program (49 U.S.C. 5329)

The State Safety Oversight Formula Program provides funding to support States with rail fixed guideway public transportation systems (rail transit systems) to develop and carry out State Safety Oversight (SSO) Programs consistent with the requirements of 49 U.S.C. 5329.

For more information about the State Safety Oversight Program, please contact Kimberly Burtch at (202) 366–0816 or kimberly.burtch@dot.gov.

1. Authorized Amounts

Federal public transportation law authorizes $24,647,263 in FY 2020 to provide funding to support States in developing and carrying out the SSO Program.

2. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $24,647,263 is available for the State Safety Oversight (SSO) Formula program as shown in the table below.

STATE SAFETY OVERSIGHT FORMULA PROGRAM

Total FY 2020 Appropriation Available	$24,647,263
Total Apportioned	24,647,263

3. Period of Availability

SSO Formula Grant Program funds are available for the year of apportionment plus, two additional years. Any FY 2020 funds that remain unobligated at the close of business on September 30, 2022 will revert to FTA for reapportionment under the SSO Formula Grant Program.

N. State of Good Repair Program (49 U.S.C. 5337)

The State of Good Repair Program provides financial assistance to designated recipients in Urbanized Areas (UZAs) with fixed guideway and high-intensity motorbus systems for capital investments that maintain, rehabilitate, and replace aging transit assets and bring fixed guideway and high intensity motorbus systems into a state of good repair. FTA apportions funds for this program through a statutory formula using data reported to the National Transit Database (NTD).

For more information about the State of Good Repair program, please contact Eric Hu at (202) 366–0870 or eric.hu@dot.gov.

1. Authorized Amounts

Federal public transportation law authorizes $2,683,798,369 in FY 2020 for the State of Good Repair Program.

2. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $2,683,798,369 is available for the State of Good Repair Program. The total amount apportioned is $2,656,960,385

after the deduction for oversight as shown in the table below. Of the total amount apportioned, $2,581,237,014 is apportioned to the High Intensity Fixed Guideway Formula and $75,723,371 is apportioned to the High Intensity Motorbus Formula.

STATE OF GOOD REPAIR PROGRAM

Total FY 2020 Appropriation Available	$2,683,798,369
Oversight Deduction	(26,837,984)
Total Apportioned	2,656,960,385
High Intensity Fixed Guideway Formula	2,581,237,014
High Intensity Motorbus Formula	75,723,371
Total Apportioned	2,656,960,385

3. Period of Availability

The State of Good Repair Program funds apportioned in this notice are available for obligation during FY 2020 plus three additional years. Accordingly, funds apportioned in FY 2020 must be obligated in grants by September 30, 2023. Any FY 2020 apportioned funds that remain unobligated at the close of business on September 30, 2023 will revert to FTA for reappointment under the State of Good Repair Program.

O. Grants for Buses and Bus Facilities Program (49 U.S.C. 5339)

The Grants for Buses and Bus Facilities Program provides financial assistance to states, local governmental entities that operate fixed route bus service, and designated recipients for capital investments in public transportation systems to replace, rehabilitate, lease, and purchase buses and related equipment and to construct bus-related facilities, including technological changes or innovations to modify low or no emission vehicles or facilities. Funding is provided through Section 5339(a) formula allocations, Section 5339(b) competitive grants, and Section 5339(c) low or no emission grants.

For more information about the Grants for Buses and Bus Facilities Formula Program, please contact John Bodnar at (202) 366–9091 or john.bodnar@dot.gov. For more information about the competitive Low or No Emissions Grant Program, please contact Victor Waldron at (202) 366–5183 or victor.waldron@dot.gov. For more information about the Grants for Buses and Bus Facilities Competitive Program please contact Mark G. Bathrick at (202) 366–9955 or mark.bathrick@dot.gov.

1. Authorized Amounts

Federal public transportation law authorizes $808,653,915 in FY 2020 to provide financial assistance for Grants for Buses and Bus Facilities. Of this amount, $464,609,736 is authorized for the Grants for Buses and Bus Facilities Formula program and $344,044,179 for the Grants for Buses and Bus Facilities Competitive program, of which $55,000,000 is available for the Low or No Emissions program.

2. Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $1,221,653,915 is available for Grants for Buses and Bus Facilities. Of this amount $627,865,163 is available for the Grants for Buses and Bus Facilities Formula Program, $454,626,348 is available for the Grants for Buses and Bus Facilities Competitive Program, and $130,000,000 is available for the Low or No Emission Grants Program after the takedown for oversight.

FORMULA GRANTS FOR BUSES AND BUS FACILITIES

Total FY 2020 Appropriation Available	$632,609,736
Oversight Deduction	(4,744,573)
Total Apportioned	627,865,163

COMPETITIVE GRANTS FOR BUSES AND BUS FACILITIES

Total FY 2020 Appropriation Available	589,044,179
Oversight Deduction	(4,417,831)
Less Section 5339(c) Low or No Emission Grants (Competitive)	(130,000,000)
Total Apportioned	454,626,348

SECTION 5339(C) LOW OR NO EMISSION GRANTS (COMPETITIVE)

Total FY 2020 Appropriation Available	130,000,000
Total Apportioned	130,000,000

3. Period of Availability

The Buses and Bus Facilities Program formula funds apportioned in this notice are available for obligation during FY 2020 plus three additional years. Accordingly, funds apportioned in FY 2020 must be obligated in grants by September 30, 2023. Any FY 2020 apportioned funds that remain unobligated at the close of business on September 30, 2023 will revert to FTA for reapportionment under the Buses and Bus Facilities Formula Program. Competitive 5339(b) and 5339(c) funds are available for obligation during the

FY in which funds are allocated/awarded to projects plus three additional years.

P. Growing States and High-Density States Formula Factors (49 U.S.C. 5340)

Federal public transportation law authorizes the use of formula factors to distribute additional funds to the Section 5307 Urbanized Area Formula program and Section 5311 Formula Grants for Rural Areas program for growing states and high-density states. FTA will continue to publish single urbanized and rural apportionments that show the total amount for Section 5307 and 5311 programs that includes Section 5340 apportionments for these programs.

For more information about this program, please contact John Bodnar at (202) 366–9091 or john.bodnar@dot.gov.

1. Authorized Amounts

Federal public transportation law authorizes $570,032,917 for apportionment in FY 2020 for the Growing States and High-Density States Formula factors.

2. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $610,032,917 is available for the Growing States and High-Density States formula.

GROWING STATES AND HIGH-DENSITY STATES FORMULA FACTORS

Growing States	$300,668,843
High-Density States	309,364,074
Total Apportioned	610,032,917

3. Basis for Formula Apportionment

Under the Growing States portion of the Section 5340 formula, FTA projects each State's 2025 population by comparing each State's apportionment year population (as determined by the Census Bureau) to the State's 2010 Census population and extrapolating to 2025 based on each State's rate of population growth between 2010 and the apportionment year. Each State receives a share of Growing States funds based on its projected 2025 population relative to the nationwide projected 2025 population.

Once each State's share is calculated, funds attributable to that State are divided into an urbanized area allocation and a non-urbanized area allocation based on the percentage of each State's 2010 Census population that resides in urbanized and non-urbanized areas. Urbanized Areas receive portions of their State's urbanized area allocation based on the 2010 Census population in that urbanized area relative to the total 2010 Census population in all urbanized areas in the State. These amounts are added to the Urbanized Area's Section 5307 apportionment. The States' rural area allocation is added to the allocation that each State receives under the Formula Grants for Rural Areas program.

The High-Density States portion of the Section 5340 formula are allocated to urbanized areas in States with a population density equal to or greater than 370 persons per square mile. Based on this threshold and 2010 Census data, the States that qualify are Maryland, Delaware, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey. The amount of funds provided to each of these seven States is allocated based on the population density of the individual State relative to the population density of all seven States. Once funds are allocated to each State, funds are then allocated to urbanized areas within the States based on an individual urbanized area's population relative to the population of all urbanized areas in that State.

Q. Washington Metropolitan Area Transit Authority Grants

Section 601 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) authorized an aggregate amount of $1.5 billion to be available in increments over 10 fiscal years beginning in fiscal year 2009 to assist the Washington Metropolitan Transit Authority (WMATA) in implementing its Capital Improvement Program and preventive maintenance projects. The funds authorized under PRIIA were fully appropriated after FY 2019. The Further Consolidated Appropriations Act, 2020 provides funding for Washington Metropolitan Area Transit Authority Grants for an additional year in the amount of $150,000,000.

For more information about the Washington Metropolitan Area Transit Authority Grants program, please contact Eric Hu, Office of Transit Programs, at (202) 366–0870 or eric.hu@dot.gov or Daniel Koening, Region III Office, at (202) 366–8224 or daniel.koening@dot.gov.

1. FY 2020 Funding Availability

Under the Further Consolidated Appropriations Act, 2020, $150,000,000 is available. The total amount available is $148,500,000 after the deduction for oversight as shown in the table below.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY GRANTS

Total FY 2020 Appropriation Available	$150,000,000
Oversight Deduction	(1,500,000)
Total Apportioned	148,500,000

2. Period of Availability

Funds appropriated for WMATA under the Further Consolidated Appropriations Act, 2020 shall remain available until expended.

V. FY 2020 Grants

A. Automatic Pre-Award Authority To Incur Project Costs

1. Caution to New Grantees

While FTA provides pre-award authority to incur expenses before grant award for formula programs, it recommends that first-time grant recipients NOT utilize this automatic pre-award authority without verifying with the appropriate FTA Regional Office that all pre-requisite requirements have been met. Commonly, a new grantee may misunderstand pre-award authority

conditions and be unaware of all the applicable FTA requirements that must be met in order to be reimbursed for project expenditures incurred in advance of grant award. FTA programs have specific statutory requirements that are often different from those for other Federal grant programs with which new grantees may be familiar. If funds are expended for an ineligible project or activity, or for an eligible activity but at an inappropriate time (*e.g.,* prior to NEPA completion), FTA will be unable to reimburse the project sponsor and, in certain cases, the entire project may be rendered ineligible for FTA assistance.

2. Policy

FTA provides pre-award authority to incur expenses before grant award for certain program areas described below. This pre-award authority allows grantees to incur certain project costs before grant approval and retain the eligibility of those costs for subsequent reimbursement after grant approval. The grantee assumes all risk and is responsible for ensuring that all conditions are met to retain eligibility. This pre-award spending authority permits an eligible grantee to incur costs on an eligible transit capital, operating, planning, or administrative project without prejudice to possible future Federal participation in the cost of the project.

In this notice, FTA provides pre-award authority through the authorization period of the FAST Act, plus an additional year (October 1, 2015 through September 30, 2021) for capital assistance under all formula programs, so long as the conditions described below are met.

FTA provides pre-award authority for planning and operating assistance under the formula programs without regard to the period of the authorization. All pre-award authority is subject to conditions and triggers stated below: The actual items of cost associated with the use of pre-award authority are documented in the initial FFR that is required to be completed prior to the recipient executing the award.

For projects funded out of competitive programs, pre-award authority may be granted at the time of project selection.

a. Operating, Planning, or Administrative Assistance

FTA does not impose additional conditions on pre-award authority for operating, planning, or administrative assistance under the formula grant programs. Grantees may be reimbursed for expenses incurred before grant award so long as funds have been expended in accordance with all Federal requirements, would have been allowable if incurred after the date of award, and the grantee is otherwise eligible to receive the funding. In addition to cross-cutting Federal grant requirements, program specific requirements must be met. Designated recipients for Section 5310 have pre-award authority for the ten percent of the apportionment they may use for program administration.

b. Transit Capital Projects Other Than Capital Investment Grants

For transit capital projects, the date that costs may be incurred varies depending on the type of activity and its potential to have a significant impact on the human and natural environment as described under conditions in section 3 below.

c. Public Transportation Innovation, Technical Assistance and Workforce Development

Unless provided for in an announcement of project selections, pre-award authority does not apply to Section 5312 Public Transportation Innovation projects or Section 5314 Technical Assistance and Workforce Development projects. Before an applicant may incur costs for activities under these programs, it must first obtain a written LONP from FTA. Information about LONP procedures may be obtained from the appropriate headquarters office.

3. Conditions

The conditions under which pre-award authority may be utilized are specified below:

a. Pre-award authority is not a legal or implied commitment that the subject project will be approved for FTA assistance or that FTA will obligate Federal funds. Furthermore, it is not a legal or implied commitment that all items undertaken by the applicant will be eligible for inclusion in the project.

b. All FTA statutory, procedural, and contractual requirements must be met.

c. No action will be taken by the grantee that prejudices the legal and administrative findings that FTA must make in order to approve a project.

d. Local funds expended by the grantee after the date of the pre-award authority will be eligible for credit toward local match or reimbursement if FTA later makes a grant or grant amendment for the project. Local funds expended by the grantee before the date of the pre-award authority will not be eligible for credit toward local match or reimbursement. Furthermore, the expenditure of local funds or the undertaking of certain activities that would compromise FTA's ability to comply with Federal environmental laws (*e.g.,* project implementation activities such as land acquisition, demolition, or construction before the date of pre-award authority) may render the project ineligible for FTA funding.

e. The Federal amount of any future FTA assistance awarded to the grantee for the project will be determined based on the overall scope of activities and the prevailing statutory provisions with respect to the Federal/local match ratio at the time the funds are obligated.

f. For funds to which the pre-award authority applies, the authority expires with the lapsing of the fiscal year funds.

g. When a grant for the project is subsequently awarded, the grant must indicate the use of pre-award authority and an initial Federal Financial Report must be submitted in TrAMS.

h. Environmental Requirements.

All Federal environmental requirements must be met at the appropriate time for a project to remain eligible for Federal funding. Designated recipients may incur costs for design and environmental review activities for all formula funded projects from the date of the authorization of the formula funds or for discretionary funded projects other than those funded by the Capital Investment Grants (CIG) program from the date of the announcement of the competitive allocation of funds for the project.

For projects that qualify for a categorical exclusion (CE) pursuant to 23 CFR 771.118(c), designated recipients may start activities and incur costs under pre-award authority for property acquisition, demolition, construction, and acquisition of vehicles, equipment, or construction materials from the date of the authorization of formula funds or the date of the announcement of competitive allocations for the project.

FTA recommends that a grant applicant considering a CE pursuant to 23 CFR 771.118(c) contact FTA's Regional Office for assistance in determining the appropriate environmental review process and level of documentation necessary before incurring the above-mentioned costs, especially when the grant applicant believes a c-list CE with construction activities, such as 23 CFR 771.118(c)(8), (9), (10), (12), or (13), applies to its project. If FTA subsequently finds that a project does not qualify for a CE under 23 CFR 771.118(c) and the sponsor has already undertaken activities under pre-award authority, the project will be ineligible for FTA assistance.

For all other non-CIG projects that do not qualify for a CE under 23 CFR 771.118(c), grant applicants may take action and incur costs for property acquisition, demolition, construction, and acquisition of vehicles, equipment, or construction materials from the date that FTA completes the environmental review process required by NEPA and its implementing regulations, 23 U.S.C. 139, and other environmental laws, by its issuance of a 23 CFR 771.118(d) CE determination, a finding of no significant impact (FONSI), a combined final environmental impact statement (FEIS)/record of decision (ROD), or a ROD.

i. Planning and other requirements.

Formula funds must be authorized or appropriated and competitive project allocations published or announced before pre-award authority can be considered. The requirements that a capital project be included in a locally adopted Metropolitan Transportation Plan, the metropolitan transportation improvement program, and the federally approved statewide transportation improvement program (23 CFR part 450) must be satisfied before the grantee may advance the project beyond planning and preliminary design with non-federal funds under pre-award authority. If the project is located within an EPA-designated non-attainment or maintenance area for air quality, the conformity requirements of the Clean Air Act, 40 CFR part 93, must also be met before the project may be advanced into implementation-related activities under pre-award authority triggered by the completion of the NEPA process. For a planning project to have pre-award authority, the planning project must be included in a MPO-approved UPWP that has been coordinated with the State.

j. Federal procurement procedures, as well as the whole range of applicable Federal requirements (*e.g.,* Buy America, Davis-Bacon Act, and Disadvantaged Business Enterprise) must be followed for projects in which Federal funding will be sought in the future. Failure to follow any such requirements could make the project ineligible for Federal funding. In short, the administrative flexibility allowed by pre-award authority requires a grantee to make certain that no Federal requirements are circumvented.

k. All program specific requirements must be met. For example, projects under Section 5310 must comply with specific program requirements, including coordinated planning. Before incurring costs, grantees are strongly encouraged to consult with the appropriate FTA Regional Office regarding the eligibility of the project for future FTA funds and for questions on environmental requirements, or any other Federal requirements that must be met.

4. Pre-Award Authority for the Fixed Guideway Capital Investment Grants Program

Projects proposed for Section 5309 CIG program funds are required to follow a multi-step, multi-year process defined in law. For New Starts and Core Capacity projects, this process includes three phases: Project development (PD), engineering, and construction. For Small Starts projects, this process includes two phases: PD and construction. After receiving a letter from the project sponsor requesting entry into the PD phase, FTA must respond in writing within 45 days whether the information was sufficient for entry. If FTA's correspondence indicates the information was sufficient and the New Starts, Small Starts or Core Capacity project enters PD, FTA extends pre-award authority at that time to the project sponsor to incur costs for PD activities. PD activities include the work necessary to complete the environmental review process and as much engineering and design activities as the project sponsor believes are necessary to support the environmental review process. Upon completion of the environmental review process with a combined FEIS/ROD, ROD, FONSI, or CE determination by FTA for a New Starts, Small Starts, or Core Capacity Improvement project, FTA extends pre-award authority to the project sponsor to incur costs for as much engineering and design as needed to develop a reasonable cost estimate and financial plan for the project, utility relocation, and real property acquisition and associated relocations for any property acquisitions not already accomplished as a separate project for hardship or protective purposes or right-of-way under 49 U.S.C. 5323(q).

For Small Starts projects, upon completion of the environmental review process and confirmation from FTA that the overall project rating is at least a Medium, FTA extends pre-award authority for vehicle purchases. Upon receipt of a letter notifying a New Starts or Core Capacity project sponsor of the project's approval into the engineering phase, FTA extends pre-award authority for vehicle purchases as well as any remaining engineering and design, demolition, and procurement of long lead items for which market conditions play a significant role in the acquisition price. The long lead items include, but are not limited to, procurement of rails, ties, and other specialized equipment, and commodities.

Please contact the FTA Regional Office for a determination of activities not listed here, but which meet the intent described above. FTA provides this pre-award authority in recognition of the long-lead time and complexity involved with purchasing vehicles as well as their relationship to the ''critical path'' project schedule. FTA cautions grantees that do not currently operate the type of vehicle proposed in the project about exercising this pre-award authority. FTA encourages these sponsors to wait until later in the process when project plans are more fully developed. FTA reminds project sponsors that the procurement of vehicles must comply with all Federal requirements, including, but not limited to, competitive procurement practices, the Americans with Disabilities Act, Disadvantaged Business Enterprise program requirements and Buy America. FTA encourages project sponsors to discuss the procurement of vehicles with FTA in regard to Federal requirements before exercising pre-award authority. Because there is not a formal engineering phase for Small Starts projects, FTA does not extend pre-award authority for demolition and procurement of long lead items. Instead, this work must await receipt of a construction grant award or an expedited grant agreement.

a. Real Property Acquisition

As stated above, FTA extends pre-award authority for the acquisition of real property and real property rights for CIG projects (New or Small Starts or Core Capacity) upon completion of the environmental review process for that project. The environmental review process is completed when FTA signs a combined FEIS/ROD, ROD, FONSI, or makes a CE determination. With the limitations and caveats described below, real estate acquisition may commence, at the project sponsor's risk. To maintain eligibility for a possible future FTA grant award, any acquisition of real property or real property rights must be conducted in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and its implementing regulations, 49 CFR part 24. This pre-award authority is strictly limited to costs incurred: (i) To acquire real property and real property rights in accordance with the URA regulation; and (ii) to provide relocation assistance in accordance with the URA regulation. This pre-award authority is limited to the acquisition of real property and real property rights that are explicitly

identified in the draft environmental impact statement (DEIS), FEIS, environmental assessment (EA), or CE documentation, as needed for the selected alternative that is the subject of the FTA-signed combined FEIS/ROD, ROD, FONSI, or CE determination. This pre-award authority regarding property acquisition that is granted at the completion of the environmental review process does not cover site preparation, demolition, or any other activity that is not strictly necessary to comply with the URA, with one exception—namely when a building that has been acquired, vacated, and awaits demolition poses a potential fire safety hazard or other hazard to the community in which it is located, or is susceptible to unauthorized occupants. Demolition of the building is also covered by this pre-award authority upon FTA's written agreement that the adverse condition exists. Pre-award authority for property acquisition is also provided when FTA makes a CE determination for a protective buy or hardship acquisition in accordance with 23 CFR 771.118(d)(3). Pre-award authority for property acquisition is also provided when FTA completes the environmental review process for the acquisition of right-of-way as a separate project in accordance with 49 U.S.C. 5323(q). When a tiered environmental review in accordance with 23 CFR 771.111(g) is used, pre-award authority is NOT provided upon completion of the first-tier environmental document except when the Tier-1 ROD or FONSI signed by FTA explicitly provides such pre-award authority for a particular, identified acquisition. Project sponsors should use pre-award authority for real property acquisition relocation assistance with a clear understanding that it does not constitute a funding commitment by FTA. FTA provides pre-award authority upon completion of the environmental review process for real property acquisition and relocation assistance for displaced persons and businesses in accordance with the requirements of the URA.

b. Reimbursement of Costs Incurred Under Pre-Award Authority

Although FTA provides pre-award authority for property acquisition, long lead items, demolition, utility relocation, and vehicle purchases upon completion of the environmental review process, FTA does not award Federal funding for these activities conducted under pre-award authority until the project receives a CIG program construction grant. This is to ensure that Federal funds are not risked on a project whose advancement into construction is not yet assured.

c. National Environmental Policy Act (NEPA) Activities

NEPA requires that certain projects proposed for FTA funding assistance be subjected to a public and interagency review of the need for the project, its environmental and community impacts, and alternatives to avoid and reduce adverse impacts. Projects of more limited scope also need a level of environmental review to determine whether there are significant environmental impacts or confirmation that a CE applies. FTA's regulation titled ''Environmental Impact and Related Procedures,'' at 23 CFR part 771 states that the costs incurred by a grant applicant for the preparation of environmental documents requested by FTA are eligible for FTA financial assistance (23 CFR 771.105(f)). Accordingly, FTA extends pre-award authority for costs incurred to comply with NEPA regulations and to conduct NEPA-related activities, effective as of the earlier of the following two dates: (1) The date of the Federal approval of the relevant STIP or STIP amendment that includes the project or any phase of the project, or that includes a project grouping under 23 CFR 450.216(j) that includes the project; or (2) the date that FTA approves the project into the project development phase of the CIG program. The grant applicant must notify the FTA Regional Office to initiate the Federal environmental review process consistent with 23 CFR 771.111. NEPA-related activities include, but are not limited to, public involvement activities, historic preservation reviews, Section 4(f) evaluations, wetlands evaluations, and endangered species consultations. This pre-award authority is strictly limited to costs incurred to conduct the NEPA process and associated engineering, and to prepare environmental, historic preservation and related documents. When a New Starts, Small Starts, or Core Capacity project is granted pre-award authority for the environmental review process, the reimbursement for NEPA activities conducted under pre-award authority may be sought at any time through Section 5307 (Urbanized Area Formula Program) or the flexible highway programs (*e.g.,* Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program). Reimbursement from the Section 5309 CIG program for NEPA activities conducted under pre-award authority is provided only for expenses incurred after entry into the project development phase and only once a construction grant agreement is signed. As with any pre-award authority, FTA reimbursement for costs incurred is not guaranteed and recipients may not start activities and incur costs under pre-award authority for property acquisition, demolition, construction, and acquisition of vehicles, equipment, or construction materials until the environmental review process is complete.

d. Other Activities Requiring Letter of No Prejudice (LONP)

Except as discussed in paragraphs i through iii above, a CIG project sponsor must obtain a written LONP from FTA before incurring costs for any activity not covered by pre-award authority. To obtain an LONP, an applicant must submit a written request accompanied by adequate information and justification to the appropriate FTA Regional Office, as described in B. below.

For more information about the Fixed Guideway Capital Investment Grants program, including LONP policy, real property acquisition, and reimbursement of costs incurred under Pre-Award Authority, contact Elizabeth Day, Office of Capital Project Development, at (202) 366–5159 or elizabeth.day@dot.gov.

For more information about the Fixed Guideway Capital Investment Grants program, including National Environmental Policy Act (NEPA) activities, contact Megan Blum, Office of Environmental Programs, at (202) 366–0463 or megan.blum@dot.gov.

B. Letter of No Prejudice (LONP) Policy

1. Policy

LONP authority allows an applicant to incur costs on a project utilizing non-Federal resources, with the understanding that the costs incurred subsequent to the issuance of the LONP may be reimbursable as eligible expenses or eligible for credit toward the local match should FTA approve the project for a grant award at a later date. LONPs are applicable to projects and project activities not covered by automatic pre-award authority. The majority of LONPs will be for Section 5309 CIG program projects undertaking activities not covered under automatic pre-award authority. LONPs may be issued for formula funds beyond the life of the current authorization or FTA's extension of automatic pre-award authority; however, the LONP is limited to a five-year period, unless otherwise authorized in the LONP. Receipt of Federal funding under any program is not implied or guaranteed by an LONP.

2. Conditions and Federal Requirements

The conditions and requirements for pre-award authority specified in section V.4ii and V.4.iii above apply to all LONPs. Because project implementation activities may not be initiated before completion of the environmental review process, FTA will not issue an LONP for such activities until the environmental review process has been completed with a combined FEIS/ROD, ROD, FONSI, or CE determination.

3. Request for LONP

Before incurring costs for project activities not covered by automatic pre-award authority, the project sponsor must first submit a written request for an LONP, accompanied by adequate information and justification, to the appropriate regional office and obtain written approval from FTA. FTA approval of an LONP is determined on a case-by-case basis. Federal funding under the CIG program is not implied or guaranteed by an LONP. Specifically, when requesting an LONP, the applicant shall provide the following items:

a. Description of the activities to be covered by the LONP.

b. Justification for advancing the identified activities. The justification should include an accurate assessment of the consequences to the project scope, schedule, and budget should the LONP not be approved.

c. Allocated level of risk and contingency for the activity requested.

C. FY 2020 Annual List of Certifications and Assurances

Section 5323(n) requires FTA to publish annually a list of all certifications required under Chapter 53 concurrently with the publication of this annual apportionment notice. The 2020 version of FTA's Certifications and Assurances is available on FTA's website. FTA cannot make an award or an amendment to an award unless the recipient has executed the latest version of FTA's Certifications and Assurances. FTA encourages Recipients of formula funding to execute the new Certifications and Assurances within 90 days of this notice, to prevent any delay to application processing.

D. Civil Rights Requirements

1. Civil Rights Overview

Recipients must carry out provisions of the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, as amended, and the Department of Transportation's implementing regulations at 49 CFR parts 27, 37, 38, and 39. FTA's ADA Circular (4710.1) provides guidance for carrying out the regulatory requirements of the ADA. In addition, recipients must regularly prepare and submit civil rights program plans and reports to establish voluntary compliance and document policies and practices in the areas of Title VI, Disadvantaged Business Enterprise (DBE) and Equal Employment Opportunity (EEO). The current status of civil rights programs can be found on each recipient's Civil Rights Information page of TrAMS. New program plans and program updates must be submitted there as well. Before submitting an application for funding, recipients should consult with FTA Circulars and guidance and submit the following programs, as applicable:

a. Title VI of the Civil Rights Act of 1964: The Department of Transportation's Title VI implementing regulations are found in 49 CFR part 21. FTA's Title VI Circular (4702.1B) provides guidance for carrying out the regulatory requirements.

b. Disadvantaged Business Enterprise (DBE) program and triennial goal: The Department of Transportation's DBE implementing regulations are found in 49 CFR part 26 and provide guidance for carrying out the regulatory requirements and developing the triennial DBE goal.

c. Title VII of the Civil Rights Act of 1964, Equal Employment Opportunity (EEO): The Department of Transportation's EEO implementing regulations are found in 49 CFR part 21. FTA's EEO Circular (4704.1A) provides guidance for carrying out the regulatory requirements.

2. Disadvantaged Business Enterprise Program—Transit Vehicle Manufacturers (TVM)

Recipients exercising pre-award authority are expected to comply with the DBE regulations. The Department of Transportation's DBE program helps small businesses owned by socially and economically disadvantaged individuals to compete in the marketplace, and is designed to support the people who create jobs—our nation's entrepreneurs. Pursuant to 49 CFR 26.49, transit vehicle manufacturers (TVMs) ''must establish and submit for FTA's approval an annual overall percentage goal''; only those TVMs ''listed on FTA's certified list of transit vehicle manufacturers, or that have submitted a goal methodology to FTA that has been approved or has not been disapproved, at the time of solicitation are eligible to bid.'' Recipients may, with prior FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of using a certified TVM.

Prior to accepting bids, it is the recipient's responsibility to ensure that the TVM has submitted a goal to FTA and FTA has either approved it or not disapproved it. A recipient may verify a TVM has submitted a DBE goal to FTA for its review by checking the FTA Eligible TVMs List located on FTA's website at *www.transit.dot.gov/tvm.* A recipient may request from FTA verification of the eligibility of a TVM not included on FTA's website. Please email your request to *FTATVMSubmissions@dot.gov,* and FTA will respond via email within five business days. Failure by a recipient to verify a TVM's eligibility to bid on an FTA-assisted contract prior to award cannot be cured after award of the contract and will likely result in FTA declining to provide federal funding for the vehicle procurement.

Furthermore, recipients are also reminded of the requirement in 49 CFR 26.49(a)(4), which states, ''FTA recipients are required to submit within 30 days of making an award, the name of the successful bidder, and the total dollar value of the contract in the manner prescribed in the grant agreement.'' Recipients are to report to FTA all vehicle purchases, post-production alterations, and retrofit procurements within the 30 days of award using the electronic Transit Vehicle Award Reporting form found at *www.transit.dot.gov/dbe.* Vehicles purchased solely for personal use and/or purchased ''off the lot'' do not need to be reported. Recipients that receive the funds directly from FTA must report on behalf of their subrecipients as well. Only the subrecipients that received the federal funds directly from FTA are responsible for reporting the vehicle awards to FTA.

E. Consolidated Planning Grants

FTA and FHWA planning funds under both the Metropolitan Planning and State Planning and Research Programs can be consolidated into a single consolidated planning grant, awarded by either FTA or FHWA. The Consolidated Planning Grants (CPG) eliminate the need to monitor individual fund sources, if several have been used, and ensures that the oldest funds will always be used first.

Under the CPG, States can report metropolitan planning program expenditures, to comply with the Uniform Guidance 2 CFR 200, subpart F, for both FTA and FHWA under the Catalogue of Federal Domestic Assistance number for FTA's Metropolitan Planning Program (20.505). Additionally, for States with an FHWA Metropolitan Planning (PL)

fund-matching ratio greater than 80 percent, the State can waive the 20 percent local share requirement, with FTA's concurrence, to allow FTA funds used for metropolitan planning in a CPG to be granted at the higher FHWA rate. For some States, this Federal match rate can exceed 90 percent.

States interested in transferring planning funds between FTA and FHWA should contact the FTA Regional Office or FHWA Division Office for more detailed procedures. The FHWA Order 4551.1 dated August 12, 2013, on ''Funding Transfers to Other Agencies and Among Title 23 Programs'' provides guidance and more detailed information.

For more information on Consolidated Planning Grants, contact Ann Souvandara, Office of Budget and Policy, FTA, at (202) 366–0649 or ann.souvandara@dot.gov.

F. Grant Application Procedures

All applications for FTA funds should be submitted to the appropriate FTA Office. All applications are filed electronically. FTA continues to award and manage grants and cooperative agreements using the Transit Award Management System (TrAMS). To access TrAMS, contact your FTA Office. Resources on using TrAMS can be found on FTA's website at *https://www.transit.dot.gov/TrAMS.*

FTA regional staff are responsible for working with grantees to review and process grant applications. For an application to be considered complete and ready for FTA to assign a Federal Award Identification Number (FAIN), enabling submission in TrAMS, and submission to the Department of Labor, when applicable, the following requirements must be met:

a. Recipient has registered in the System for Award Management (SAM) and its registration is current with an active status. To register an entity or check the status and renew registration, visit the SAM website at *https://www.sam.gov/SAM/.*

b. Recipient's contact information, including Dun and Bradstreet Data Universal Numbering System (DUNS), is correct. To request a DUNS number, call Dun & Bradstreet at 1–866–705–5711 or visit the website at *http://fedgov.dnb.com/webform.*

c. Recipient has properly submitted its annual certifications and assurances.

d. Recipient's Civil Rights submissions are current.

e. After October 1, 2018, the grantee has a Transit Asset Management plan in place that meets the requirements of 49 CFR part 625, or is covered by a compliant Group Plan.

f. Documentation is on file to support recipient's status as either a designated recipient for the program and area or a direct recipient.

g. Funding is available, including any flexible funds included in the budget, and split letters or suballocation letters on file, where applicable, to support the amount requested in the grant application.

h. The activity is listed in a currently approved Transportation Improvement Program (TIP); Statewide Transportation Improvement Program (STIP), or Unified Planning Work Program (UPWP).

i. All eligibility issues are resolved.

j. Required environmental findings are made.

k. The application contains a well-defined scope of work, including at least one project with accompanying project narratives, at least one budget scope code and one activity line item, Federal and non-Federal funding amounts, and milestones.

l. Major Capital Projects as defined by 49 CFR part 633 ''Project Management Oversight'' must document FTA has reviewed the project management plan and provided approval.

m. Milestone information is complete. FTA will also review status of other open award reports to confirm financial and milestone information is current on other open awards.

FTA must also provide Congressional notification before awarding competitive grants.

Other important issues that impact FTA grant processing activities in addition to the list above are discussed below.

a. Award Budgets—Scope Codes and Activity Line Items (ALI) Codes; Financial Purpose Codes

FTA uses Scope and ALI Codes in the award budgets to track disbursements, monitor program trends, report to Congress, and to respond to requests from the Inspector General and the Government Accountability Office, as well as to manage grants. The accuracy of the data is dependent on the careful and correct use of codes.

b. Designated and Direct Recipients Documentation

For its formula programs, FTA primarily apportions funds to the designated recipient in the large UZAs (areas over 200,000), or for areas under 200,000 (small UZAs and rural areas), it apportions the funds to the Governor, or its designee (*e.g.,* State DOT). Depending on the program, as described in the individual program sections found in Section IV of this notice, further suballocation of funds may be permitted to eligible recipients who may then apply directly to FTA for the funding as direct recipients.

For the programs in which FTA may make grants to eligible direct recipients, other than the designated recipient(s), recipients are reminded that documentation must be on file to support: (1) The status of the recipient either as a designated recipient or direct recipient; and (2) the allocation of funds to the direct recipient.

Documentation to support existing designated recipients for the UZA must also be on file at the time of the first application in FY 2020. Split letters and/or suballocation letters (Governor's Apportionment letters), must also be on file to support grant applications for direct recipients. Once suballocation letters for FY 2020 funding are finalized, they should be uploaded as part of the application into TrAMS.

The Direct Recipient is required to upload to TrAMS a copy of the suballocation letter (Letter) indicating their allocation of funding, for the appropriate fund program, when the applicant transmits their application for initial review. The Letter must be signed by the Designated Recipient, or as applicable in accordance with their planning requirements. If there are two Designated Recipients, both entities must sign the Letter. The Letter must: (1) Indicate the allocations to the respective Direct Recipients listed in the letter; (2) incorporate language above the signatories to reflect this agreement; and (3) make clear that the Direct Recipient will assume any/all responsibility associated with the award for the funds. When drafting the Letter, Designated Recipients may use the template language below:

> ''As identified in this Letter, the Designated Recipient(s) authorize the reassignment/reallocation of [enter fund source; *e.g.* Section 5307 funds] to the Direct Recipient(s) named herein. The undersigned agree to the amounts allocated/reassigned to each direct Recipient. Each Direct Recipient is responsible for its application to the Federal Transit Administration to receive such funds and assumes the responsibilities associated with any award for these funds.''

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. Grantees should refer to

applicable regulations and statutes referenced in this document.

K. Jane Williams,

Acting Administrator.

[FR Doc. 2020–11946 Filed 6–2–20; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

Saint Lawrence Seaway Development Corporation Advisory Board—Notice of Public Meetings

AGENCY: Saint Lawrence Seaway Development Corporation (SLSDC), USDOT.

ACTION: Notice of public meetings.

SUMMARY: This notice announces the public meetings via conference call of the Saint Lawrence Seaway Development Corporation Advisory Board.

DATES: The public meetings will be held on (all times Eastern):

- **Thursday, June 25, 2020 From 2:00 p.m.–3:30 p.m. EST**

○ Requests to attend the meeting must be received by June 10, 2020.

○ Requests for accommodations to a disability must be received by June 10, 2020

○ If you wish to speak during the meeting, you must submit a written copy of your remarks to SLSDC by June 10, 2020.

○ Requests to submit written materials to be reviewed during the meeting must be received no later than June 10, 2020.

- **Thursday, September 24, 2020 From 2:00 p.m.–3:30 p.m. EST**

○ Requests to attend the meeting must be received by September 10, 2020.

○ Requests for accommodations to a disability must be received by September 10, 2020.

○ If you wish to speak during the meeting, you must submit a written copy of your remarks to SLSDC by September 10, 2020.

○ Requests to submit written materials to be reviewed during the meeting must be received no later than September 10, 2020.

ADDRESSES: The meetings will be held via conference call at the SLSDC's Operations location, 180 Andrews Street, Massena, New York 13662.

FOR FURTHER INFORMATION CONTACT: Wayne Williams, Chief of Staff, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590; 202–366–0091. There will be three (3) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for each commenter may be limited. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name, address, and organizational affiliation of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the SLSDC conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks for inclusion in the meeting records and for circulation to SLSDC Advisory Board members. All prepared remarks submitted will be accepted and considered as part of the meeting's record. Any member of the public may submit a written statement after the meeting deadline, and it will be presented to the committee.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 2), notice is hereby given of meetings of the Advisory Board of the Saint Lawrence Seaway Development Corporation (SLSDC). The agenda for each meeting is the same and will be as follows:

Thursday, June 25, 2020 From 2:00 p.m.–3:30 p.m. EST

Thursday, September 24, 2020 From 2:00 p.m.–3:30 p.m. EST

1. Opening Remarks
2. Consideration of Minutes of Past Meeting
3. Quarterly Report
4. Old and New Business
5. Closing Discussion
6. Adjournment

Public Participation

Attendance at the meeting is open to the interested public. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact the person listed under the heading, **FOR FURTHER INFORMATION CONTACT**. The US Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, DC, on May 29, 2020.

Carrie Lavigne,

(Approving Official), Chief Counsel, Saint Lawrence Seaway Development Corporation.

[FR Doc. 2020–11959 Filed 6–2–20; 8:45 am]

BILLING CODE 4910–61–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of Availability of Report of 2019 Closed Meetings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act, and the Government in the Sunshine Act, a report summarizing the closed meeting activities of the Art Advisory Panel during Fiscal Year 2019 has been prepared. A copy of this report has been filed with the Assistant Secretary for Management of the Department of the Treasury.

DATES: *Applicable Date:* This notice is applicable May 28, 2020.

ADDRESSES: The report is available at *https://www.irs.gov/compliance/appeals/art-appraisal-services.*

FOR FURTHER INFORMATION CONTACT: Maricarmen R. Cuello, AP:SO:AAS, Internal Revenue Service/Independent Office of Appeals, 51 SW 1st Avenue, Room 1014, Miami, FL 33130, Telephone number (305) 982–5364 (not a toll free number).

SUPPLEMENTARY INFORMATION: It has been determined that this document is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis is, therefore, not required. Additionally, this document does not constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Andrew J. Keyso,

Chief, Independent Office of Appeals.

[FR Doc. 2020–11938 Filed 6–2–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0799]

Agency Information Collection Activity Under OMB Review: Casket and Urn Reimbursement

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the National Cemetery Administration (NCA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: 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. Refer to ''OMB Control No. 2900–0799''.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Casket/Urn Reimbursement, VA Form 40–10088.

OMB Control Number: 2900–0799.

Type of Review: Reinstatement of a previously approved collection.

Abstract: The Department of Veterans Affairs, National Cemetery Administration has established VA regulations to implement statutory authority for NCA to provide reimbursement for the purchase of caskets and urns for the interment of the remains of Veterans without next of kin and sufficient resources available for burial.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at Volume 85 FR 48 on Wednesday, March 11, 2020, page 41291.

Affected Public: Federal Government and Community Social Services.

Estimated Annual Burden: 74 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 445.

By direction of the Secretary.

Danny S. Green,

VA PRA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2020–11939 Filed 6–2–20; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 85 Wednesday,

No. 107 June 3, 2020

Part II

Department of Commerce

Bureau of Industry and Security

15 CFR Part 774

Expansion of Export, Reexport, and Transfer (In-Country) Controls for Military End Use or Military End Users in the People's Republic of China, Russia, or Venezuela; Correction; Final Rule

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 774

[Docket No. 180212164–9483–01]

RIN 0694–AH53

Expansion of Export, Reexport, and Transfer (In-Country) Controls for Military End Use or Military End Users in the People's Republic of China, Russia, or Venezuela; Correction

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule; correction.

SUMMARY: The Bureau of Industry and Security (BIS) is correcting the formatting of a final rule that appeared in the **Federal Register** of April 28, 2020 (here and after referred to as the April 28 rule), which becomes effective on June 29, 2020. The April 28 rule amends the Export Administration Regulations (EAR) to expand license requirements on exports, reexports, and transfers (in-country) of items intended for military end use or military end users in the People's Republic of China (China), Russia, or Venezuela. Specifically, this rule expands the licensing requirements for China to include ''military end users,'' in addition to ''military end use.'' It broadens the list of items for which the licensing requirements and review policy apply and expands the definition of ''military end use.'' Next, it creates a new reason for control and the associated review policy for regional stability for certain items exported to China, Russia, or Venezuela, moving existing text related to this policy. Finally, it adds Electronic Export Information filing requirements in the Automated Export System for exports to China, Russia, and Venezuela. This rule supports the objectives discussed in the National Security Strategy of the United States. This correction publishes the full text of each revised Export Control Classification Number on the Commerce Control List.

DATES: This correction is effective June 29, 2020.

FOR FURTHER INFORMATION CONTACT: Eileen Albanese, Director, Office of National Security and Technology Transfer Controls, Bureau of Industry and Security, Department of Commerce. Phone: (202) 482–0092; Fax: (202) 482–3355; Email: *rpd2@bis.doc.gov.* For emails, include ''Military End Use or User'' in the subject line.

SUPPLEMENTARY INFORMATION:

Background

The April 28 rule (85 FR 23460) revised portions of Export Control Classification Numbers (ECCNs) on the Commerce Control List (CCL) (Supplement No. 1 to part 774).

Need for Correction

The April 28 rule published only the revised portions of each ECCN; this correction publishes each revised ECCN in full. Therefore, FR Rule Doc. No. 2020–07241, published in the April 28, 2020, issue of the **Federal Register**, beginning on page 23460, is corrected as follows:

Supplement No. 1 to Part 774—[Corrected]

■ 1. On page 23465, in the third column, instruction 16 and its corresponding amendment text are corrected to read as follows:

■ 16. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 0, ECCNs 0A521, 0B521, 0C521, 0D521, and 0E521 are revised to read as follows:

0A521 Any commodity subject to the EAR that is not listed elsewhere in the CCL, but which is controlled for export because it provides at least a significant military or intelligence advantage to the United States or for foreign policy reasons.

0A521 commodities are subject to RS1 controls with no license exception eligibility other than License Exception GOV for U.S. Government personnel and agencies under § 740.11(b)(2)(ii) of the EAR, or an item-specific license exception identified in Supplement No. 5 to part 774 particular to an item covered under ECCN 0A521. The list of commodities determined to be classified under ECCN 0A521 controls is published in Supplement No. 5 to part 774. The license requirements and licensing policy relating to ECCN 0A521 are set forth in § 742.6(a)(8) of the EAR.

* * * * *

0B521 Any commodity subject to the EAR that is not listed elsewhere in the CCL, but which is controlled for export because it provides at least a significant military or intelligence advantage to the United States or for foreign policy reasons.

0B521 commodities are subject to RS1 controls with no license exception eligibility other than License Exception GOV for U.S. Government personnel and agencies under § 740.11(b)(2)(ii) of the EAR, or an item-specific license exception identified in Supplement No. 5 to part 774 particular to an item covered under ECCN 0B521. The list of commodities determined to be classified under ECCN 0B521 controls is published in Supplement No. 5 to part 774. The license requirements and licensing policy relating to ECCN 0B521 are set forth in § 742.6(a)(8) of the EAR.

* * * * *

0C521 Any material subject to the EAR that is not listed elsewhere in the CCL, but which is controlled for export because it provides at least a significant military or intelligence advantage to the United States or for foreign policy reasons.

0C521 materials are subject to RS1 controls with no license exception eligibility other than License Exception GOV for U.S. Government personnel and agencies under § 740.11(b)(2)(ii) of the EAR, or an item-specific license exception identified in Supplement No. 5 to part 774 particular to an item covered under ECCN 0C521. The list of materials determined to be classified under ECCN 0C521 controls is published in Supplement No. 5 to part 774. The license requirements and licensing policy relating to ECCN 0C521 are set forth in § 742.6(a)(8) of the EAR.

* * * * *

0D521 Any software subject to the EAR that is not listed elsewhere in the CCL, but which is controlled for export because it provides at least a significant military or intelligence advantage to the United States or for foreign policy reasons.

0D521 software is subject to RS1 controls with no license exception eligibility other than License Exception GOV for U.S. Government personnel and agencies under § 740.11(b)(2)(ii) of the EAR, or an item-specific license exception identified in Supplement No. 5 to part 774 particular to an item covered under ECCN 0D521. The list of software determined to be classified under ECCN 0D521 controls is published in Supplement No. 5 to part 774. The license requirements and licensing policy relating to ECCN 0D521 are set forth in § 742.6(a)(8) of the EAR.

* * * * *

0E521 Any technology subject to the EAR that is not listed elsewhere in the CCL, but which is controlled for export because it provides at least a significant military or intelligence advantage to the United States or for foreign policy reasons.

0E521 technology is subject to RS1 controls with no license exception eligibility other than License Exception GOV for U.S. Government personnel and agencies under § 740.11(b)(2)(ii) of the EAR, or an item-specific license exception identified in Supplement No. 5 to part 774 particular to an item covered under ECCN 0E521. The list of technologies determined to be classified under ECCN 0E521 controls is published in Supplement No. 5 to part 774. The license requirements and licensing policy relating to ECCN 0E521 are set forth in § 742.6(a)(8) of the EAR.

* * * * *

■ 2. On page 23465, in the third column, instruction 17 and its corresponding amendment text are corrected to read as follows:

■ 17. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 0, ECCNs 0A606, 0A617, 0D606, 0D617, 0E606, and 0E617 are revised to read as follows:

0A606 Ground vehicles and related commodities, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry, except 0A606.b and .y.	NS Column 1.
NS applies to 0A606.b.	NS Column 2.
RS applies to entire entry, except 0A606.b and .y.	RS Column 1.
RS applies to 0A606.b.	RS Column 2.
RS applies to 0A606.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 0A606.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500
GBS: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for any item in 0A606.a, unless determined by BIS to be eligible for License Exception STA in accordance with § 740.20(g) (License Exception STA eligibility requests for 9x515 and ''600 series'' items). (2) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 0A606.

List of Items Controlled

Related Controls: (1) The ground vehicles, other articles, technical data (including software) and services described in 22 CFR part 121, Category VII are subject to the jurisdiction of the International Traffic in Arms Regulations. (2) See ECCN 0A919 for foreign-made ''military commodities'' that incorporate more than a de minimis amount of U.S.-origin ''600 series'' controlled content.
Related Definitions: N/A
Items:

a. Ground vehicles, whether manned or unmanned, ''specially designed'' for a military use and not enumerated or otherwise described in USML Category VII.

Note 1 to paragraph a: *For purposes of paragraph .a, ''ground vehicles'' include (i) tanks and armored vehicles manufactured prior to 1956 that have not been modified since 1955 and that do not contain a functional weapon or a weapon capable of becoming functional through repair; (ii) military railway trains except those that are armed or are ''specially designed'' to launch missiles; (iii) unarmored military recovery and other support vehicles; (iv) unarmored, unarmed vehicles with mounts or hard points for firearms of .50 caliber or less; and (v) trailers ''specially designed'' for use with other ground vehicles enumerated in USML Category VII or ECCN 0A606.a, and not separately enumerated or otherwise described in USML Category VII. For purposes of this note, the term ''modified'' does not include incorporation of safety features required by law, cosmetic changes (e.g., different paint or repositioning of bolt holes) or addition of ''parts'' or ''components'' available prior to 1956.*

Note 2 to paragraph .a: *A ground vehicle's being ''specially designed'' for military use for purposes of determining controls under paragraph .a. entails a structural, electrical or mechanical feature involving one or more ''components'' that are ''specially designed'' for military use. Such ''components'' include:*

a. Pneumatic tire casings of a kind ''specially designed'' to be bullet-proof;

b. Armored protection of vital ''parts'' (e.g., fuel tanks or vehicle cabs);

c. Special reinforcements or mountings for weapons;

d. Black-out lighting.

b. Other ground vehicles, ''parts'' and ''components,'' as follows:

b.1. Unarmed vehicles that are derived from civilian vehicles and that have all of the following:

b.1.a. Manufactured or fitted with materials or ''components'' other than reactive or electromagnetic armor to provide ballistic protection to level III (National Institute of Justice standard 0108.01, September 1985) or better;

b.1.b. A transmission to provide drive to both front and rear wheels simultaneously, including those vehicles having additional wheels for load bearing purposes whether driven or not;

b.1.c. Gross vehicle weight rating (GVWR) greater than 4,500 kg; and

b.1.d. Designed or modified for off-road use.

b.2. ''Parts'' and ''components'' having all of the following:

b.2.a. ''Specially designed'' for vehicles specified in paragraph .b.1 of this entry; and

b.2.b. Providing ballistic protection to level III (National Institute of Justice standard 0108.01, September 1985) or better.

Note 1 to paragraph b: *Ground vehicles otherwise controlled by 0A606.b.1 that contain reactive or electromagnetic armor are subject to the controls of USML Category VII.*

Note 2 to paragraph b: *ECCN 0A606.b.1 does not control civilian vehicles ''specially designed'' for transporting money or valuables.*

Note 3 to paragraph b: *''Unarmed'' means not having installed weapons, installed mountings for weapons, or special reinforcements for mounts for weapons.*

c. Air-cooled diesel engines and engine blocks for armored vehicles that weigh more than 40 tons.

d. Fully automatic continuously variable transmissions for tracked combat vehicles.

e. Deep water fording kits ''specially designed'' for ground vehicles controlled by ECCN 0A606.a or USML Category VII.

f. Self-launching bridge ''components'' not enumerated in USML Category VII(g) ''specially designed'' for deployment by ground vehicles enumerated in USML Category VII or this ECCN.

g. through w. [Reserved]

x. ''Parts,'' ''components,'' ''accessories,'' and ''attachments'' that are ''specially designed'' for a commodity enumerated or otherwise described in ECCN 0A606 (other than 0A606.b or 0A606.y) or a defense article enumerated in USML Category VII and not elsewhere specified on the USML or in 0A606.y.

Note 1: *Forgings, castings, and other unfinished products, such as extrusions and machined bodies, that have reached a stage in manufacture where they are clearly identifiable by mechanical properties, material composition, geometry, or function as commodities controlled by ECCN 0A606.x are controlled by ECCN 0A606.x.*

Note 2: *''Parts,'' ''components,'' ''accessories'' and ''attachments'' enumerated in USML paragraph VII(g) are subject to the controls of that paragraph. ''Parts,'' ''components,'' ''accessories'' and ''attachments'' described in ECCN 0A606.y are subject to the controls of that paragraph.*

y. Specific ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for a commodity enumerated or otherwise described in this ECCN (other than ECCN 0A606.b) or for a defense article in USML Category VII and not elsewhere specified on the USML or the CCL, as follows, and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor:

y.1. Brake discs, rotors, drums, calipers, cylinders, pads, shoes, lines, hoses, vacuum boosters, and parts therefor;

y.2. Alternators and generators;

y.3. Axles;

y.4. Batteries;

y.5. Bearings (*e.g.,* ball, roller, wheel);

y.6. Cables, cable assembles, and connectors;

y.7. Cooling system hoses;

y.8. Hydraulic, fuel, oil, and air filters, other than those controlled by ECCN 1A004;

y.9. Gaskets and o-rings;

y.10. Hydraulic system hoses, fittings, couplings, adapters, and valves;

y.11. Latches and hinges;

y.12. Lighting systems, fuses, and ''components;''

y.13. Pneumatic hoses, fittings, adapters, couplings, and valves;

y.14. Seats, seat assemblies, seat supports, and harnesses;

y.15. Tires, except run flat; and

y.16. Windows, except those for armored vehicles.

* * * * *

0A617 Miscellaneous ''equipment,'' materials, and related commodities (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry, except 0A617.y.	NS Column 1.
RS applies to entire entry, except 0A617.y.	RS Column 1.
RS applies to 0A617.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 0A617.y.	See § 764.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500
GBS: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 0A617.

List of Items Controlled

Related Controls: (1) Defense articles, such as materials made from classified information, that are controlled by USML Category XIII, and technical data (including software) directly related thereto, are subject to the ITAR. (2) See ECCN 0A919 for foreign-made ''military commodities'' that incorporate more than a de minimis amount of U.S.-origin ''600 series'' controlled content. (3) For controls on self-contained diving and underwater swimming apparatus and related commodities, see ECCN 8A620.f. (4) For controls on robots, robot controllers, and robot end-effectors, see USML Category VII and ECCNs 0A606 and 2B007. (5) ''Libraries,'' *i.e.,* parametric technical databases, ''specially designed'' for military use with equipment controlled by the USML or a ''600 series'' ECCN are controlled by the technical data and technology controls pertaining to such items. (6) For controls on nuclear power generating equipment or propulsion equipment, including ''nuclear reactors,'' ''specially designed'' for military use, and ''parts'' and ''components'' ''specially designed'' therefor, see USML Categories VI, XIII, XV, and XX. (7) Simulators ''specially designed'' for military ''nuclear reactors'' are controlled by USML Category IX(b). (8) See USML Categories X, XI and XII for ''laser'' protection equipment (*e.g.,* eye and sensor protection) ''specially designed'' for military use. (9) ''Fuel cells'' ''specially designed'' for a defense article on the USML or a commodity controlled by a ''600 series'' ECCN are controlled according to the corresponding ''600 series'' ECCN for such end items. (10) See USML Category XV for controls on fuel cells ''specially designed'' for satellite or spacecraft.
Related Definitions: N/A
Items:

a. [Reserved]

b. Concealment and deception equipment ''specially designed'' for military application, including special paints, decoys, smoke or obscuration equipment and simulators, and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor, not controlled by USML Category XIII.

c. Ferries, bridges (other than those described in ECCN 0A606 or USML Category VII), and pontoons, ''specially designed'' for military use.

d. Test models ''specially designed'' for the ''development'' of defense articles controlled by USML Categories IV, VI, VII and VIII.

e. [Reserved]

f. ''Metal embrittlement agents.''

g. through x. [Reserved]

y. Other commodities as follows, and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor:

y.1. Construction equipment ''specially designed'' for military use, including such equipment ''specially designed'' for transport in aircraft controlled by USML VIII(a) or ECCN 9A610.a.

y.2. ''Parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for commodities in paragraph .y.1 of this entry, including crew protection kits used as protective cabs.

y.3. ISO intermodal containers or demountable vehicle bodies (*i.e.,* swap bodies), n.e.s., ''specially designed'' or 'modified' for shipping or packing defense articles or items controlled by a ''600 series'' ECCN.

Technical Note: *For the purpose of 0A617.y.3, 'modified' means any structural, electrical, mechanical, or other change that provides a non-military item with military capabilities equivalent to an item which is ''specially designed'' for military use.*

y.4. Field generators ''specially designed'' for military use.

y.5. Power controlled searchlights and control units therefor, ''specially designed'' for military use, and ''equipment'' mounting such units.

* * * * *

0D606 ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of ground vehicles and related commodities controlled by 0A606, 0B606, or 0C606 (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry, except 0D606.y.	NS Column 1.
RS applies to entire entry, except 0D606.y.	RS Column 1.
RS applies to 0D606.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 0D606.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any software in 0D606.

List of Items Controlled

Related Controls: (1) Software directly related to articles enumerated or otherwise described in USML Category VII are subject to the controls of USML paragraph VII(h). (2) See ECCN 0A919 for foreign made ''military commodities'' that incorporate more than a de minimis amount of U.S.-origin ''600 series'' controlled content.
Related Definitions: N/A
Items:

a. ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities controlled by ECCNs 0A606 (except for ECCNs 0A606.b or 0A606.y), 0B606, or 0C606.

b. through x. [Reserved]

y. ''Specific software'' ''specially designed'' for the ''production,'' ''development,'' operation, or maintenance of commodities described in ECCN 0A606.y.

* * * * *

0D617 ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities controlled by 0A617, ''equipment'' controlled by 0B617, or materials controlled by 0C617 (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry, except 0D606.y.	NS Column 1.
RS applies to entire entry, except 0D606.y.	RS Column 1.
RS applies to 0D606.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 0D606.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any software in 0D606.

List of Items Controlled

Related Controls: (1) Software directly related to articles enumerated or otherwise described in USML Category VII are subject to the controls of USML paragraph VII(h). (2) See ECCN 0A919 for foreign made ''military commodities'' that incorporate more than a de minimis amount of U.S.-origin ''600 series'' controlled content.

Related Definitions: N/A

Items:

a. ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities controlled by ECCNs 0A606 (except for ECCNs 0A606.b or 0A606.y), 0B606, or 0C606.

b. through x. [Reserved]

y. ''Specific software'' ''specially designed'' for the ''production,'' ''development,'' operation, or maintenance of commodities described in ECCN 0A606.y.

* * * * *

0E606 ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbushing of ground vehicles and related commodities in 0A606, 0B606, 0C606, or software in 0D606 (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry, except 0E606.y.	NS Column 1.
RS applies to entire entry, except 0E606.y.	RS Column 1.
RS applies to 0E606.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 0E606.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any technology in 0D606.

List of Items Controlled

Related Controls: Technical data directly related to articles enumerated in USML Category VII are subject to the controls of USML paragraph VII(h).

Related Definitions: N/A

Items:

a. ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities enumerated or otherwise described in ECCN 0A606 (except for ECCNs 0A606.b or 0A606.y), 0B606, or 0C606.

b. through x. [Reserved]

y. Specific ''technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul or refurbishing of commodities or software in ECCN 0A606.y or 0D606.y.

* * * * *

0E617 ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled by ECCN 0A617, ''equipment'' controlled by 0B617, or materials controlled by 0C617, or ''software'' controlled by ECCN 0D617 (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry, except 0E617.y.	NS Column 1.
RS applies to entire entry, except 0E617.y.	RS Column 1.
RS applies to 0E617.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 0E617.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any technology in 0E617.

List of Items Controlled

Related Controls: Technical data directly related to articles controlled by USML Category XIII are subject to the control of USML paragraph XIII(l).

Related Definitions: N/A

Items:

a. ''Technology'' (other than ''technology'' controlled by paragraph .y of this entry) ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities or ''software'' controlled by ECCN 0A617 (except 0A617.y), 0B617, 0C617, or 0D617 (except 0D617.y).

b. through x. [Reserved].

y. Specific ''technology'' ''required'' for the ''production,'' ''development,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled by ECCN 0A617.y or ''software'' controlled by 0D617.y.

* * * * *

■ 3. On page 23466, in the second column, instruction 18 and its corresponding amendment text are corrected to read as follows:

■ 18. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1, ECCNs 1A613, 1D613, and 1E613 are revised to read as follows:

1A613 Armored and protective ''equipment'' and related commodities, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry except 1A613.y.	NS Column 1.
RS applies to entire entry except 1A613.y.	RS Column 1.
RS applies to 1A613.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 1A613.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500

GBS: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 1A613.

List of Items Controlled

Related Controls: (1) Defense articles, such as materials made from classified information, that are controlled by USML Category X or XIII of the ITAR, and technical data (including software) directly related thereto, are ''subject to the ITAR.'' (2) See ECCN 0A919 for foreign-made ''military commodities'' that incorporate more than a de minimis amount of US-origin ''600 series'' controlled content. (3) See ECCN 9A610.g for anti-gravity suits (''G-suits'') and pressure suits capable of operating at altitudes higher than 55,000 feet above sea level.

Related Definitions: References to ''NIJ Type'' protection are to the National Institute of Justice Classification guide at NIJ Standard 0101.06, Ballistic Resistance of Body Armor, and NIJ Standard 0108.01, Ballistic Resistant Protective Materials.

Items:

a. Metallic or non-metallic armored plate ''specially designed'' for military use and not controlled by the USML.

Note to paragraph a: *For controls on body armor plates, see ECCN 1A613.d.2 and USML Category X(a)(1).*

b. Shelters ''specially designed'' to:

b.1. Provide ballistic protection for military systems; or

b.2. Protect against nuclear, biological, or chemical contamination.

c. Military helmets (other than helmets controlled under 1A613.y.1) providing less

than NIJ Type IV protection and ''specially designed'' helmet shells, liners, or comfort pads therefor.

Note 1: *See ECCN 0A979 for controls on police helmets.*

Note 2: *See USML Category X(a)(5) and (a)(6) for controls on other military helmets.*

d. Body armor and protective garments, as follows:

d.1. Soft body armor and protective garments manufactured to military standards or specifications, or to their equivalents, that provide ballistic protection equal to or less than NIJ level III (NIJ 0101.06, July 2008); or

Note: *For 1A613.d.1, military standards or specifications include, at a minimum, specifications for fragmentation protection.*

d.2. Hard body armor plates that provide ballistic protection equal to NIJ level III (NIJ 0101.06, July 2008) or national equivalents.

Note: *See ECCN 1A005 for controls on soft body armor not manufactured to military standards or specifications and hard body armor plates providing less than NIJ level III protection. For body armor providing NIJ Type IV protection or greater, see USML Category X(a)(1).*

e. Atmospheric diving suits ''specially designed'' for rescue operations for submarines controlled by the USML or the CCL.

f. Other personal protective ''equipment'' ''specially designed'' for military applications not controlled by the USML, not elsewhere controlled on the CCL.

g. to w. [Reserved]

x. ''Parts,'' ''components,'' ''accessories,'' and ''attachments'' that are ''specially designed'' for a commodity controlled by ECCN 1A613 (except for 1A613.y) or an article enumerated in USML Category X, and not controlled elsewhere in the USML.

Note: *Forgings, castings, and other unfinished products, such as extrusions and machined bodies, that have reached a stage in manufacturing where they are clearly identifiable by mechanical properties, material composition, geometry, or function as commodities controlled by ECCN 1A613.x are controlled by ECCN 1A613.x.*

y. Other commodities as follows:

y.1 Conventional military steel helmets.

N.B. to paragraph y.1: *For other military helmet ''components'' or ''accessories,'' see the relevant ECCN in the CCL or USML Entry.*

y.2 [Reserved]

* * * * *

1D613 ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities controlled by 1A613 or 1B613, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry except 1D613.y.	NS Column 1.
RS applies to entire entry except 1D613.y.	RS Column 1.
RS applies to 1D613.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 1D613.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any ''software'' in 1D613.

List of Items Controlled

Related Controls: (1) ''Software'' directly related to articles controlled by USML Category X is subject to the control of USML paragraph X(e) of the ITAR. (2) See ECCN 0A919 for foreign-made ''military commodities'' that incorporate more than a de minimis amount of US-origin ''600 series'' controlled content.

Related Definitions: N/A

Items:

a. ''Software'' (other than ''software'' controlled in paragraph .y of this entry) ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities controlled by ECCNs 1A613 (except 1A613.y) or 1B613 (except 1B613.y).

b. to x. [Reserved]

y. Specific ''software'' ''specially designed'' for the ''production,'' ''development,'' operation, or maintenance of commodities controlled by ECCN 1A613.y.

* * * * *

1E613 ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled by 1A613 or 1B613 or ''software'' controlled by 1D613, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry except 1E613.y.	NS Column 1.
RS applies to entire entry except 1E613.y.	RS Column 1.
RS applies to 1E613.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 1E613.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any ''technology'' in 1E613.

List of Items Controlled

Related Controls: Technical data directly related to articles controlled by USML Category X are subject to the control of USML paragraph X(e) of the ITAR.

Related Definitions: N/A

Items:

a. ''Technology'' (other than ''technology'' controlled by paragraph .y of this entry) ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities or ''software'' controlled by ECCNs 1A613 (except 1A613.y), 1B613 or 1D613 (except 1D613.y).

b. through x. [Reserved]

y. Specific ''technology'' ''required'' for the ''production,'' ''development,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities or software controlled by ECCN 1A613.y or 1D613.y.

* * * * *

■ 4. On page 23467, in the first column, instruction 19 and its corresponding amendment text are corrected to read as follows:

■ 19. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 3, ECCNs 3A611, 3D611, and 3E611 are revised to read as follows:

3A611 Military electronics, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry except 3A611.y.	NS Column 1.
RS applies to entire entry except 3A611.y.	RS Column 1.
RS applies to 3A611.y.	China, Russia, or Venezuela (see § 742.6(a)(7))
AT applies to entire entry.	AT Column 1.
UN applies to entire entry except 3A611.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (see Part 740 for a Description of All License Exceptions)

LVS: $1,500 for 3A611.a, .d through .h and .x; N/A for ECCN 3A611.c.
GBS: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 3A611.

List of Items Controlled

Related Controls: (1) Electronic items that are enumerated in USML Category XI or other USML categories, and technical data (including software) directly related thereto, are subject to the ITAR. (2) Application specific integrated circuits (ASICs) and programmable logic devices (PLD) that are programmed for defense articles that are subject to the ITAR are controlled in USML Category XI(c)(1). (3) See ECCN 3A001.a.7 for controls on unprogrammed programmable logic devices (PLD). (4) Printed circuit boards and populated circuit cards with a layout that is ''specially designed'' for defense articles are controlled in USML Category XI(c)(2). (5) Multichip modules for which the pattern or layout is ''specially designed'' for defense articles are controlled in USML Category XI(c)(3). (6) Electronic items ''specially designed'' for military application that are not controlled in any USML category but are within the scope of another ''600 series'' ECCN or a 9x515 ECCN are controlled by that ''600 series'' ECCN or 9x515 ECCN. For example, electronic components not enumerated on the USML or a ''600 series'' other than 3A611 that are ''specially designed'' for a military aircraft controlled by USML Category VIII or ECCN 9A610 are controlled by the catch-all control in ECCN 9A610.x. Electronic components not enumerated on the USML or another ''600 series'' entry that are ''specially designed'' for a military vehicle controlled by USML Category VII or ECCN 0A606 are controlled by ECCN 0A606.x. Electronic components not enumerated on the USML that are ''specially designed'' for a missile controlled by USML Category IV are controlled by ECCN 9A604.(7) Certain radiation-hardened microelectronic circuits are controlled by ECCN 9A515.d or 9A515.e, when ''specially designed'' for defense articles, ''600 series'' items, or items controlled by 9A515.
Related Definitions: N/A
Items:

a. Electronic ''equipment,'' ''end items,'' and ''systems'' ''specially designed'' for a military application that are not enumerated or otherwise described in either a USML category or another ''600 series'' ECCN.

Note to 3A611.a: *ECCN 3A611.a includes any radar, telecommunications, acoustic or computer equipment, end items, or systems ''specially designed'' for military application that are not enumerated or otherwise described in any USML category or controlled by another ''600 series'' ECCN.*

b. [Reserved]
c. [Reserved]
d. [Reserved]
e. High frequency (HF) surface wave radar that maintains the positional state of maritime surface or low altitude airborne objects of interest in a received radar signal through time.

Note to 3A611.e: *ECCN 3A611.e does not apply to systems, equipment, and assemblies ''specially designed'' for marine traffic control.*

f. Application specific integrated circuits (ASICs) and programmable logic devices (PLD) that are not controlled by paragraph .y of this entry and that are programmed for ''600 series'' items.

Note to paragraph .f: *In this paragraph, the term 'application specific integrated circuit' means an integrated circuit developed and produced for a specific application or function regardless of number of customers for which the integrated circuit is developed or produced.*

g. Printed circuit boards and populated circuit card assemblies that are not controlled by paragraph .y of this entry and for which the layout is ''specially designed'' for ''600 series'' items.
h. Multichip modules that are not controlled by paragraph .y of this entry and for which the pattern or layout is ''specially designed'' for ''600 series'' items.
i. through w. [Reserved]
x. ''Parts,'' ''components,'' ''accessories,'' and ''attachments'' that are ''specially designed'' for a commodity controlled by this entry or for an article controlled by USML Category XI, and not enumerated or described in any USML category or in any paragraph other than the .x paragraph of another 600 series ECCN or in paragraph .y of this entry.

Note 1 to ECCN 3A611.x: *ECCN 3A611.x includes ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for a radar, telecommunications, acoustic system or equipment or computer ''specially designed'' for military application that are neither controlled in any USML category nor controlled in any paragraph other than the .x paragraph of another ''600 series'' ECCN.*

Note 2 to ECCN 3A611.x: *ECCN 3A611.x controls ''parts'' and ''components'' ''specially designed'' for underwater sensors or projectors controlled by USML Category XI(c)(12) containing single-crystal lead magnesium niobate lead titanate (PMN–PT) based piezoelectrics.*

Note 3 to ECCN 3A611.x: *''Parts,'' ''components,'' ''accessories,'' and ''attachments'' subject to the EAR and within the scope of any 600 series .x entry that are of a type that are or would potentially be for use in or with multiple platforms (e.g., military electronics, military vehicles, and military aircraft) may be classified under 3A611.x.*

y. Specific ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for a commodity subject to control in a ''600 series'' ECCN or a defense article and not elsewhere specified in any paragraph other than the .y paragraph of a ''600 series'' ECCN or the USML as follows, and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor:
y.1. Electrical connectors;
y.2. Electric fans;
y.3. Heat sinks;
y.4. Joy sticks;
y.5. Mica paper capacitors;
y.6. Microphones;
y.7. Potentiometers;
y.8. Rheostats;
y.9. Electric connector backshells;
y.10. Solenoids;
y.11. Speakers;
y.12. Trackballs;
y.13. Electric transformers;
y.14. Application specific integrated circuits (ASICs) and programmable logic devices (PLD) that are programmed for commodities controlled in the .y paragraph of any ''600 series'' ECCN;
y.15. Printed circuit boards and populated circuit card assemblies for which the layout is ''specially designed'' for an item controlled by the .y paragraph of any ''600 series'' ECCN;
y.16. Multichip modules for which the pattern or layout is ''specially designed'' for an item in the .y paragraph of a ''600 series'' ECCN;
y.17. Circuit breakers;
y.18. Ground fault circuit interrupters;
y.19. Electrical contacts;
y.20. Electrical guide pins;
y.21. Filtered and unfiltered mechanical switches;
y.22. Thumbwheels;
y.23. Fixed resistors;
y.24. Electrical jumpers;
y.25. Grounding straps;
y.26. Indicator dials;
y.27. Contactors;
y.28. Touchpads;
y.29. Mechanical caps;
y.30. Mechanical plugs;
y.31. Finger barriers;
y.32. Flip-guards;
y.33. Identification plates and nameplates;
y.34. Knobs;
y.35. Hydraulic, pneumatic, fuel and lubrication gauges.

Note to ECCN 3A611: *When applying the ''specially designed'' definition to determine whether a printed circuit board, populated circuit card assembly or multichip module is controlled by paragraph .g, .h, .y.15 or .y.16 of this entry, the layout of the board or assembly and the pattern and layout of the module are the only characteristics that need be evaluated under the ''specially designed'' definition.*

* * * * *

3D611 ''Software'' ''specially designed'' for military electronics, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry except 3D611.y.	NS Column 1.

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
RS applies to entire entry except 3D611.y.	RS Column 1.
RS applies to 3D611.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry except 3D611.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: 1. Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any ''software'' in 3D611.

2. Except for ''build-to-print'' software, License Exception STA is not eligible for software enumerated in ECCN 3D611.b.

List of Items Controlled

Related Controls: ''Software'' directly related to articles enumerated in USML Category XI is controlled in USML Category XI(d).

Related Definitions: N/A

Items:

a. ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities controlled by ECCN 3A611 (other than 3A611.y) and 3B611.

b. ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation or maintenance of technology in ECCN 3E611.b.

c. through x. [Reserved]

y. ''Software'' ''specially designed'' for the ''production,'' ''development,'' operation or maintenance of commodities enumerated in ECCNs 3A611.y.

* * * * *

3E611 ''Technology'' ''required'' for military electronics, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country Chart (see Supp. No. 1 to part 738)*
NS applies to entire entry except 3E611.y.	NS Column 1.
RS applies to entire entry except 3E611.y.	RS Column 1.
RS applies to 3E611.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry except 3E611.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: 1. Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any ''technology'' in 3E611.

2. Except for ''build-to-print technology,'' License Exception STA is not eligible for ''technology'' enumerated in ECCN 3E611.b.

List of Items Controlled

Related Controls: Technical data directly related to articles enumerated in USML Category XI is controlled in USML Category XI(d).

Related Definitions: N/A

Items:

a. ''Technology'' (other than that controlled by 3E611.b or 3E611.y) ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities or software controlled by ECCN 3A611, 3B611 or 3D611.

b. ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of the following if controlled by ECCN 3A611, including 3A611.x:

b.1. Helix traveling wave tubes (TWTs);

b.2. Transmit/receive or transmit modules.

c. through x. [Reserved]

y. ''Technology'' ''required'' for the ''production,'' ''development,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities or software enumerated in ECCNs 3A611.y or 3D611.y.

* * * * *

■ 5. On page 23467, in the second column, instruction 20 and its corresponding amendment text are corrected to read as follows:

■ 20. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 7, ECCNs 7A611, 7D611, and 7E611 are revised to read as follows:

7A611 Military fire control, laser, imaging, and guidance equipment, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry except 7A611.y.	NS Column 1.
MT applies to commodities in 7A611.a that meet or exceed the parameters in 7A103.b or .c.	MT Column 1.
RS applies to entire entry except 7A611.y.	RS Column 1.
RS applies to 7A611.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry except 7A611.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500

GBS: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 7A611.

List of Items Controlled

Related Controls: (1) Military fire control, laser, imaging, and guidance equipment that are enumerated in USML Category XII, and technical data (including software) directly related thereto, are subject to the ITAR. (2) See Related Controls in ECCNs 0A504, 2A984, 6A002, 6A003, 6A004, 6A005, 6A007, 6A008, 6A107, 7A001, 7A002, 7A003, 7A005, 7A101, 7A102, and 7A103. (3) See ECCN 3A611 and USML Category XI for controls on countermeasure equipment. (4) See ECCN 0A919 for foreign-made ''military commodities'' that incorporate more than a de minimis amount of U.S. origin ''600 series'' controlled content.

Related Definitions: N/A

Items:

a. Guidance or navigation systems, not elsewhere specified on the USML, that are ''specially designed'' for a defense article on the USML or for a 600 series item.

b. to w. [Reserved]

x. ''Parts,'' ''components,'' ''accessories,'' and ''attachments,'' including accelerometers, gyros, angular rate sensors, gravity meters (gravimeters), and inertial measurement units (IMUs), that are ''specially designed'' for defense articles controlled by USML Category XII or items controlled by 7A611, and that are NOT:

1. Enumerated or controlled in the USML or elsewhere within ECCN 7A611;

2. Described in ECCNs 6A007, 6A107, 7A001, 7A002, 7A003, 7A101, 7A102 or 7A103; or

3. Elsewhere specified in ECCN 7A611.y or 3A611.y.

y. Specific ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for a commodity subject to control in this ECCN or a defense article in Category XII and not elsewhere specified on the USML or in the CCL, as follows, and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor:

y.1 [Reserved]

* * * * *

7D611 ''Software'' ''specially designed'' for commodities controlled by 7A611 or equipment controlled by 7B611, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry except 7D611.y.	NS Column 1.

Control(s)	Country chart (see Supp. No. 1 to part 738)
MT applies to 7D611.a ''software'' ''specially designed'' for 7A611.a commodities controlled for MT reasons.	MT Column 1.
RS applies to entire entry except 7D611.y.	RS Column 1.
RS applies to 7D611.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry except 7D611.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any software in 7D611.

List of Items Controlled

Related Controls: ''Software'' directly related to articles enumerated in USML Category XII is subject of USML paragraph XII(f).
Related Definitions: N/A

Items:

a. ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities controlled by ECCNs 7A611 (except 7A611.y) or 7B611.

b. to x. [Reserved]

y. Specific ''software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities described in 7A611.y.

* * * * *

7E611 ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul or refurbishing of commodities controlled by 7A611, commodities controlled by 7B611, or software controlled by 7D611, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, RS, AT, UN

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry except 7E611.y.	NS Column 1.
MT applies to ''technology'' in 7E611.a if ''required'' for items controlled for MT reasons in 7A611.a, 7B611.a, or 7D611.a.	MT Column 1.
RS applies to entire entry except 7E611.y.	RS Column 1.
RS applies to 7E611.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry except 7E611.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any technology in 7E611.

List of Items Controlled

Related Controls: Technical data directly related to articles enumerated in USML Category XII are subject to the control of USML Category XII(f).
Related Definitions: N/A

Items:

a. ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities or ''software'' controlled by ECCN 7A611 (except 7A611.y), 7B611, or 7D611 (except 7D611.y).

b. through .x [Reserved]

y. Specific ''technology'' ''required'' for the ''production,'' ''development,'' operation, installation, maintenance, repair, or overhaul of commodities or software controlled by ECCNs 7A611.y or 7D611.y.

* * * * *

■ 7. On page 23467, in the third column, instruction 21 and its corresponding amendment text are corrected to read as follows:

■ 21. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 8, ECCNs 8A609, 8A620, 8D609, 8D620, 8E609, and 8E620 are revised to read as follows:

8A609 Surface vessels of war and related commodities (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry, except 8A609.y.	NS Column 1.
RS applies to entire entry, except 8A609.y.	RS Column 1.
RS applies to 8A609.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 8A609.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500
GBS: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for any item in 8A609.a, unless determined by BIS to be eligible for License Exception STA in accordance with § 740.20(g) (License Exception STA eligibility requests for 9x515 and ''600 series'' items). (2) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 8A609.

List of Items Controlled

Related Controls: (1) Surface vessels of war and special naval equipment, and technical data (including software), and services directly related thereto, described in 22 CFR part 121, Category VI, Surface Vessels of War and Special Naval Equipment, are subject to the jurisdiction of the International Traffic in Arms Regulations. (2) See ECCN 0A919 for foreign-made ''military commodities'' that incorporate more than a de minimis amount of U.S.-origin ''600 series'' controlled content. (3) For controls on diesel engines and electric motors that are ''subject to the EAR'' for surface vessels of war ''subject to the EAR'' or ''subject to the ITAR,'' see ECCN 8A992.g. For diesel engines and electric motors for surface vessels of war ''subject to the ITAR,'' see 22 CFR part 121, Category VI(c) for parts, components, accessories, and attachments, ''specially designed'' for developmental vessels funded by the Department of Defense via contract or other funding authorization. (4) For controls on military gas turbine engines and related items for vessels of war, see ECCN 9A619. (4) For controls on military gas turbine engines and related items for vessels of war, see ECCN 9A619.
Related Definitions: N/A
Items:

a. Surface vessels of war ''specially designed'' for a military use and not enumerated or otherwise described in the USML.

Note 1: *8A609.a includes: (i) Underway replenishment ships; (ii) surface vessel and submarine tender and repair ships, except vessels that are ''specially designed'' to support naval nuclear propulsion plants; (iii) non-submersible submarine rescue ships; (iv) other auxiliaries (e.g., AGDS, AGF, AGM, AGOR, AGOS, AH, AP, ARL, AVB, AVM, and AVT); (v) amphibious warfare craft, except those that are armed; and (vi) unarmored and unarmed coastal, patrol, roadstead, and Coast Guard and other patrol craft with*

mounts or hard points for firearms of .50 caliber or less.

Note 2: *For purposes of paragraph .a, surface vessels of war includes vessels ''specially designed'' for military use that are not identified in paragraph (a) of ITAR § 121.15, including any demilitarized vessels, regardless of origin or designation, manufactured prior to 1950 and that have not been modified since 1949. For purposes of this note, the term modified does not include incorporation of safety features required by law, cosmetic changes (e.g., different paint), or the addition of ''parts'' or ''components'' available prior to 1950.*

b. Non-magnetic diesel engines with a power output of 50 hp or more and either of the following:

b.1. Non-magnetic content exceeding 25% of total weight; or

b.2. Non-magnetic parts other than crankcase, block, head, pistons, covers, end plates, valve facings, gaskets, and fuel, lubrication and other supply lines.

c. through w. [Reserved]

x. ''Parts,'' ''components,'' ''accessories'' and ''attachments'' that are ''specially designed'' for a commodity enumerated or otherwise described in ECCN 8A609 (except for 8A609.y) or a defense article enumerated or otherwise described in USML Category VI and not specified elsewhere on the USML, in 8A609.y or 3A611.y.

Note 1: *Forgings, castings, and other unfinished products, such as extrusions and machined bodies, that have reached a stage in manufacturing where they are clearly identifiable by mechanical properties, material composition, geometry, or function as commodities controlled by ECCN 8A609.x are controlled by ECCN 8A609.x.*

Note 2: *''Parts,'' ''components,'' ''accessories'' and ''attachments'' specified in USML subcategory VI(f) are subject to the controls of that paragraph. ''Parts,'' ''components,'' ''accessories,'' and ''attachments'' specified in ECCN 8A609.y are subject to the controls of that paragraph.*

y. Specific ''parts,'' ''components,'' ''accessories'' and ''attachments'' ''specially designed'' for a commodity subject to control in this ECCN or for a defense article in USML Category VI and not elsewhere specified in the USML, as follows, and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor:

y.1. Public address (PA) systems;

y.2. Filters and filter assemblies, hoses, lines, fittings, couplings, and brackets for pneumatic, hydraulic, oil and fuel systems;

y.3. Galleys;

y.4. Lavatories;

y.5. Magnetic compass, magnetic azimuth detector;

y.6. Medical facilities;

y.7. Potable water tanks, filters, valves, hoses, lines, fittings, couplings, and brackets;

y.8. Panel knobs, indicators, switches, buttons, and dials whether unfiltered or filtered for use with night vision imaging systems;

y.9. Emergency lighting;

y.10. Gauges and indicators;

y.11. Audio selector panels.

8A620 Submersible vessels, oceanographic and associated commodities (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry, except 8A620. b and .y.	NS Column 1.
RS applies to entire entry, except 8A620.y.	RS Column 1.
RS applies to 8A620.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 8A620.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500

GBS: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for any item in 8A620.a or .b, unless determined by BIS to be eligible for License Exception STA in accordance with § 740.20(g) (License Exception STA eligibility requests for ''600 series'' end items). (2) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 8A620.

List of Items Controlled

Related Controls: (1) Submersible vessels, oceanographic and associated equipment, and technical data (including software), and services directly related thereto, described in 22 CFR part 121, Category XX, Submersible Vessels, Oceanographic and Associated Equipment, are subject to the jurisdiction of the International Traffic in Arms Regulations (ITAR). ''Parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for defense articles in USML Category XX are controlled under USML sub-category XX(c). (2) See ECCN 0A919 for foreign made ''military commodities'' that incorporate more than a de minimis amount of U.S.-origin ''600 series'' controlled content. (3) For controls on nonmilitary submersible vehicles, oceanographic and associated equipment, see ECCNs 8A001, 8A002, and 8A992. (4) See ECCN 8A609 for controls on nonmagnetic diesel engines with a power output of 50 hp or more and either: (i) Nonmagnetic content exceeding 25% of total weight; or (ii) non-magnetic parts other than crankcase, block, head, pistons, covers, end plates, valve facings, gaskets, and fuel, lubrication and other supply lines.

Related Definitions: N/A

Items:

a. Submersible and semi-submersible vessels ''specially designed'' for a military use and not enumerated or otherwise described in the USML.

Note: *8A620.a includes submarine rescue vehicles and Deep Submergence Vehicles (DSV).*

b. Submersible and semi-submersible vessels ''specially designed'' for cargo transport and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor.

c. Harbor entrance detection devices (magnetic, pressure, and acoustic) and controls therefor, not elsewhere specified on the USML or the CCL.

d. Diesel engines of 1,500 hp and over with rotary speed of 700 rpm or over ''specially designed'' for submarines.

Note: *Propulsion systems not specified in ECCN 8A620.d that are ''specially designed'' for an article controlled by USML Category XX are controlled by USML XX(b) or (c).*

e. Submarine nets and torpedo nets.

f. Diving and underwater swimming apparatus specially designed or modified for military use, as follows:

f.1. Self-contained diving rebreathers, closed or semi-closed circuit;

f.2. Underwater swimming apparatus specially designed for use with the diving apparatus specified in subparagraph f.1;

N.B.: *See also 8A002.q.*

g. through w. [Reserved]

x. ''Parts,'' ''components,'' ''accessories'' and ''attachments'' that are ''specially designed'' for a commodity enumerated or otherwise described in ECCN 8A620 (except for 8A620.b or 8A620.y) and not elsewhere specified on the USML, in 8A620.y or 3A611.y.

Note 1: *Forgings, castings, and other unfinished products, such as extrusions and machined bodies, that have reached a stage in manufacturing where they are clearly identifiable by mechanical properties, material composition, geometry, or function as commodities controlled by ECCN 8A620.x are controlled by ECCN 8A620.x.*

Note 2: *''Parts,'' ''components,'' ''accessories'' and ''attachments'' specified in ECCN 8A620.y are subject to the controls of that paragraph.*

y. Specific ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for a commodity subject to control in this ECCN, as follows, and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor:

y.1. Public address (PA) systems;

y.2. Filters and filter assemblies, hoses, lines, fittings, couplings, and brackets for pneumatic, hydraulic, oil and fuel systems;

y.3. Galleys;

y.4. Lavatories;

y.5. Magnetic compass, magnetic azimuth detector;

y.6. Medical facilities;

y.7. Potable water tanks, filters, valves, hoses, lines, fittings, couplings, and brackets;

y.8. Panel knobs, indicators, switches, buttons, and dials whether unfiltered or filtered for use with night vision imaging systems;

y.9. Emergency lighting;
y.10. Gauges and indicators;
y.11. Audio selector panels.

* * * * *

8D609 ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation or maintenance of commodities controlled by 8A609, 8B609, or 8C609 (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry, except 8D609.y.	NS Column 1.
RS applies to entire entry, except 8D609.y.	RS Column 1.
RS applies to 8D609.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 8D609.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any ''software'' in 8D609.

List of Items Controlled

Related Controls: (1) ''Software'' directly related to articles enumerated in USML Category VI is controlled under USML Category VI(g). (2) See ECCN 0A919 for foreign made ''military commodities'' that incorporate more than a de minimis amount of U.S.-origin ''600 series'' controlled content.

Related Definitions: N/A

Items:

a. ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities controlled by ECCN 8A609, ECCN 8B609, or ECCN 8C609 (except for commodities controlled by ECCN 8A609.y).

b. through .x [Reserved]

y. Specific ''software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities in ECCN 8A609.y.

8D620 ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities controlled by 8A620 or 8B620 (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry, except 8D620.b and .y.	NS Column 1.
RS applies to entire entry, except 8D620.y.	RS Column 1.
RS applies to 8D620.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 8D620.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any ''software'' in 8D620.

List of Items Controlled

Related Controls: (1) ''Software'' directly related to articles enumerated or otherwise described in USML Category XX is controlled under USML Category XX(d). (2) See ECCN 0A919 for foreign made ''military commodities'' that incorporate more than a de minimis amount of U.S.-origin ''600 series'' controlled content.

Related Definitions: N/A

Items:

a. ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities controlled by ECCN 8A620 or ECCN 8B620 (except for commodities controlled by ECCN 8A620.b or .y or ECCN 8B620.b).

b. ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities controlled by ECCN 8A620.b or ECCN 8B620.b.

c. through .x [Reserved]

y. Specific ''software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities in ECCN 8A620.y.

* * * * *

8E609 ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled by 8A609, 8B609, or 8C609, or ''software'' controlled by 8D609 (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry, except 8E609.y.	NS Column 1.
RS applies to entire entry, except 8E609.y.	RS Column 1.
RS applies to 8E609.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 8E609.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any ''technology'' in 8E609.

List of Items Controlled

Related Controls: Technical data directly related to articles enumerated or otherwise described in USML Category VI are controlled under USML Category VI(g).

Related Definitions: N/A

Items:

a. ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled by ECCN 8A609, 8B609, or 8C609 (except for commodities controlled by ECCN 8A609.y), or ''software'' controlled by ECCN 8D609.

b. through .x [Reserved]

y. Specific ''technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities or software in ECCN 8A609.y or 8D609.y.

8E620 ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled by 8A620 or 8B620, or ''software'' controlled by 8D620 (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry, except 8E620.b and .y.	NS Column 1.
RS applies to entire entry, except 8E620.y.	RS Column 1.
RS applies to 8E620.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry, except 8E620.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any ''technology'' in 8E620.

List of Items Controlled

Related Controls: Technical data directly related to articles enumerated or otherwise described in USML Category XX are controlled under USML Category XX(d).
Related Definitions: N/A
Items:

a. ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled by ECCN 8A620 or 8B620 or ''software'' controlled by ECCN 8D620 (except for commodities controlled by ECCN 8A620.b or .y or ECCN 8B620.b or ''software'' controlled by 8D620.b or .y).

b. ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled by ECCN 8A620.b or 8B620.b or ''software'' controlled by ECCN 8D620.b.

c. through .x [Reserved]

y. Specific ''technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul or refurbishing of commodities or software in ECCN 8A620.y or 8D620.y.

* * * * *

■ 8. On page 23468, in the third column, instruction 22 is removed.

■ 9. On page 23468, in the third column, instruction 23 and its corresponding amendment text are corrected to read as follows:

■ 23. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 9, ECCNs 9A515, 9A610, 9A619, 9B619, 9D515, 9D610, 9D619, 9E515, 9E610, and 9E619 are revised to read as follows:

9A515 ''Spacecraft'' and related commodities, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, MT, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry, except .e and .y.	NS Column 1.
RS applies to entire entry, except .e and .y.	RS Column 1.
RS applies to 9A515.e.	RS Column 2.
RS applies to 9A515.y, except to Russia for use in, with, or for the International Space Station (ISS), including launch to the ISS.	China, Russia, or Venezuela (see § 742.6(a)(7)).
MT applies to microcircuits in 9A515.d and 9A515.e.2 when ''usable in'' ''missiles'' for protecting ''missiles'' against nuclear effects (e.g., Electromagnetic Pulse (EMP), X-rays, combined blast and thermal effects). MT also applies to 9A515.h when the total impulse capacity is equal to or greater than 8.41x10∧5 newton seconds.	MT Column 1.
AT applies to entire entry.	AT Column 1.

License Requirement Note: The Commerce Country Chart is not used for determining license requirements for commodities classified in ECCN 9A515.a.1, .a.2., .a.3., .a.4, and .g. See § 742.6(a)(9), which specifies that such commodities are subject to a worldwide license requirement.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500
GBS: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for ''spacecraft'' in ECCN 9A515.a.1, .a.2, .a.3, or .a.4, or items in 9A515.g, unless determined by BIS to be eligible for License Exception STA in accordance with § 740.20(g) (License Exception STA eligibility requests for certain 9x515 and ''600 series'' items). (2) License Exception STA may not be used if the ''spacecraft'' controlled in ECCN 9A515.a.1, .a.2, .a.3, or .a.4 contains a separable or removable propulsion system enumerated in USML Category IV(d)(2) or USML Category XV(e)(12) and designated MT. (3) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 9A515.

List of Items Controlled

Related Controls: Spacecraft, launch vehicles and related articles that are enumerated in the USML, and technical data (including ''software'') directly related thereto, and all services (including training) directly related to the integration of any satellite or spacecraft to a launch vehicle, including both planning and onsite support, or furnishing any assistance (including training) in the launch failure analysis or investigation for items in ECCN 9A515.a, are ''subject to the ITAR.'' All other ''spacecraft,'' as enumerated below and defined in § 772.1, are subject to the controls of this ECCN. See also ECCNs 3A001, 3A002, 3A991, 3A992, 6A002, 6A004, 6A008, and 6A998 for specific ''space-qualified'' items, 7A004 and 7A104 for star trackers, and 9A004 for the International Space Station (ISS), the James Webb Space Telescope (JWST), and ''specially designed'' ''parts'' and ''components'' therefor. See USML Category XI(c) for controls on ''Monolithic Microwave Integrated Circuit'' (''MMIC'') amplifiers that are ''specially designed'' for defense articles. See ECCN 9A610.g for pressure suits used for high altitude aircraft.
Related Definitions: 'Microcircuit' means a device in which a number of passive or active elements are considered as indivisibly associated on or within a continuous structure to perform the function of a circuit.
Items:

''Spacecraft'' and other items described in ECCN 9A515 remain subject to the EAR even if exported, reexported, or transferred (in-country) with defense articles ''subject to the ITAR'' integrated into and included therein as integral parts of the item. In all other cases, such defense articles are subject to the ITAR. For example, a 9A515.a ''spacecraft'' remains ''subject to the EAR'' even when it is exported, reexported, or transferred (in-country) with a ''hosted payload'' described in USML Category XV(e)(17) incorporated therein. In all other cases, a ''hosted payload'' performing a function described in USML Category XV(a) always remains a USML item. The removal of the defense article subject to the ITAR from the spacecraft is a retransfer under the ITAR and would require an ITAR authorization, regardless of the CCL authorization the spacecraft is exported under. Additionally, transfer of technical data regarding the defense article subject to the ITAR integrated into the spacecraft would require an ITAR authorization.

a. ''Spacecraft,'' including satellites, and space vehicles, whether designated developmental, experimental, research or scientific, not enumerated in USML Category XV or described in ECCN 9A004.u or .w, that:

a.1. Have electro-optical remote sensing capabilities and having a clear aperture greater than 0.35 meters, but less than or equal to 0.50 meters;

a.2. Have remote sensing capabilities beyond NIR (*i.e.,* SWIR, MWIR, or LWIR);

a.3. Have radar remote sensing capabilities (*e.g.,* AESA, SAR, or ISAR) having a center frequency equal to or greater than 1.0 GHz, but less than 10.0 GHz and having a bandwidth equal to or greater than 100 MHz, but less than 300 MHz;

a.4. Provide space-based logistics, assembly, or servicing of another ''spacecraft''; or

a.5. Are not described in ECCN 9A515.a.1, .a.2, .a.3 or .a.4.

Note: ECCN 9A515.a includes commercial communications satellites, remote sensing satellites, planetary rovers, planetary and interplanetary probes, and in-space habitats, not identified in ECCN 9A004 or USML Category XV(a).

b. Ground control systems and training simulators ''specially designed'' for telemetry, tracking, and control of the ''spacecraft'' controlled in paragraphs 9A004.u or 9A515.a.

c. [Reserved]

d. Microelectronic circuits (*e.g.,* integrated circuits, microcircuits, or MOSFETs) and discrete electronic components rated, certified, or otherwise specified or described as meeting or exceeding all the following characteristics and that are ''specially designed'' for defense articles, ''600 series'' items, or items controlled by ECCNs 9A004.v or 9A515:

d.1. A total dose of 5 x 105 Rads (Si) (5 × 103 Gy (Si));

d.2. A dose rate upset threshold of 5 × 108 Rads (Si)/sec (5 × 106 Gy (Si)/sec);

d.3. A neutron dose of 1 × 1014 n/cm2 (1 MeV equivalent);

d.4. An uncorrected single event upset sensitivity of 1 × 10–10 errors/bit/day or less, for the CREME–MC geosynchronous orbit, Solar Minimum Environment for heavy ion flux; and

d.5. An uncorrected single event upset sensitivity of 1 × 10–3 errors/part or less for a fluence of 1 × 107 protons/cm2 for proton energy greater than 50 MeV.

e. Microelectronic circuits (*e.g.,* integrated circuits, microcircuits, or MOSFETs) and discrete electronic components that are rated, certified, or otherwise specified or described as meeting or exceeding the characteristics in either paragraph e.1 or e.2, AND ''specially designed'' for defense articles controlled by USML Category XV or items controlled by ECCNs 9A004.u or 9A515:

e.1. A total dose ≥1 × 105 Rads (Si) (1 × 103 Gy(Si)) and <5 × 105 Rads (Si) (5 × 103 Gy(Si)); and a single event effect (SEE) (*i.e.,* single event latchup (SEL), single event burnout (SEB), or single event gate rupture (SEGR)) immunity to a linear energy transfer (LET) ≥80 MeV-cm2/mg; or

e.2. A total dose ≥5 × 105 Rads (Si) (5 × 103 Gy (Si)) and not described in 9A515.d.

Note 1 to 9A515.d and .e: *Application specific integrated circuits (ASICs), integrated circuits developed and produced for a specific application or function, specifically designed or modified for defense articles and not in normal commercial use are controlled by Category XI(c) of the USML regardless of characteristics.*

Note 2 to 9A515.d and .e: *See 3A001.a for controls on radiation-hardened microelectronic circuits ''subject to the EAR'' that are not controlled by 9A515.d or 9A515.e.*

f. Pressure suits (*i.e.,* space suits) capable of operating at altitudes 55,000 feet above sea level.

g. Remote sensing components ''specially designed'' for ''spacecraft'' described in ECCNs 9A515.a.1 through 9A515.a.4 as follows:

g.1. Space-qualified optics (*i.e.,* lens, mirror, membrane having active properties (*e.g.,* adaptive, deformable)) with the largest lateral clear aperture dimension equal to or less than 0.35 meters; or with the largest clear aperture dimension greater than 0.35 meters but less than or equal to 0.50 meters;

g.2. Optical bench assemblies ''specially designed'' for ECCN 9A515.a.1, 9A515.a.2, 9A515.a.3, or 9A515.a.4 ''spacecraft;'' or

g.3. Primary, secondary, or hosted payloads that perform a function of ECCN 9A515.a.1, 9A515.a.2, 9A515.a.3, or 9A515.a.4 ''spacecraft.''

h. Spacecraft thrusters using bi-propellants or mono-propellants that provide thrust equal to or less than 150 lbf (*i.e.,* 667.23 N) vacuum thrust.

i. through w. [RESERVED]

x. ''Parts,'' ''components,'' ''accessories'' and ''attachments'' that are ''specially designed'' for defense articles controlled by USML Category XV or items controlled by 9A515, and that are NOT:

x.1. Enumerated or controlled in the USML or elsewhere within ECCNs 9A515 or 9A004;

x.2. Microelectronic circuits and discrete electronic components;

x.3. Described in ECCNs 7A004 or 7A104;

x.4. Described in an ECCN containing ''space-qualified'' as a control criterion (*i.e.,* 3A001.b.1, 3A001.e.4, 3A002.g.1, 3A991.o, 3A992.b.3, 6A002.a.1, 6A002.b.2, 6A002.d.1, 6A004.c and .d, 6A008.j.1, 6A998.b, or 7A003.d.2);

x.5. Microwave solid state amplifiers and microwave assemblies (refer to ECCN 3A001.b.4 for controls on these items);

x.6. Travelling wave tube amplifiers (refer to ECCN 3A001.b.8 for controls on these items); or

x.7. Elsewhere specified in ECCN 9A515.y.

Note to 9A515.x: ''*Parts,*'' ''*components,*'' ''*accessories,*'' *and* ''*attachments*'' *specified in USML subcategory XV(e) or enumerated in other USML categories are subject to the controls of that paragraph or category.*

y. Items that would otherwise be within the scope of ECCN 9A515.x but that have been identified in an interagency-cleared commodity classification (CCATS) pursuant to § 748.3(e) as warranting control in 9A515.y.

y.1. Discrete electronic components not specified in 9A515.e;

y.2. Space grade or for spacecraft applications thermistors;

y.3. Space grade or for spacecraft applications RF microwave bandpass ceramic filters (Dielectric Resonator Bandpass Filters);

y.4. Space grade or for spacecraft applications hall effect sensors;

y.5. Space grade or for spacecraft applications subminiature (SMA and SMP) plugs and connectors, TNC plugs and cable and connector assemblies with SMA plugs and connectors; and

y.6. Space grade or for spacecraft applications flight cable assemblies.

* * * * *

9A610 Military aircraft and related commodities, other than those enumerated in 9A991.a (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, MT, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry except: 9A610.b; parts and components controlled in 9A610.x if being exported or reexported for use in an aircraft controlled in 9A610.b; and 9A610.y.	NS Column 1.
RS applies to entire entry except: 9A610.b; parts and components controlled in 9A610.x if being exported or reexported for use in an aircraft controlled in 9A610.b; and 9A610.y.	RS Column 1.
RS applies to 9A610.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
MT applies to 9A610.t, .u, .v, and .w.	MT Column 1.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry except 9A610.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500
GBS: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for any item in 9A610.a (*i.e.,* ''end item'' military aircraft), unless determined by BIS to be eligible for License Exception STA in accordance with § 740.20(g) (License Exception STA eligibility requests for 9x515 and ''600 series'' items). (2) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 9A610.

List of Items Controlled

Related Controls: (1) Military aircraft and related articles that are enumerated in USML Category VIII, and technical data (including software) directly related thereto, are subject to the ITAR. (2) See ECCN 0A919 for controls on foreign-made ''military commodities'' that incorporate more than a de minimis amount of U.S.-origin ''600 series'' controlled content. (3) See USML Category XIX and ECCN 9A619 for controls on military aircraft gas turbine engines and related items.

Related Definitions: In paragraph .y of this entry, the term 'fluid' includes liquids and gases.

Items:

a. 'Military Aircraft' ''specially designed'' for a military use that are not enumerated in USML paragraph VIII(a).

Note 1: *For purposes of paragraph .a the term 'military aircraft' means the LM–100J aircraft and any aircraft ''specially designed'' for a military use that are not enumerated in USML paragraph VIII(a). The term includes: Trainer aircraft; cargo aircraft; utility fixed wing aircraft; military helicopters; observation aircraft; military non-expansive balloons and other lighter than air aircraft; and unarmed military aircraft, regardless of origin or designation. Aircraft with modifications made to incorporate safety of flight features or other FAA or NTSB modifications such as transponders and air data recorders are ''unmodified'' for the purposes of this paragraph .a.*

Note 2: *9A610.a does not control 'military aircraft' that:*

a. Were first manufactured before 1946;

b. Do not incorporate defense articles enumerated or otherwise described on the U.S. Munitions List, unless the items are required to meet safety or airworthiness standards of a Wassenaar Arrangement Participating State; and

c. Do not incorporate weapons enumerated or otherwise described on the U.S. Munitions List, unless inoperable and incapable of being returned to operation.

b. L–100 aircraft manufactured prior to 2013.

c.–d. [Reserved]

e. Mobile aircraft arresting and engagement runway systems for aircraft controlled by either USML Category VIII(a) or ECCN 9A610.a.

f. Pressure refueling equipment and equipment that facilitates operations in confined areas, ''specially designed'' for aircraft controlled by either USML paragraph VIII(a) or ECCN 9A610.a.

g. Aircrew life support equipment, aircrew safety equipment and other devices for emergency escape from aircraft controlled by either USML paragraph VIII(a) or ECCN 9A610.a.

h. Parachutes, paragliders, complete parachute canopies, harnesses, platforms, electronic release mechanisms, ''specially designed'' for use with aircraft controlled by either USML paragraph VIII(a) or ECCN 9A610.a, and ''equipment'' ''specially designed'' for military high altitude parachutists, such as suits, special helmets, breathing systems, and navigation equipment.

i. Controlled opening equipment or automatic piloting systems, designed for parachuted loads.

j. Ground effect machines (GEMS), including surface effect machines and air cushion vehicles, ''specially designed'' for use by a military.

k. through s. [Reserved]

t. Composite structures, laminates, and manufactures thereof ''specially designed'' for unmanned aerial vehicles controlled under USML Category VIII(a) with a range equal to or greater than 300 km.

Note to paragraph .t: Composite structures, laminates, and manufactures thereof ''specially designed'' for unmanned aerial vehicles controlled under USML Category VIII(a) with a maximum range less than 300 km are controlled in paragraph .x of this entry.

u. Apparatus and devices ''specially designed'' for the handling, control, activation and non-ship-based launching of UAVs or drones controlled by either USML paragraph VIII(a) or ECCN 9A610.a, and capable of a range equal to or greater than 300 km.

Note to paragraph .u: Apparatus and devices ''specially designed'' for the handling, control, activation and non-ship-based launching of UAVs or drones controlled by either USML paragraph VIII(a) or ECCN 9A610.a with a maximum range less than 300 km are controlled in paragraph .x of this entry.

v. Radar altimeters designed or modified for use in UAVs or drones controlled by either USML paragraph VIII(a) or ECCN 9A610.a., and capable of delivering at least 500 kilograms payload to a range of at least 300 km.

Note to paragraph .v: *Radar altimeters designed or modified for use in UAVs or drones controlled by either USML paragraph VIII(a) or ECCN 9A610.a. that are not capable of delivering at least 500 kilograms payload to a range of at least 300 km are controlled in paragraph .x of this entry.*

w.1. Pneumatic hydraulic, mechanical, electro-optical, or electromechanical flight control systems (including fly-by-wire and fly-by-light systems) and attitude control equipment designed or modified for UAVs controlled by either USML paragraph VIII(a) or ECCN 9A610.a., and capable of delivering at least 500 kilograms payload to a range of at least 300 km.

Note to paragraph w.1: *Pneumatic, hydraulic, mechanical, electro-optical, or electromechanical flight control systems (including fly-by-wire and fly-by-light systems) and attitude control equipment designed or modified for UAVs controlled by either USML paragraph VIII(a) or ECCN 9A610.a., not capable of delivering at least 500 kilograms payload to a range of at least 300 km are controlled in paragraph .x of this entry.*

w.2. Flight control servo valves designed or modified for the systems in 9A610.w.1 and designed or modified to operate in a vibration environment greater than 10g rms over the entire range between 20Hz and 2 kHz.

Note to paragraph .w: *Paragraphs 9A610.w.1. and 9A610.w.2. include the systems, equipment and valves designed or modified to enable operation of manned aircraft as unmanned aerial vehicles.*

x. ''Parts,'' ''components,'' ''accessories,'' and ''attachments'' that are ''specially designed'' for a commodity enumerated or otherwise described in ECCN 9A610 (except for 9A610.y) or a defense article enumerated or otherwise described in USML Category VIII and not elsewhere specified on the USML or in 9A610.y, 9A619.y, or 3A611.y.

y. Specific ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for a commodity subject to control in this entry, ECCN 9A619, or for a defense article in USML Categories VIII or XIX and not elsewhere specified in the USML or the CCL, and other aircraft commodities ''specially designed'' for a military use, as follows, and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor:

y.1. Aircraft tires;

y.2. Analog gauges and indicators;

y.3. Audio selector panels;

y.4. Check valves for hydraulic and pneumatic systems;

y.5. Crew rest equipment;

y.6. Ejection seat mounted survival aids;

y.7. Energy dissipating pads for cargo (for pads made from paper or cardboard);

y.8. Fluid filters and filter assemblies;

y.9. Galleys;

y.10. Fluid hoses, straight and unbent lines (for a commodity subject to control in this entry or defense article in USML Category VIII), and fittings, couplings, clamps (for a commodity subject to control in this entry or defense article in USML Category VIII) and brackets therefor;

y.11. Lavatories;

y.12. Life rafts;

y.13. Magnetic compass, magnetic azimuth detector;

y.14. Medical litter provisions;

y.15. Cockpit or cabin mirrors;

y.16. Passenger seats including palletized seats;

y.17. Potable water storage systems;

y.18. Public address (PA) systems;

y.19. Steel brake wear pads (does not include sintered mix or carbon/carbon materials);

y.20. Underwater locator beacons;

y.21. Urine collection bags/pads/cups/pumps;

y.22. Windshield washer and wiper systems;

y.23. Filtered and unfiltered panel knobs, indicators, switches, buttons, and dials;

y.24. Lead-acid and Nickel-Cadmium batteries;

y.25. Propellers, propeller systems, and propeller blades used with reciprocating engines;

y.26. Fire extinguishers;

y.27. Flame and smoke/CO2 detectors;

y.28. Map cases;

y.29. 'Military Aircraft' that were first manufactured from 1946 to 1955 that do not incorporate defense articles enumerated or otherwise described on the U.S. Munitions List, unless the items are required to meet safety or airworthiness standards of a Wassenaar Arrangement Participating State; and do not incorporate weapons enumerated or otherwise described on the U.S. Munitions List, unless inoperable and incapable of being returned to operation;

y.30. ''Parts,'' ''components,'' ''accessories,'' and ''attachments,'' other than electronic items or navigation equipment, for use in or with a commodity controlled by ECCN 9A610.h;

y.31. Identification plates and nameplates; and

y.32. Fluid manifolds.

9A619 Military gas turbine engines and related commodities (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry except 9A619.y.	NS Column 1.
RS applies to entire entry except 9A619.y.	RS Column 1.
RS applies to 9A619.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry except 9A619.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500
GBS: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in ECCN 9A619.

List of Items Controlled

Related Controls: (1) Military gas turbine engines and related articles that are enumerated or otherwise described in USML Category XIX, and technical data (including software) directly related thereto, are subject to the jurisdiction of the International Traffic in Arms Regulations (ITAR). (2) Gas turbine engines designated 501–D22 are controlled in ECCN 9A991.d regardless of the aircraft type into which they will be installed. (3) See ECCN 0A919 for foreign-made ''military commodities'' that incorporate more than a de minimis amount of U.S.-origin ''600 series'' controlled content. (4) ''Parts,'' ''components,'' ''accessories,'' and ''attachments'' specified in USML Category XIX(f) are subject to the controls of that paragraph. (5) ''Parts,'' ''components,'' ''accessories,'' and ''attachments'' specified in ECCN 9A619.y are subject to the controls of that paragraph.
Related Definitions: In paragraph .y of this entry, the term 'fluid' includes liquids and gases.
Items:

a. ''Military Gas Turbine Engines'' ''specially designed'' for a military use that are not controlled in USML Category XIX(a), (b), (c), or (d).

Note: *For purposes of ECCN 9A619.a, the term ''military gas turbine engines'' means gas turbine engines ''specially designed'' for ''end items'' enumerated in USML Categories VI, VII or VIII or on the CCL under ECCNs 0A606, 8A609 or 9A610.*

b. Digital engine controls (*e.g.,* Full Authority Digital Engine Controls (FADEC) and Digital Electronic Engine Controls (DEEC)) ''specially designed'' for gas turbine engines controlled in this ECCN 9A619.

c. If ''specially designed'' for gas turbine engines controlled in 9A619.a, hot section components (*i.e.,* combustion chambers and liners; high pressure turbine blades, vanes, disks and related cooled structure; cooled low pressure turbine blades, vanes, disks and related cooled structure; cooled augmenters; and cooled nozzles);

d. If ''specially designed'' for gas turbine engines controlled in 9A619.a, uncooled turbine blades, vanes, disks, and tip shrouds;

e. If ''specially designed'' for gas turbine engines controlled in 9A619.a, combustor cowls, diffusers, domes, and shells;

f. Engine monitoring systems (*i.e.,* those that conduct prognostics, diagnostics, and monitor health) ''specially designed'' for gas turbine engines and components controlled in this ECCN 9A619.

g. through w. [RESERVED]

x. Parts,'' ''components,'' ''accessories,'' and ''attachments'' that are ''specially designed'' for a commodity controlled by this ECCN 9A619 (other than ECCN 9A619.c) or for a defense article enumerated in USML Category XIX and not specified elsewhere on the USML or in ECCN 3A611.y, 9A610.y or 9A619.y.

Note to paragraph .x: *''Parts,'' ''components,'' ''accessories,'' and ''attachments'' specified in USML subcategory XIX(f) are subject to the controls of that paragraph. ''Parts,'' ''components,'' ''accessories,'' and ''attachments'' specified in ECCN 3A611.y, 9A610.y or 9A619.y are subject to the controls of that paragraph.*

y. Specific ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for a commodity subject to control in this entry, ECCN 9A610, or for a defense article in USML Category VIII or Category XIX and not elsewhere specified on the USML or in the CCL, and other commodities, as follows, and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor:

y.1. Oil tank and reservoirs;

y.2. Oil lines and tubes;

y.3. Fluid hoses, and lines (for a commodity subject to control in this entry or a defense article in USML Category XIX), fittings, couplings, and brackets therefor;

y.4. Fluid filters and filter assemblies;

y.5. Clamps (for a commodity subject to control in this entry or a defense article in USML Category XIX);

y.6. Shims;

y.7. Identification plates and nameplates;

y.8. Fluid manifolds; and

y.9. Check valves for fluid systems.

* * * * *

9B619 Test, inspection, and production ''equipment'' and related commodities ''specially designed'' for the ''development'' or ''production'' of commodities enumerated or otherwise described in ECCN 9A619 or USML Category XIX (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry except 9B619.y.	NS Column 1.
RS applies to entire entry except 9B619.y.	RS Column 1.
RS applies to 9B619.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry except 9B619.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $1,500
GBS: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in ECCN 9B619.

List of Items Controlled

Related Controls: USML Category XIX(f)(1) controls ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for the engines described in Category XIX(f)(1), but does not control the commodities enumerated or otherwise described in ECCN 9B619. USML Category XIX(f)(2)–(11) controls other engine ''parts,'' ''components,'' ''accessories,'' ''attachments,'' and ''systems.''
Related Definitions: N/A
Items:

a. Test, inspection, and production ''equipment'' ''specially designed'' for the ''production,'' ''development,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities enumerated or otherwise described in ECCN 9A619 (except for 9A619.y) or in USML Category XIX, and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor.

b. Equipment, cells, or stands ''specially designed'' for testing, analysis and fault isolation of engines, ''systems,'' ''components,'' ''parts,'' ''accessories,'' and ''attachments'' enumerated or otherwise described in ECCN 9A619 (except for 9A619.y) on the CCL or in Category XIX on the USML.

c. through x. [Reserved]

y. Bearing pullers ''specially designed'' for the ''production'' or ''development'' of commodities enumerated or otherwise described in ECCN 9A619 (except for 9A619.y) or USML Category XIX and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor.

* * * * *

9D515 ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of ''spacecraft'' and related commodities, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry except 9D515.y.	NS Column 1.
RS applies to entire entry except 9D515.y.	RS Column 1.
RS applies to 9D515.y, except to Russia for use in, with, or for the International Space Station (ISS), including launch to the ISS.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for 9D515.b, .d, or .e. (2) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any ''software'' in 9D515.

List of Items Controlled

Related Controls: ''Software'' directly related to articles enumerated in USML Category XV is subject to the control of USML paragraph XV(f). See also ECCNs 3D001, 6D001, 6D002, and 6D991 for controls of specific software ''specially designed'' for certain ''space-qualified'' items.

Related Definitions: N/A

Items:

a. ''Software'' (other than ''software'' controlled in paragraphs .b, .d, or .e of this entry) ''specially designed'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled by ECCN 9A515 (except 9A515.d or .e) or 9B515.

b. ''Source code'' that:

b.1. Contains the algorithms or control principles (*e.g.,* for clock management), precise orbit determination (*e.g.,* for ephemeris or pseudo range analysis), signal construct (*e.g.,* pseudo-random noise (PRN) anti-spoofing) ''specially designed'' for items controlled by ECCN 9A515;

b.2. Is ''specially designed'' for the integration, operation, or control of items controlled by ECCN 9A515;

b.3. Contains algorithms or modules ''specially designed'' for system, subsystem, component, part, or accessory calibration, manipulation, or control of items controlled by ECCN 9A515;

b.4. Is ''specially designed'' for data assemblage, extrapolation, or manipulation of items controlled by ECCN 9A515;

b.5. Contains the algorithms or control laws ''specially designed'' for attitude, position, or flight control of items controlled in ECCN 9A515; or

b.6. Is ''specially designed ''for built-in test and diagnostics for items controlled by ECCN 9A515.

c. [Reserved]

d. ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, failure analysis or anomaly resolution of commodities controlled by ECCN 9A515.d.

e. ''Software'' ''specially designed'' for the ''development,'' ''production,'' operation, failure analysis or anomaly resolution of commodities controlled by ECCN 9A515.e.

f. through x. [Reserved]

y. Specific ''software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities enumerated in ECCN 9A515.y.

* * * * *

9D610 Software ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of military aircraft and related commodities controlled by 9A610, equipment controlled by 9B610, or materials controlled by 9C610 (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, MT, AT, UN

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry except 9D610.y.	NS Column 1.
MT applies to software ''specially designed'' for the operation, installation, maintenance, repair, overhaul, or refurbishing of commodities controlled for MT reasons in 9A610 or 9B610.	MT Column 1.
RS applies to entire entry except 9D610.y.	RS Column 1.
RS applies to 9D610.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry except 9D610.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for 9D610.b. (2) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any software in 9D610.

List of Items Controlled

Related Controls: Software directly related to articles enumerated or otherwise described in USML Category VIII is subject to the control of USML paragraph VIII(i).

Related Definitions: N/A

Items:

a. ''Software'' (other than software controlled in paragraphs .b or .y of this entry) ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities controlled by ECCN 9A610, ECCN 9B610, or ECCN 9C610.

b. ''Software'' ''specially designed'' for the ''development'' or ''production'' of any of the following:

b.1. Static structural members;

b.2. Exterior skins, removable fairings, non-removable fairings, radomes, access doors and panels, and in-flight opening doors;

b.3. Control surfaces, leading edges, trailing edges, and leading edge flap seals;

b.4. Leading edge flap actuation system commodities (*i.e.,* power drive units, rotary geared actuators, torque tubes, asymmetry brakes, position sensors, and angle gearboxes) ''specially designed'' for fighter, attack, or bomber aircraft controlled in USML Category VIII;

b.5. Engine inlets and ducting;

b.6. Fatigue life monitoring systems ''specially designed'' to relate actual usage to the analytical or design spectrum and to compute amount of fatigue life ''specially designed'' for aircraft controlled by either USML subcategory VIII(a) or ECCN 9A610.a, except for Military Commercial Derivative Aircraft;

b.7. Landing gear, and ''parts'' and ''components'' ''specially designed'' therefor, ''specially designed'' for use in aircraft weighing more than 21,000 pounds controlled by either USML subcategory VIII(a) or ECCN 9A610.a, except for Military Commercial Derivative Aircraft;

b.8. Conformal fuel tanks and ''parts'' and ''components'' ''specially designed'' therefor;

b.9. Electrical ''equipment,'' ''parts,'' and ''components'' ''specially designed'' for electro-magnetic interference (EMI)—*i.e.,* conducted emissions, radiated emissions, conducted susceptibility and radiated susceptibility—protection of aircraft that conform to the requirements of MIL–STD–461;

b.10. HOTAS (Hand-on Throttle and Stick) controls, HOCAS (Hands on Collective and Stick), Active Inceptor Systems (*i.e.,* a combination of Active Side Stick Control Assembly, Active Throttle Quadrant Assembly, and Inceptor Control Unit), rudder pedal assemblies for digital flight control systems, and parts and components ''specially designed'' therefor;

b.11. Integrated Vehicle Health Management Systems (IVHMS), Condition Based Maintenance (CBM) Systems, and Flight Data Monitoring (FDM) systems;

b.12. Equipment ''specially designed'' for system prognostic and health management of aircraft;

b.13. Active Vibration Control Systems; or

b.14. Self-sealing fuel bladders ''specially designed'' to pass a .50 caliber or larger gunfire test (MIL–DTL–5578, MIL–DTL–27422).

c. to x. [Reserved]

y. Specific ''software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities enumerated in ECCN 9A610.y.

9D619 Software ''specially designed'' for the ''development,'' ''production,''

operation or maintenance of military gas turbine engines and related commodities controlled by 9A619, equipment controlled by 9B619, or materials controlled by 9C619 (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry except 9D619.y.	NS Column 1.
RS applies to entire entry except 9D619.y.	RS Column 1.
RS applies to 9D619.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry except 9D619.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for 9D619.b. (2) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any software in ECCN 9D619.

List of Items Controlled

Related Controls: Software directly related to articles enumerated or otherwise described in USML Category XIX is subject to the control of USML paragraph XIX(g).

Related Definitions: N/A

Items:

a. ''Software'' (other than software controlled in paragraph .b of this entry) ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities controlled by ECCN 9A619 (except 9A619.y), ECCN 9B619 (except 9B619.y), or ECCN 9C619.

b. ''Software'' ''specially designed'' for the ''development'' or ''production'' of any of the following:

b.1. Front, turbine center, and exhaust frames;

b.2. Low pressure compressor (*i.e.,* fan) ''components'' and ''parts'' as follows: nose cones, casings, blades, vanes, spools, shrouds, blisks, shafts and disks;

b.3. High pressure compressor ''components'' and ''parts'' as follows: casings, blades, vanes, spools, shrouds, blisks, shafts, disks, and impellers;

b.4. Combustor ''components'' and ''parts'' as follows: casings, fuel nozzles, swirlers, swirler cups, deswirlers, valve injectors, igniters, diffusers, liners, chambers, cowlings, domes and shells;

b.5. High pressure turbine ''components'' and ''parts'' as follows: casings, shafts, disks, blades, vanes, nozzles, and tip shrouds;

b.6. Low pressure turbine ''components'' and ''parts'' as follows: casings, shafts, disks, blades, vanes, nozzles, and tip shrouds;

b.7. Augmentor ''components'' and ''parts'' as follows: casings, flame holders, spray bars, pilot burners, augmentor fuel controls, flaps (external, convergent, and divergent), guide and syncronization rings, and flame detectors and sensors;

b.8. Mechanical ''components'' and ''parts'' as follows: fuel metering units and fuel pump metering units, valves (fuel throttle, main metering, oil flow management), heat exchangers (air/air, fuel/air, fuel/oil), debris monitoring (inlet and exhaust), seals (carbon, labyrinth, brush, balance piston, and knife-edge), permanent magnetic alternator and generator, eddy current sensors;

b.9. Torquemeter assembly (*i.e.,* housing, shaft, reference shaft, and sleeve);

b.10. Digital engine control systems (*e.g.,* Full Authority Digital Engine Controls (FADEC) and Digital Electronic Engine Controls (DEEC)) ''specially designed'' for gas turbine engines controlled in this ECCN; or

b.11. Engine monitoring systems (*i.e.,* prognostics, diagnostics, and health) ''specially designed'' for gas turbine engines and components controlled in this ECCN.

c. to x. [RESERVED]

y. Specific ''software'' ''specially designed'' for the ''development,'' ''production,'' operation, or maintenance of commodities enumerated in ECCN 9A619.y or 9B619.y.

* * * * *

9E515 ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, repair, overhaul, or refurbishing of ''spacecraft'' and related commodities, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, RS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry except 9E515.y.	NS Column 1.
MT applies to technology for items in 9A515.d, 9A515.e.2, and 9B515.a controlled for MT reasons.	MT Column 1.
RS applies to entire entry except 9E515.y.	RS Column 1.
RS applies to 9E515.y, except to Russia for use in, with, or for the International Space Station (ISS), including launch to the ISS.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.

License Requirement Note: The Commerce Country Chart is not used for determining license requirements for ''technology'' classified ECCN 9E515.f. See § 742.6(a)(9), which specifies that such ''technology'' is subject to a worldwide license requirement.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for ECCN 9E515.b, .d, .e, or .f unless determined by BIS to be eligible for License Exception STA in accordance with § 740.20(g) (License Exception STA eligibility requests for certain 9x515 and ''600 series'' items). (2) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any ''technology'' in 9E515.

List of Items Controlled

Related Controls: Technical data directly related to articles enumerated in USML Category XV are subject to the control of USML paragraph XV(f). See also ECCNs 3E001, 3E003, 6E001, and 6E002 for specific ''space-qualified'' items. See ECCNs 9E001 and 9E002 for technology for the International Space Station, the James Webb Space Telescope (JWST) and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor. See USML category XV(f) for controls on technical data and defense services related to launch vehicle integration.

Related Definitions: N/A

Items:

a. ''Technology'' ''required'' for the ''development,'' ''production,'' installation, repair (including on-orbit anomaly resolution and analysis beyond established procedures), overhaul, or refurbishing of commodities controlled by ECCN 9A515 (except 9A515.a.1, .a.2, .a.3, .a.4, .b, .d, .e, or .g), ECCN 9B515, or ''software'' controlled by ECCN 9D515.a.

b. ''Technology'' ''required'' for the ''development,'' ''production,'' failure analysis or anomaly resolution of software controlled by ECCN 9D515.b.

c. [Reserved]

d. ''Technology'' ''required'' for the ''development,'' ''production,'' operation, failure analysis or anomaly resolution of commodities controlled by ECCN 9A515.d.

e. ''Technology'' ''required'' for the ''development,'' ''production,'' failure analysis or anomaly resolution of commodities controlled by ECCN 9A515.e.

f. ''Technology'' ''required'' for the ''development,'' ''production,'' installation, repair (including on-orbit anomaly resolution and analysis beyond established procedures), overhaul, or refurbishing of commodities controlled by ECCN 9A515.a.1, .a.2, .a.3, .a.4, or .g.

g. through x. [Reserved]

y. Specific ''technology'' ''required'' for the ''production,'' ''development,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities or software enumerated in ECCN 9A515.y or 9D515.y.

Note 1: [RESERVED]

Note 2: *Activities and technology/technical data directly related to or required for the*

spaceflight (e.g., sub-orbital, orbital, lunar, interplanetary, or otherwise beyond Earth orbit) passenger or participant experience, regardless of whether the passenger or participant experience is for space tourism, scientific or commercial research, commercial manufacturing/production activities, educational, media, or commercial transportation purposes, are not subject to the ITAR or the EAR. Such activities and technology/technical data include those directly related to or required for:

(i) ''Spacecraft'' access, ingress, and egress, including the operation of all ''spacecraft'' doors, hatches, and airlocks;

(ii) physiological training (e.g., human-rated centrifuge training or parabolic flights, pressure suit or spacesuit training/operation);

(iii) medical evaluation or assessment of the spaceflight passenger or participant;

(iv) training for and operation by the passenger or participant of health and safety related hardware (e.g., seating, environmental control and life support, hygiene facilities, food preparation, exercise equipment, fire suppression, communications equipment, safety-related clothing or headgear) or emergency procedures;

(v) viewing of the interior and exterior of the spacecraft or terrestrial mock-ups;

(vi) observing ''spacecraft'' operations (e.g., pre-flight checks, landing, in-flight status);

(vii) training in ''spacecraft'' or terrestrial mock-ups for connecting to or operating passenger or participant equipment used for purposes other than operating the ''spacecraft''; or

(viii) donning, wearing or utilizing the passenger's or participant's flight suit, pressure suit or spacesuit, and personal equipment.

* * * * *

9E610 Technology ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of military aircraft and related commodities controlled by 9A610, equipment controlled by 9B610, materials controlled by 9C610, or software controlled by 9D610 (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, MT, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry except 9E610.y.	NS Column 1.
RS applies to entire entry except 9E610.y.	RS Column 1.
RS applies to 9E610.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
MT applies to ''technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities or software controlled for MT reasons in 9A610, 9B610, or 9D610 for MT reasons.	MT Column 1.
AT applies to entire entry.	AT Column 1.
UN applies to entire entry except 9E610.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for 9E610.b. (2) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any technology in 9E610.

List of Items Controlled

Related Controls: Technical data directly related to articles enumerated or otherwise described in USML Category VIII are subject to the control of USML paragraph VIII(i).

Related Definitions: N/A

Items:

a. ''Technology'' (other than technology controlled by paragraphs .b or .y of this entry) ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities or software controlled by ECCN 9A610, 9B610, 9C610, or 9D610.

Note: ''Build-to-print technology'' ''required'' for the ''production'' of items described in paragraphs b.1 through b.15 of this entry is classified under 9E610.a.

b. ''Technology'' (other than ''build-to-print technology'') ''required'' for the ''development'' or ''production'' of any of the following:

b.1. Static structural members;

b.2. Exterior skins, removable fairings, non-removable fairings, radomes, access doors and panels, and in-flight opening doors;

b.3. Control surfaces, leading edges, trailing edges, and leading edge flap seals;

b.4. Leading edge flap actuation system commodities (*i.e.,* power drive units, rotary geared actuators, torque tubes, asymmetry brakes, position sensors, and angle gearboxes) ''specially designed'' for fighter, attack, or bomber aircraft controlled in USML Category VIII;

b.5. Engine inlets and ducting;

b.6. Fatigue life monitoring systems ''specially designed'' to relate actual usage to the analytical or design spectrum and to compute amount of fatigue life ''specially designed'' for aircraft controlled by either USML subcategory VIII(a) or ECCN 9A610.a, except for Military Commercial Derivative Aircraft;

b.7. Landing gear, and ''parts'' and ''components'' ''specially designed'' therefor, ''specially designed'' for use in aircraft weighing more than 21,000 pounds controlled by either USML subcategory VIII(a) or ECCN 9A610.a, except for Military Commercial Derivative Aircraft;

b.8. Conformal fuel tanks and ''parts'' and ''components'' ''specially designed'' therefor;

b.9. Electrical ''equipment,'' ''parts,'' and ''components'' ''specially designed'' for electro-magnetic interference (EMI)—*i.e.,* conducted emissions, radiated emissions, conducted susceptibility and radiated susceptibility—protection of aircraft that conform to the requirements of MIL–STD–461;

b.10. HOTAS (Hand-on Throttle and Stick) controls, HOCAS (Hands on Collective and Stick), Active Inceptor Systems (*i.e.,* a combination of Active Side Stick Control Assembly, Active Throttle Quadrant Assembly, and Inceptor Control Unit), rudder pedal assemblies for digital flight control systems, and parts and components ''specially designed'' therefor;

b.11. Integrated Vehicle Health Management Systems (IVHMS), Condition Based Maintenance (CBM) Systems, and Flight Data Monitoring (FDM) systems;

b.12. Equipment ''specially designed'' for system prognostic and health management of aircraft;

b.13. Active Vibration Control Systems;

b.14. Self-sealing fuel bladders ''specially designed'' to pass a .50 caliber or larger gunfire test (MIL–DTL–5578, MIL–DTL–27422); or

b.15. Technology ''required'' for the ''development'' or ''production'' of ''parts'' or ''components'' controlled in 9A610.x and ''specially designed'' for damage or failure-adaptive flight control systems controlled in Category VIII(h)(7) of the USML.

c. through x. [Reserved]

y. Specific ''technology'' ''required'' for the ''production,'' ''development,'' operation, installation, maintenance, repair, overhaul, or refurbishing of commodities or software enumerated in ECCN 9A610.y or 9D610.y.

9E619 ''Technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of military gas turbine engines and related commodities controlled by 9A619, equipment controlled by 9B619, materials controlled by 9C619, or software controlled by 9D619 (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, AT, UN

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry except 9E619.y.	NS Column 1.

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
RS applies to entire entry except 9E619.y.	RS Column 1.
RS applies to 9E619.y.	China, Russia, or Venezuela (see § 742.6(a)(7)).
AT applies to entire entry.	AT Column 1.
UN applies to entire entry except 9E619.y.	See § 746.1(b) for UN controls.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

TSR: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for 9E619.b. or .c. (2) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any technology in ECCN 9E619.

List of Items Controlled

Related Controls: Technical data directly related to articles enumerated or otherwise described in USML Category XIX are subject to the control of USML Category XIX(g).

Related Definitions: N/A

Items:

a. ''Technology'' (other than ''technology'' controlled by paragraphs .b and .c of this entry) ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishment of items controlled by ECCN 9A619 (except 9A619.y), ECCN 9B619 (except 9B619.y), ECCN 9C619, or ECCN 9D619 (except 9D619.y).

Note: ''*Build-to-print technology*'' ''*required*'' *for the* ''*production*'' *of items described in paragraphs b.1 through b.10 of this entry is classified under 9E619.a.*

b. ''Technology'' (other than ''build-to-print technology'') ''required'' for the ''development'' or ''production'' of any of the following:

b.1. Front, turbine center, and exhaust frames;

b.2. Low pressure compressor (*i.e.,* fan) ''components'' and ''parts'' as follows: Nose cones and casings;

b.3. High pressure compressor ''components'' and ''parts'' as follows: Casings;

b.4. Combustor ''components'' and ''parts'' as follows: Casings, fuel nozzles, swirlers, swirler cups, deswirlers, valve injectors, and igniters;

b.5. High pressure turbine ''components'' and ''parts'' as follows: Casings

b.6. Low pressure turbine ''components'' and ''parts'' as follows: Casings;

b.7. Augmentor ''components'' and ''parts'' as follows: Casings, flame holders, spray bars, pilot burners, augmentor fuel controls, flaps (external, convergent, and divergent), guide and syncronization rings, and flame detectors and sensors;

b.8. Mechanical ''components'' and ''parts'' as follows: Fuel metering units and fuel pump metering units, valves (fuel throttle, main metering, oil flow management), heat exchangers (air/air, fuel/air, fuel/oil), debris monitoring (inlet and exhaust), seals (carbon, labyrinth, brush, balance piston, and ''knife-edge''), permanent magnetic alternator and generator, eddy current sensors;

b.9. Torquemeter assembly (*i.e.,* housing, shaft, reference shaft, and sleeve); or

b.10. Materials controlled by ECCN 9C619.b.

c. ''Technology'' ''required'' for the ''development'' or ''production'' of any of the following:

c.1. Low pressure compressor (*i.e.,* fan) ''components'' and ''parts'' as follows: blades, vanes, spools, shrouds, blisks, shafts and disks;

c.2. High pressure compressor ''components'' and ''parts'' as follows: blades, vanes, spools, shrouds, blisks, shafts, disks, and impellers;

c.3. Combustor ''components'' and ''parts'' as follows: diffusers, liners, chambers, cowlings, domes and shells;

c.4. High pressure turbine ''components'' and ''parts'' as follows: shafts and disks, blades, vanes, nozzles, tip shrouds;

c.5. Low pressure turbine ''components'' and ''parts'' as follows: shafts and disks, blades, vanes, nozzles, tip shrouds;

c.6. Digital engine control systems (*e.g.,* Full Authority Digital Engine Controls (FADEC) and Digital Electronic Engine Controls (DEEC)) ''specially designed'' for gas turbine engines controlled in this ECCN; or

c.7. Engine monitoring systems (*i.e.,* prognostics, diagnostics, and health) ''specially designed'' for gas turbine engines and components controlled in this ECCN.

d. through x. [Reserved]

y. Specific ''technology'' ''required'' for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishment of commodities controlled by 9A619.y or 9B619.y, or ''software'' controlled by ECCN 9D619.y.

Dated: May 1, 2020.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2020–09717 Filed 6–2–20; 8:45 am]

BILLING CODE 3510–33–P

FEDERAL REGISTER

Vol. 85 Wednesday,

No. 107 June 3, 2020

Part III

Environmental Protection Agency

40 CFR Part 63

National Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stands Residual Risk and Technology Review; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2018–0753; FRL–10006–68–OAR]

RIN 2060–AT01

National Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stands Residual Risk and Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action finalizes the residual risk and technology review (RTR) conducted for the Engine Test Cells/Stands source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, we are taking final action on amendments to the Engine Test Cells/Stands NESHAP addressing periods of startup, shutdown, and malfunction (SSM). These final amendments also include provisions regarding electronic reporting, as well as clarifying and technical corrections. These final amendments will result in improved compliance and implementation of the rule.

DATES: This final rule is effective on June 3, 2020. The incorporation by reference (IBR) of certain publications listed in the rule was approved by the Director of the Federal Register as of May 27, 2003.

ADDRESSES: The U.S. Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA–HQ–OAR–2018–0753. All documents in the docket are listed on the *https://www.regulations.gov/* website. Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *https://www.regulations.gov/,* or in hard copy at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact Christopher Werner, Sector Policies and Programs Division (D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5133; fax number: (919) 541–4991; and email address: *werner.christopher@epa.gov.* For specific information regarding the risk modeling methodology, contact Ted Palma, Health and Environmental Impacts Division (C539–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5470; fax number: (919) 541–0840; and email address: *palma.ted@epa.gov.* For information about the applicability of the NESHAP to a particular entity, contact Sara Ayres, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, U.S. EPA Region 5 (Mail Code R–19J), 77 West Jackson Boulevard, Chicago, Illinois 60604; telephone number: (312) 353–6266; and email address: *ayres.sara@epa.gov.*

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

AAP American Academy of Pediatrics
AEGL acute exposure guideline level
APA Administrative Procedure Act
ATSDR Agency for Toxic Substances and Disease Registry
CAA Clean Air Act
CalEPA California EPA
CBI Confidential Business Information
CDC Centers for Disease Control and Prevention
CDX Central Data Exchange
CEDRI Compliance and Emissions Data Reporting Interface
CFR Code of Federal Regulations
CHIEF Clearinghouse for Inventories and Emissions Factors
CHPAC Children's Health Protection Advisory Committee
CO carbon monoxide
EPA Environmental Protection Agency
ERPG Emergency Response Planning Guideline
ERT Electronic Reporting Tool
HAP hazardous air pollutant(s)
HCl hydrochloric acid
HEM–3 Human Exposure Model, Version 1.1.0
HF hydrogen fluoride
HI hazard index
HQ hazard quotient
IARC International Agency for Research on Cancer
IRIS Integrated Risk Information System
km kilometer
MACT maximum achievable control technology
MIR maximum individual risk
NAAQS National Ambient Air Quality Standards
NAICS North American Industry Classification System
NESHAP national emission standards for hazardous air pollutants
OAQPS Office of Air Quality Planning and Standards
OHEA Office of Health and Environmental Assessment
OMB Office of Management and Budget
PB–HAP hazardous air pollutants known to be persistent and bio-accumulative in the environment
POM polycyclic organic matter
REL reference exposure level
RFA Regulatory Flexibility Act
RfC reference concentration
RfD reference dose
RTR residual risk and technology review
SSM startup, shutdown, and malfunction
THC total hydrocarbons
TOSHI target organ-specific hazard index
tpy tons per year
$\mu g/m^3$ microgram per cubic meter
UMRA Unfunded Mandates Reform Act
VOC volatile organic compounds

Background information. On May 8, 2019, the EPA proposed revisions to the Engine Test Cells/Stands NESHAP based on our RTR. In this action, we are finalizing decisions and revisions for the rule. We summarize some of the more significant public comments we timely received regarding the proposed rule and provide our responses in this preamble. A summary of all other public comments on the proposal and the EPA's responses to those comments is available in the document titled *Summary of Public Comments and Responses for the Residual Risk and Technology Review for Engine Test Cells/Stands,* which is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2018–0753). A ''track changes'' version of the regulatory language that incorporates the changes in this action is available in the docket.

Organization of this document. The information in this preamble is organized as follows:

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I. General Information

A. Does this action apply to me?

Regulated entities. Categories and entities potentially regulated by this action are shown in Table 1 of this preamble.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

Source category	NESHAP	NAICS [1] code
Engine Test Facilities	Engine Test Cells/Stands ...	333120, 333618, 333111, 334312, 336111, 336120, 336112, 336992, 336312, 336350, 54171, 541380, 333611, 336411, 336412, 336414, 92711.

[1] North American Industry Classification System.

Table 1 of this preamble is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by the final action for the source category listed. To determine whether your facility is affected, you should examine the applicability criteria in the appropriate NESHAP. If you have any questions regarding the applicability of any aspect of this NESHAP, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at: *https://www.epa.gov/stationary-sources-air-pollution/engine-test-cellsstands-national-emission-standards-hazardous-air.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents at this same website.

Additional information is available on the RTR website at *https://www.epa.gov/stationary-sources-air-pollution/risk-and-technology-review-national-emissions-standards-hazardous.* This information includes an overview of the RTR program and links to project websites for the RTR source categories.

C. Judicial Review and Administrative Reconsideration

Under Clean Air Act (CAA) section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit (the Court) by August 3, 2020. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority for this action?

Section 112 of the CAA establishes a two-stage regulatory process to address emissions of hazardous air pollutants (HAP) from stationary sources. In the

first stage, we must identify categories of sources emitting one or more of the HAP listed in CAA section 112(b) and then promulgate technology-based NESHAP for those sources. ''Major sources'' are those that emit, or have the potential to emit, any single HAP at a rate of 10 tons per year (tpy) or more, or 25 tpy or more of any combination of HAP. For major sources, these standards are commonly referred to as maximum achievable control technology (MACT) standards and must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). In developing MACT standards, CAA section 112(d)(2) directs the EPA to consider the application of measures, processes, methods, systems, or techniques, including, but not limited to those that reduce the volume of or eliminate HAP emissions through process changes, substitution of materials, or other modifications; enclose systems or processes to eliminate emissions; collect, capture, or treat HAP when released from a process, stack, storage, or fugitive emissions point; are design, equipment, work practice, or operational standards; or any combination of the above.

For these MACT standards, the statute specifies certain minimum stringency requirements, which are referred to as MACT floor requirements, and which may not be based on cost considerations. See CAA section 112(d)(3). For new sources, the MACT floor cannot be less stringent than the emission control achieved in practice by the best-controlled similar source. The MACT standards for existing sources can be less stringent than floors for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources). In developing MACT standards, we must also consider control options that are more stringent than the floor under CAA section 112(d)(2). We may establish standards more stringent than the floor, based on the consideration of the cost of achieving the emissions reductions, any non-air quality health and environmental impacts, and energy requirements.

In the second stage of the regulatory process, the CAA requires the EPA to undertake two different analyses, which we refer to as the technology review and the residual risk review. Under the technology review, we must review the technology-based standards and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less frequently than every 8 years, pursuant to CAA section 112(d)(6). Under the residual risk review, we must evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. The residual risk review is required within 8 years after promulgation of the technology-based standards, pursuant to CAA section 112(f). In conducting the residual risk review, if the EPA determines that the current standards provide an ample margin of safety to protect public health, it is not necessary to revise the MACT standards pursuant to CAA section 112(f).[1] For more information on the statutory authority for this rule, see 84 FR 20208, May 8, 2019.

B. What is the Engine Test Cells/Stands source category and how does the NESHAP regulate HAP emissions from the source category?

The EPA promulgated the Engine Test Cells/Stands NESHAP on May 27, 2003 (68 FR 28774). The standards are codified at 40 CFR part 63, subpart PPPPP. The engine test facilities industry consists of facilities that utilize engine test cells/stands for testing of uninstalled stationary or uninstalled mobile engines. The source category covered by this MACT standard currently includes 59 facilities.

As promulgated in 2003, the Engine Test Cells/Stands NESHAP applies to engine test cells/stands located at major sources of HAP emissions. Because the NESHAP regulates the testing of uninstalled stationary or uninstalled mobile engines, it does not regulate the testing of any final product (*e.g.,* automobile, boat, or power generator). Engine test cells/stands are used for research and development activities (*e.g.,* new model development, endurance testing) and for quality control at engine production facilities. More information about this source category can be found in the proposal. See 84 FR 20211, May 8, 2019.

Engine test cells/stands emit HAP in the exhaust gases from combustion of gaseous and liquid fuels in the engines tested. The emission rates and annual emissions vary based on the size and design of the engines tested, the types of fuels burned, and the number, type, and duration of tests performed. Fuels used during testing include, but are not limited to, biofuels, natural gas, propane, gasoline, kerosene, jet fuel, diesel, and various grades of fuel oil.

The sources of emissions are the exhaust gases from combustion of fuels in the engines being tested in the test cells/stands. The primary HAP present in the exhaust gases from engine test cells/stands are formaldehyde, benzene, acetaldehyde, and 1,3-butadiene.

The Engine Test Cells/Stands NESHAP provides the owner or operator of a new or reconstructed affected source used in whole or in part for testing internal combustion engines with rated power of 25 horsepower or more and located at a major source of HAP emissions two compliance options: (1) Reduce carbon monoxide (CO) or total hydrocarbons (THC) emissions in the exhaust from the new or reconstructed affected source to 20 parts per million by volume dry basis or less, at 15-percent oxygen content, or (2) reduce CO or THC emissions in the exhaust from the new or reconstructed affected source by 96 percent or more. If a new or reconstructed affected source elects to comply with the percent reduction emission limitation, the affected source must conduct an initial performance test to determine the capture and control efficiencies of the equipment and to establish operating limits to be achieved on a continuous basis.

C. What changes did we propose for the Engine Test Cells/Stands source category in our May 8, 2019, proposal?

On May 8, 2019, the EPA published a proposed rule in the **Federal Register** for the Engine Test Cells/Stands NESHAP, 40 CFR part 63, subpart PPPPP, that took into consideration the RTR analyses. In the proposed rule, we proposed: No revisions to the numerical emissions limit based on the risk analysis and technology review; to amend provisions addressing periods of SSM; to amend provisions regarding electronic reporting; and to make certain clarifying and technical corrections.

III. What is included in this final rule?

This action finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112 for the Engine Test Cells/Stands source category. This action also finalizes

[1] The Court has affirmed this approach of implementing CAA section 112(f)(2)(A): *NRDC* v. *EPA,* 529 F.3d 1077, 1083 (D.C. Cir. 2008) (''If EPA determines that the existing technology-based standards provide an 'ample margin of safety,' then the Agency is free to readopt those standards during the residual risk rulemaking.'').

changes to the NESHAP for that source category, including changes to SSM provisions, changes to electronic reporting requirements, as well as clarifying and technical corrections. This action also reflects certain revisions to the May 2019 proposal in consideration of comments received during the public comment period described in section IV of this preamble.

A. What are the final rule amendments based on the risk review for the Engine Test Cells/Stands source category?

This section introduces the final amendments to the Engine Test Cells/Stands NESHAP being promulgated pursuant to CAA section 112(f). As proposed, we are finalizing our finding that risks remaining after implementation of the existing MACT standards for this source category are acceptable. Similarly, as proposed, we are finalizing the determination that the current NESHAP provides an ample margin of safety to protect public health, and that a more stringent standard is not necessary to prevent an adverse environmental effect. Therefore, we are not finalizing any revisions to the numerical emission limits based on the analysis conducted under CAA section 112(f), and we are readopting the current standards.

B. What are the final rule amendments based on the technology review for the Engine Test Cells/Stands source category?

We determined that there are no developments in practices, processes, and control technologies that warrant revisions to the MACT standards for this source category. Therefore, we are not finalizing revisions to the MACT standards under CAA section 112(d)(6).

C. What are the final rule amendments addressing emissions during periods of SSM?

We are finalizing the proposed amendments to the Engine Test Cells/Stands NESHAP to remove or revise provisions related to SSM. In its 2008 decision in *Sierra Club* v. *EPA,* 551 F.3d 1019 (D.C. Cir. 2008), the Court vacated portions of two provisions in the EPA's CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some CAA section 112 standards apply continuously. As detailed in section IV.D.1 of the proposal preamble (84 FR 20208, May 8, 2019), the Engine Test Cells/Stands NESHAP requires that the standards apply at all times (see 40 CFR 63.9305(a)), consistent with the Court decision in *Sierra Club* v. *EPA,* 551 F. 3d 1019 (D.C. Cir. 2008).

EPA is finalizing the SSM provisions as proposed without setting a separate standard for startup and shutdown as discussed in the proposal. See 84 FR 20226, May 8, 2019.

Further, the EPA is not finalizing standards for malfunctions. As discussed in the May 2019 proposal preamble, the EPA interprets CAA section 112 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 112 standards, although the EPA has the discretion to set standards for malfunctions where feasible. See 84 FR 20226 (May 8, 2019), for further discussion of the EPA's rationale for the decision not to set standards for malfunctions, as well as a discussion of the actions a source could take in the unlikely event that a source fails to comply with the applicable CAA section 112(d) standards as a result of a malfunction event, given that administrative and judicial procedures for addressing exceedances of the standards fully recognize that violations may occur despite good faith efforts to comply and can accommodate those situations.

As is explained in more detail below, we are finalizing revisions to the General Provisions table to 40 CFR part 63, subpart PPPPP, to eliminate requirements that include rule language providing an exemption for periods of SSM. Additionally, we are finalizing our proposal to eliminate language related to SSM that treats periods of startup and shutdown the same as periods of malfunction, as explained further below. Finally, we are finalizing our proposal to revise the recordkeeping and reporting requirements as they relate to malfunctions, as further described below. As discussed in the proposal preamble, these revisions are consistent with the requirement in 40 CFR 63.9305(a) that the standards apply at all times. See 84 FR 20228–29, May 8, 2019.

D. What other changes have been made to the NESHAP?

Consistent with the proposal, the EPA is finalizing the electronic reporting requirements, specifically that owners and operators of engine test cells/stands submit electronic copies of required performance test reports, performance evaluation reports, and semiannual compliance reports through the EPA's Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI).

We are also finalizing additional changes to the NESHAP that address technical and editorial corrections, as proposed and as described in section IV.E of this preamble.

E. What are the effective and compliance dates of the standards?

The revisions to the MACT standards being promulgated in this action are effective on June 3, 2020. The compliance date for existing engine test cells/stands is December 1, 2020. New sources, including those that commenced construction or reconstruction after May 8, 2019, must comply with all of the revisions to the standards immediately upon the effective date of this action, June 3, 2020, or upon startup, whichever is later.

For existing affected sources, we are finalizing two changes, as proposed, that would impact ongoing compliance requirements for 40 CFR part 63, subpart PPPPP. As discussed elsewhere in this preamble, we are finalizing the requirement that performance test results, performance evaluation reports, and the semiannual reports using the new template be submitted electronically. We are also finalizing a change to the requirements for SSM by removing the exemption from the requirements to meet the standard during SSM periods and by removing the requirement to develop and implement an SSM plan, as proposed. We have experience with similar industries that have been required to convert reporting mechanisms, install necessary hardware, install necessary software, become familiar with the process of submitting performance test results electronically through the EPA's CEDRI, test these new electronic submission capabilities, reliably employ electronic reporting, and convert logistics of reporting processes to different time-reporting parameters. This experience shows that a time period of a minimum of 90 days, and more typically 180 days, is generally necessary to successfully complete these changes. Our experience with similar industries further shows that this sort of regulated facility generally requires a time period of 180 days to read and understand the amended rule requirements; evaluate their operations to ensure that they can meet the standards during periods of startup and shutdown as defined in the rule and make any necessary adjustments; adjust parameter monitoring and recording

systems to accommodate revisions; and update their operations to reflect the revised requirements. The EPA recognizes the confusion that multiple different compliance dates for individual requirements would create and the additional burden such an assortment of dates would impose. From our assessment of the timeframe needed for compliance with the entirety of the revised requirements, the EPA considers a period of 180 days to be the most expeditious compliance period practicable, and, thus, is finalizing the requirement that existing affected sources be in compliance with all of the revised requirements of this rule within 180 days of the rule's effective date.

IV. What is the rationale for our final decisions and amendments for the Engine Test Cells/Stands source category?

For each of the issues addressed in the proposed rule, this section provides a description of what we proposed and what we are finalizing for the issue, the EPA's rationale for the final decisions and amendments, and a summary of key public comments and responses. For all comments not discussed in this preamble, comment summaries, and the EPA's responses can be found in the comment summary and response document titled *Summary of Public Comments and Responses for the Residual Risk and Technology Review for Engine Test Cells/Stands,* which is available in the docket for this action.

A. Residual Risk Review for the Engine Test Cells/Stands Source Category

1. What did we propose pursuant to CAA section 112(f) for the Engine Test Cells/Stands source category?

Pursuant to CAA section 112(f), the EPA conducted a risk review and presented the results for the review, along with our proposed decisions regarding risk acceptability and ample margin of safety, in the May 2019 proposed rule for the Engine Test Cells/Stands source category (84 FR 20208, May 8, 2019). The results of the risk assessment are presented briefly in Table 2 of this preamble and in more detail in the residual risk document titled *Residual Risk Assessment for the Engine Test Cells/Stands Source Category in Support of the 2020 Risk and Technology Review Final Rule,* which is in the docket for this action.

TABLE 2—ENGINE TEST CELLS/STANDS INHALATION RISK ASSESSMENT RESULTS

Number of facilities [1]	Maximum individual cancer risk (in 1 million) [2]		Population at increased risk of cancer ≥1-in-1 million		Annual cancer incidence (cases per year)		Maximum chronic noncancer TOSHI [3]		Maximum screening acute noncancer HQ [4]
	Based on . . .		Based on . . .		Based on . . .		Based on . . .		Based on actual emissions level
	Actual emissions level	Allowable emissions level	Actual emissions level	Allowable emissions level	Actual emissions level	Allowable emissions level	Actual emissions level	Allowable emissions level	
59	20	70	2,700	190,000	0.005	0.02	0.1	0.5	HQ_{REL} = 9 (acrolein) HQ_{AEGL-1} = 0.4

[1] Number of facilities evaluated in the risk analysis.
[2] Maximum individual excess lifetime cancer risk due to HAP emissions from the source category.
[3] Maximum target organ-specific hazard index (TOSHI). The target organ system with the highest TOSHI for the source category is respiratory. The respiratory TOSHI was calculated using the California EPA (CalEPA) chronic reference exposure level (REL) for acrolein. The EPA is in the process of updating the Integrated Risk Information System (IRIS) reference concentration (RfC) for acrolein but did not complete this update prior to signature of this final rule.
[4] The maximum estimated acute exposure concentration was divided by available short-term threshold values to develop an array of hazard quotient (HQ) values. HQ values shown use the lowest available acute threshold value, which in most cases is the REL. When an HQ exceeds 1, we also show the HQ using the next lowest available acute dose-response value.

The results of the chronic inhalation cancer risk assessment, based on actual emissions, show the maximum individual excess lifetime cancer risk (MIR) posed by the 59 facilities is 20-in-1 million, with benzene, 1,3-butadiene, formaldehyde, and acetaldehyde emissions from reciprocating engine testing as the major contributors to the risk. The total estimated cancer incidence from this source category is 0.005 excess cancer cases per year, or one excess case every 200 years. About 2,700 people are estimated to have cancer risks greater than or equal to 1-in-1 million from HAP emitted by this source category, with 60 of those people estimated to have cancer risks above 10-in-1 million. The maximum chronic noncancer target organ-specific hazard index (TOSHI) value for the source category is 0.1 (respiratory) driven by emissions of acrolein, acetaldehyde, formaldehyde, and naphthalene from reciprocating engine testing. No one is exposed to TOSHI levels above 1.

The EPA also evaluated the cancer risk at the maximum emissions allowed by the MACT standard, or ''MACT-allowable emissions.'' Risk results from the inhalation risk assessment using the MACT-allowable emissions indicate that the cancer MIR is 70-in-1 million with benzene, 1,3-butadiene, formaldehyde, and acetaldehyde emissions from reciprocating engine testing driving the risks, and that the maximum chronic noncancer TOSHI value is 0.5 at the MACT-allowable emissions level with acrolein, acetaldehyde, formaldehyde, and naphthalene emissions from reciprocating engine testing driving the TOSHI. The total estimated cancer incidence from this source category considering allowable emissions is expected to be about 0.02 excess cancer cases per year or one excess case every 50 years. Based on MACT-allowable emission rates, approximately 190,000 people are estimated to have cancer risks above 1-in-1 million, with 500 of those people estimated to have cancer risks above 10-in-1 million. No people are estimated to have a noncancer hazard index (HI) above 1.

Table 1 of this preamble indicates that for the Engine Test Cells/Stands source category, the maximum acute HQ could be up to 9, driven by actual emissions of acrolein. To better characterize the potential health risks associated with estimated worst-case acute exposures to HAP, and in response to a key recommendation from the Science Advisory Board's peer review of the EPA's RTR risk assessment methodologies, we examined a wider range of available acute health metrics than we do for our chronic risk assessments. This is in acknowledgement that there are generally more data gaps and uncertainties in acute health reference

values than there are in chronic health reference values. By definition, the acute REL represents a health-protective level of exposure, with effects not anticipated below those levels, even for repeated exposures. However, the level of exposure that would cause health effects is not specifically known. Therefore, when an REL is exceeded and an Acute Exposure Guideline Level (AEGL–1) or Emergency Response Planning Guideline (ERPG–1) level is available (*i.e.,* levels at which mild, reversible effects are anticipated in the general public for a single exposure), we typically use them as an additional comparative measure, as they provide an upper bound for the threshold level of exposure above which exposed individuals could experience effects. As the exposure concentration increases above the acute REL, the potential for effects increases. The highest refined screening acute HQ value was 9 (based on the acute REL for acrolein). This value includes a refinement of determining the highest HQ value that occurs outside the boundaries of affected facilities. In this case the highest value (9) occurs adjacent to a property boundary in a remote wooded location. HQ values at all nearby residential locations are below 1. As noted previously, the highest HQ occurred when the primary source of the acrolein emissions from turbine engine testing operations was modeled with an hourly emissions multiplier of 9.5 times the annual emissions rate. For further information on the development of this multiplier, see Appendix 1 of the document titled *Residual Risk Assessment for the Engine Test Cells/Stands Source Category in Support of the 2020 Risk and Technology Review Final Rule,* which is available in the docket for this action. The analysis also conservatively assumes all emission points at the facility impact the same receptor at the same time. As presented in Table 2, no facilities are estimated to have an HQ greater than 1 based on an AEGL or an ERPG.

Regarding multipathway risk screening, of the 59 facilities in the source category, 21 facilities reported emissions of carcinogenic hazardous air pollutants known to be persistent and bio-accumulative in the environment (PB–HAP) (arsenic and polycyclic organic matter (POM)), and 23 facilities reported emissions of non-carcinogenic PB–HAP (cadmium and mercury). Three of these facilities reported emissions of a carcinogenic PB–HAP (arsenic) that exceeded a Tier 1 cancer screening threshold emission rate, and one facility reported emissions of non-carcinogenic PB–HAP (cadmium and mercury) that exceeded a Tier 1 noncancer screening threshold emission rate. For facilities that exceeded the Tier 1 multipathway screening threshold emission rate for one or more PB–HAP, we used additional facility site-specific information to perform a Tier 2 screening assessment and determined the maximum chronic cancer and noncancer impacts for the source category. Based on the Tier 2 multipathway cancer assessment, the arsenic emissions exceeded the Tier 2 screening threshold emission rate by a factor of 2. An exceedance of a screening threshold emission rate in any of the tiers cannot be equated with a risk value or an HQ (or HI). Rather, it represents a high-end estimate of what the risk or hazard may be. For example, a screening threshold emission rate of 2 for a non-carcinogen can be interpreted to mean that we are confident that the HQ would be lower than 2. Similarly, a tier screening threshold emission rate of 30 for a carcinogen means that we are confident that the risk is lower than 30-in-1 million. Our confidence comes from the conservative, or health-protective, assumptions encompassed in the screening tiers: We choose inputs from the upper end of the range of possible values for the influential parameters used in the screening tiers, and we assume that the exposed individual exhibits ingestion behavior that would lead to a high total exposure. The Tier 2 noncancer screening threshold emission rate for both mercury and cadmium emissions were below 1. Thus, based on the Tier 2 results presented above, additional screening or site-specific assessments were not deemed necessary.

The EPA also conducted an environmental risk screening assessment for the Engine Test Cells/Stands source category for the following pollutants: Arsenic, cadmium, hydrochloric acid (HCl), hydrogen fluoride (HF), lead, mercury (methyl mercury and mercuric chloride), and POM. In the Tier 1 screening analysis for PB–HAP (other than lead, which was evaluated differently), arsenic and POM emissions had no exceedances of any of the ecological benchmarks evaluated. Divalent mercury, methyl mercury, and cadmium emissions had Tier 1 exceedances at one facility of surface soil benchmarks by a maximum screening value of 3. A Tier 2 screening analysis was performed for divalent mercury, methyl mercury, and cadmium emissions. In the Tier 2 screening analysis, there were no exceedances of any of the ecological benchmarks evaluated for any of the pollutants. For lead, we did not estimate any exceedances of the secondary lead National Ambient Air Quality Standard (NAAQS). For HCl and HF, the average modeled concentration around each facility (*i.e.,* the average concentration of all off-site data points in the modeling domain) did not exceed any ecological benchmark. In addition, each individual modeled concentration of HCl and HF (*i.e.,* each off-site data point in the modeling domain) was below the ecological benchmarks for all facilities. Based on the results of the environmental risk screening analysis, we do not expect an adverse environmental effect as a result of HAP emissions from this source category.

An assessment of risk from facility-wide emissions was performed to provide context for the source category risks. The results of the facility-wide risk assessment for both MACT sources and non-MACT sources (*i.e.,* sources at the facility that are not included in the Engine Test Cells/Stands source category) indicate that 23 facilities included in the analysis have a facility-wide cancer MIR greater than or equal to 1-in-1 million, and 10 of those facilities have a facility-wide cancer MIR greater than or equal to 10-in-1 million. The maximum facility-wide cancer MIR is 70-in-1 million, mainly driven by emissions of chromium (VI) compounds from organic solvent (miscellaneous volatile organic compounds (VOC)) evaporation. The total estimated cancer incidence from the whole facility is 0.03 excess cancer cases per year, or one excess case every 33 years. Approximately 190,000 people were estimated to have cancer risks above 1-in-1 million from exposure to HAP emitted from both MACT and non-MACT sources at the 59 facilities in this source category, with 6,800 of those people estimated to have cancer risks above 10-in-1 million. The maximum facility-wide chronic noncancer TOSHI (neurological) for the source category is estimated to be less than 1 (at 0.4), mainly driven by emissions of lead compounds and hydrogen cyanide from open burning of rocket propellant (an industrial solid waste disposal process) and by trichloroethylene emissions from liquid waste (a general waste treatment process). None of the population around the 59 facilities are exposed to noncancer HI levels above 1, based on facility-wide emissions.

To examine the potential for any environmental justice issues that might be associated with the source category, the EPA performed a demographic analysis, which is an assessment of risks to individual demographic groups of the

populations living within 5 kilometers (km) and also the populations living within 50 km of the facilities. In each case, we found that just over 40 percent of the residents within these distances are classified as minority (compared to a national minority average of 38 percent of the population). When examining the population exposed to a cancer MIR at or above 1-in-1 million, we found that only 10 percent of them are categorized as minorities. Further, none of the population around the facilities is exposed to a chronic noncancer TOSHI greater than 1. For more information regarding the methodology and the results of the demographic analysis, see the technical report titled *Risk and Technology Review-Analysis of Demographic Factors for Populations Living Near Engine Test Cells/Stands Source Category Operations,* which is available in the docket for this action.

The EPA weighed all health risk factors in our risk acceptability determination, and we proposed that the residual risks from this source category are acceptable. We then considered whether the current NESHAP for the source category provides an ample margin of safety to protect public health, and whether more stringent standards are necessary to prevent an adverse environmental effect, by taking into consideration costs, energy, safety, and other relevant factors. In determining whether the current standards provide an ample margin of safety to protect public health, we examined the same risk factors that we investigated for our acceptability determination and also considered the costs, technological feasibility, and other relevant factors related to emission control options that might reduce risk associated with emissions from the source category. We proposed that the 2003 Engine Test Cells/Stands NESHAP requirements provide an ample margin of safety to protect public health. Based on the results of our environmental risk screening assessment, we also proposed that more stringent standards are not necessary to prevent an adverse environmental effect.

2. How did the risk review change for the Engine Test Cells/Stands source category?

Since proposal, neither the risk assessment nor our determinations regarding risk acceptability, ample margin of safety, or adverse environmental effects have changed.

3. What key comments did we receive on the risk review, and what are our responses?

The EPA received comments in support of and against the proposed risk review and our proposed determination that no revisions are warranted under CAA section 112(f)(2). Comments that were not supportive of the risk review were considered at length.

Comment: One commenter argued that the EPA had failed to quantify and reduce the health risks posed by lead emissions. The commenter noted that engine test cells/stands emit 0.03 tons of lead per year. The commenter noted that lead is particularly harmful to children and the developing fetus. The commenter was concerned the EPA had not quantified the health risks from lead emissions and disagreed with the Agency's determination that no individual source is causing an exceedance of the NAAQS for Lead. The commenter asserted that EPA must not ignore the health risks lead causes, given that lead is a well-known toxic heavy metal with diverse and severe health impacts for which there is no safe level for human exposure. In particular, the commenter stated that lead is associated with neurological, hematological, and immune effects on children and hematological, cardiovascular, and renal effects on adults. The commenter also noted that children are particularly sensitive to the effects of lead, including sensory, motor, cognitive, and behavioral impacts. The commenter further noted that no safe blood lead level in children has been identified; that low levels of lead in blood have been shown to affect IQ and academic achievement; and that the effects of lead exposure cannot be remedied. According to the commenter, a recent study found that for every 0.2 micrograms per deciliter (μg/dL) of lead in the blood, an adolescent's IQ was reduced one point. Children residing in poverty and black children face higher exposures to lead and are consequently more susceptible to lead's health impacts. Reproductive effects, such as decreased sperm count in men and spontaneous abortions in women, have been associated with lead exposure. The commenter noted that the EPA has classified lead as a probable human carcinogen.

The commenter disagreed with the EPA's use of the 2008 lead NAAQS as a benchmark for determining acceptable risk and argued that the EPA's assessment of the health risks for lead was inadequate. The commenter noted that the EPA, Centers for Disease Control and Prevention (CDC), CalEPA, and the American Academy of Pediatrics (AAP) acknowledge that no safe level of lead can be identified. By relying on the lead NAAQS rather than conducting an independent risk assessment, the commenter believed the EPA's risk assessment for lead was inadequate because the EPA had not assessed the inhalation risks (from breathing) and multipathway risks (from other types of exposure). The commenter argued that the EPA cannot presume that achieving an ambient air concentration of the NAAQS for lead is sufficient to ensure an acceptable health risk and provide an ''ample margin of safety to protect public health'' from lead for CAA section 112(f) purposes. The commenter observed that the NAAQS recognizes harm (including the loss of IQ points as an indicator of neurological harm) occurs below the level of the NAAQS.

The commenter also noted that the Children's Health Protection Advisory Committee (CHPAC) has advised the EPA to lower the lead NAAQS to 0.02 micrograms per cubic meter (μg/m^3) because the 2008 Lead NAAQS ''is insufficient to protect children's health.'' The commenter argued that the current NAAQS addresses air-related population mean IQ loss in excess of 2 points and recognizes that on average higher neurological harm is occurring under the 2008 lead NAAQS. The commenter believed that it is likely harm occurs below the level of the 2008 NAAQS and that it is unacceptable for the EPA to ignore the harm caused by lead emissions. The commenter argued that EPA must address and incorporate the best currently available information on children's exposure, including the CHPAC recommendation of lowering the lead standards to 0.02 μg/m^3 from the current NAAQS level of 0.15 μg/m^3. The commenter noted that the CDC has recognized that there is no safe level for lead exposure and uses a reference level of 5 μg/dL, while California's health benchmark level at which measurable neurological harm can occur is 1.0 μg/dL. The commenter recommended that the EPA use the Integrated Exposure Uptake Biokinetic model for infants and children and the Adult Lead Methodology for fetus. In addition, the commenter suggested that the EPA should update the residual risk assessment for this source category to include available test data on lead in soil and waterways and to evaluate the potential health impacts resulting from the emission of lead from each facility. The commenter believes that additional monitoring should also be required to ensure that lead emitted from a facility

is at low enough concentrations such that it does not raise an individual's blood lead level by 1 μg/dL.

Response: The EPA disagrees with the commenter's assertion that we failed to assess risks from either lead or lead compounds for the Engine Test Cells/Stands source category. The inhalation risks of lead were assessed using Human Exposure Model, Version 1.5.5 (HEM–3) and the RfC values documented in Table 1 of Appendix 8 of the document titled, *Residual Risk Assessment for the Engine Test Cells/Stands Source Category in Support of the 2019 Risk and Technology Review Proposed Rule.* The lead NAAQS was used to assess multipathway risk from lead emissions. See 84 FR 20218, May 8, 2019. The standard provided the benchmark for our decision that further assessment of health impacts from lead exposure from category sources is not necessary and is an otherwise appropriate use of the standard.

We also disagree with the commenter's assertion that either the use of the lead NAAQS does not sufficiently protect public health from lead emissions from this source category or the setting of the lead NAAQS did not reflect an adequate scientific assessment of risk. While recognizing that lead has been demonstrated to exert ''a broad array of deleterious effects on multiple organ systems,'' the lead NAAQS targets the effects associated with relatively lower exposures and associated blood lead levels, specifically nervous system effects in children, including cognitive and neurobehavioral effects (73 FR 66976, November 12, 2008). The EPA establishes the NAAQS at a level to protect sensitive subpopulations, such as children and pregnant women. The 2008 decision on the lead NAAQS was informed by an evidence-based framework for neurocognitive effects in young children. In applying the evidence-based framework, the EPA focused on a subpopulation of U.S. children, those living near air sources and more likely to be exposed at the level of the standard; to the same effect.[2] In addition, in reviewing and sustaining the primary lead NAAQS, we note that the Court specifically noted that the lead NAAQs was targeted to protect children living near lead sources: ''EPA explained that the scientific evidence showing the impact of lead exposure in young children in the United States led it 'to give greater prominence to children as the sensitive subpopulation in this review' and to focus its revision of the lead NAAQS on the 'sensitive subpopulation that is the group of children living near [lead emission] sources and more likely to be exposed at the level of the standard.' Given the scientific evidence on which it relied, the EPA's decision to base the revised lead NAAQS on protecting the subset of children likely to be exposed to airborne lead at the level of the standard was not arbitrary or capricious.'' *Coalition of Battery Recyclers,* 604 F. 3d 613, 618 (D.C. Cir. 2010).

As noted in the risk assessment document, there is no reference dose (RfD) or other comparable chronic health benchmark value for lead compounds. In 1988, the EPA's IRIS program also reviewed the health effects data regarding lead and its inorganic compounds and determined that it would be inappropriate to develop an RfD for these compounds, stating, ''A great deal of information on the health effects of lead has been obtained through decades of medical observation and scientific research. This information has been assessed in the development of air and water quality criteria by the Agency's Office of Health and Environmental Assessment (OHEA) in support of regulatory decision-making by the Office of Air Quality Planning and Standards and by the Office of Drinking Water. By comparison to most other environmental toxicants, the degree of uncertainty about the health effects of lead is quite low. It appears that some of these effects, particularly changes in the levels of certain blood enzymes and in aspects of children's neurobehavioral development may occur at blood lead levels so low that a threshold has yet to be determined. The Agency's RfD Work Group discussed inorganic lead (and lead compounds) at two meetings (07/08/1985 and 07/22/1985) and considered it inappropriate to develop an RfD for inorganic lead.''

The EPA's IRIS assessment for lead and lead compounds (inorganic) (CASRN 7439–92–1) can be found at: *https://www.epa.gov/iris/subst/0277.htm.*

With regard to the information identified by the commenter, much of this information was similar to information available at the time of the 2008 NAAQS decision. For example, in 2005, the CDC recognized the evidence of adverse health effects in children with blood lead levels below 10 μg/dL, and that there is no safe level of blood lead in young children.[3] The commenter also cites a benchmark analysis by California EPA OEHHA that was completed during the time of the last review.[4] The quantitative relationship from this analysis of a correlation of one IQ point change with a 1.0 μg/dL change in blood lead is actually a substantially smaller change in IQ per μg/dL blood lead than the slope of 1.75 IQ points per μg/dL blood lead used in the evidence-based framework that the Administrator relied upon in his 2008 decision on a revised level for the lead NAAQS (73 FR 66964, November 12, 2008). Regarding the CHPAC recommendation on level and averaging time referenced by the commenter, this was made to the EPA in January 2015 in the context of the current NAAQS review and the same comment was made and considered in the 2008 review that concluded with the current lead NAAQS.

We also disagree with the comment that EPA cannot presume that achieving an ambient air concentration of the NAAQS for lead is sufficient to ensure acceptable health risk and provide an ''ample margin of safety to protect public health'' from lead for CAA section 112(f) purposes. The EPA considered the primary NAAQS for lead—which incorporates an adequate margin of safety—in determining whether lead risks (taken together with cancer and other noncancer health risks) from air-borne lead from engine test facilities are acceptable or unacceptable, under CAA section 112(f)(2). As explained at proposal, ample margin of safety determinations, under CAA section 112(f)(2) are conducted separately, in accord with the two-step framework set forth in the Benzene NESHAP and *NRDC* v. *EPA* (the Vinyl Chloride Decision), 824 F. 2d at 1165, 1166 (D.C. Cir. 1987) and *NRDC* v. *EPA,* 902 F. 2d 962, 973–74 (D.C. Cir. 1990) (distinguishing the NAAQS process,

[2] See for example, 73 FR 67000/3—''The framework in effect focuses on the sensitive subpopulation that is the group of children living near sources and more likely to be exposed at the level of the standard. The evidence-based framework estimates a mean air-related IQ loss for this subpopulation of children; it does not estimate a mean for all U.S. children''; see also 73 FR 67005/1—''the air-related IQ loss framework provides estimates for the mean air-related IQ loss of a subset of the population of U.S. children, and there are uncertainties associated with those estimates. It provides estimates for that subset of children likely to be exposed to the level of the standard, which is generally expected to be the subpopulation of children living near sources who are likely to be most highly exposed.''

[3] CDC (2005), *Preventing Lead Poisoning in Young Children: A Statement by the Centers for Disease Control and Prevention.* August 2005. *https://www.cdc.gov/nceh/lead/publications/prevleadpoisoning.pdf.*

[4] Carlisle, J. and K. Dowling. *Development of health criteria for school site risk assessment pursuant to health and safety code section 901(g): Child-specific benchmark change in blood lead concentration for school site risk assessment.* Final Report. Sacramento: Integrated Assessment Branch, OEHHA, California EPA. April 2007.

whereby the margin of safety analysis is incorporated as part of the standard without a two-step analysis, from residual risk determinations).[5] See 84 FR 20218 n.28.

After review of all the comments received, we determined that no changes needed to be made to the underlying risk assessment methodology. Additional comments and our specific responses can be found in the document titled *Summary of Public Comments and Responses for the Residual Risk and Technology Review for Engine Test Cells/Stands,* which is available in the docket for this action.

4. What is the rationale for our final approach and final decisions for the risk review?

The EPA evaluated all of the comments on the EPA's risk review and determined that no changes to the review are needed. For the reasons explained in the proposed rule, we proposed that the risks from the Engine Test Cells/Stands source category are acceptable, and the current standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. Therefore, pursuant to CAA section 112(f)(2), we are finalizing our risk review as proposed, and we are readopting the current standards.

B. Technology Review for the Engine Test Cells/Stands Source Category

1. What did we propose pursuant to CAA section 112(d)(6) for the Engine Test Cells/Stands source category?

Pursuant to CAA section 112(d)(6), the EPA conducted a technology review, which focused on identifying and evaluating developments in practices, processes, and control technologies for control of HAP emissions from engine testing facilities. No cost-effective developments in practices, processes, or control technologies were identified in our technology review to warrant revisions to the standards. More information concerning our technology review is in the memorandum titled *Technology Review for the Engine Test Cells/Stands Source Category,* which is in the docket for this action, and in the preamble to the proposed rule (84 FR 20208, May 8, 2019).

2. How did the technology review change for the Engine Test Cells/Stands source category?

The technology review has not changed since proposal.

3. What key comments did we receive on the technology review, and what are our responses?

The EPA received comments in support of the proposed determination from the technology review that no revisions were warranted under CAA section 112(d)(6). We also received comments asserting that the technology review was inadequate for a variety of reasons, primarily because of failure to consider control technologies developed since the original NESHAP.

Comment: One commenter noted that advances in diesel engine design had greatly reduced air emissions from diesel engine test cells over the last few years. The commenter stated that new diesel engines are cleaner than they used to be and, as a result, emissions from engine test cells and stands also declined because they are testing engines that are operating more cleanly and efficiently. The commenter noted the EPA is moving forward with new diesel truck standards. The commenter thought the changes in the emissions from engines should allow test cells to reduce their emissions. These advances, the commenter argued, are developments the EPA should take into account. The commenter thought the EPA should revise the emission standards based on the ability to reduce emissions due to cleaner engines. The EPA should evaluate advances in more efficient engines and operating technology; use of lower HAP fuels; and alternative engines that do not rely on HAP-emitting fuels. The commenter argued that the EPA did not evaluate or take into account any of these developments, which the commenter contended was ''unlawful, arbitrary, and capricious under § 7412(d)(6).''

Response: The EPA disagrees with the commenter's assertion that the existing MACT standard should be lowered due to new emission standards for diesel engines and advances in diesel engine design (presumably under CAA sections 202 and 213). We also disagree with the commenter's contention that by not considering these developments our technology review is ''unlawful, arbitrary and capricious.'' CAA section 112(d)(6) requires the EPA to conduct a technology review to determine if there are ''developments in practices, processes, or control technologies'' that may be appropriate to incorporate into existing standards. At proposal, we did not propose any revision to the current MACT standard under CAA section 112(d)(6). We explained that the technology basis for the MACT standard was the use of add-on capture systems and control devices *(i.e.,* thermal oxidizers or catalytic oxidizers) and that our technology review under CAA section 112(d)(6) did not identify any new or improved add-on control technology, or any new work practices, operational procedures, process changes, or pollution prevention approaches that reduce emissions in the category that have been implemented at engine testing operations since promulgation of the current NESHAP. See 84 FR 20225–26, May 8, 2019.

Additionally, the emission standards in 40 CFR part 63, subpart PPPPP apply to the collection of engine test cells/stands located at a major source of HAP emissions that are used to test uninstalled stationary engines or uninstalled mobile engines. The subpart PPPPP standards do not apply to individual engines or to final products, such as automobiles or light and heavy-duty trucks. Rather, the purpose of engine testing is to simulate the operation of a specific type of engine under certain environmental conditions. In some cases, the testing confirms a new or refurbished engine is assembled correctly and will function as intended. In other cases, the testing measures the durability and performance of a new engine design or a new engine component.

In sum, under the CAA section 112(d)(6) technology review, the EPA is concluding that there are no new cost-effective controls that would achieve further emissions reductions and that the existing numerical emission limits in the NESHAP should be retained. For these reasons, consistent with the EPA's proposal, the emission limits in the NESHAP are not being revised.

Comment: One commenter was concerned the EPA had not collected the best available information on current controls and thought the EPA should have requested information from pollution control manufacturers and distributors, consulted with states and local air districts, consulted with the Institute of Clean Air Companies, and requested information from pollution control and monitoring companies regarding developments in controls for HAP pollutants. The commenter believed this information was readily available to the EPA and failing to contact control manufacturers biased the EPA's technology review away from the most current developments. The commenter thought the EPA should have assessed the technologies and tools

[5] The Court was referring to the predecessor provision to the current CAA section 112(f), but its analysis is equally applicable to the revised provision.

available in the market for the control of the pollutants and provide the information for notice-and-comment. The commenter believed that providing this information to the public would have a positive impact on the regulated industry, as well as community members exposed to pollution. The commenter thought this information could lead facilities to implement pollution controls with which they are not currently familiar and would create jobs and increase the economic success both of the regulated facility and the company selling the control or monitoring tools.

Response: The EPA disagrees with the commenter. CAA section 112(d)(6) requires the EPA to review and revise standards ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less often than every 8 years. Pursuant to CAA section 112(d)(6), the EPA may consider cost in deciding whether to revise existing standards. Our review of control technologies and current industry processes and practices identified no new cost-effective controls that would achieve further emission reductions. As explained in the proposal preamble, the EPA completed a technology review as part of this rulemaking, which focused on identifying and evaluating any developments in practices, processes, and control technologies that occurred since 2003. See 84 FR 20213–14, 20225–26, May 8, 2019. In conducting the technology review for the Engine Test Cells/Stands source category, the EPA looked for add-on control technology that was not identified during the original NESHAP development and for improvements to existing add-on controls. We also looked for new work practices, operational procedures, process changes, and pollution prevention alternatives that have the potential to reduce emissions. We conducted extensive research to help us identify developments in control technology, work practices and procedures that could potentially reduce HAP emissions. Developments in practices, processes, and control technologies were investigated through discussions with industry representatives, searches of the EPA's Reasonably Available Control Technology/Best Available Control Technology/Lowest Achievable Emissions Rate Clearinghouse, site visits, and literature searches. We met several times with industry representatives and visited engine test facilities at four different plants. We also included questions in a questionnaire that specifically asked companies to provide information on their add-on control devices and any work practices they use to reduce emissions. The questionnaire was completed by multiple companies and covered over 40 individual facilities known to operate engine test cells/stands. Fifteen of these facilities were located at major sources of HAP, while the remainder were located at area sources. The Agency's review found no new add-on control technology, no developments in existing add-on control technology, and no new work practices, operational changes, or pollution prevention practices that would result in further reductions in emissions from this source category. For a detailed discussion of the findings, please refer to the *Technology Review for the Engine Test Cells/Stands Source Category* memorandum, in the docket (Docket ID Item No. EPA–HQ–OAR–2018–0753–0031).

The EPA also reviewed numerous construction and operating permits issued by permitting authorities to major and area sources that operate engine test facilities. As part of these reviews, we looked for any new control technology or work practice standards required by a state or local agency. We also provided a 45-day comment period on our proposed conclusion that would allow industry, state, and local air agencies, control device manufacturers, and other stakeholders to provide information on any new technologies and work practices that we may have overlooked. However, no new technologies or work practice approaches were identified in the public comments we received. Commenters did not provide any additional information on control technology for this source category and the EPA did not receive any additional information based on the proposal. The EPA typically has wide latitude in determining the extent of data-gathering necessary to solve a problem and courts generally defer to the Agency's decision to proceed on the basis of imperfect scientific information, rather than to ''invest the resources to conduct the perfect study.'' *Sierra Club* v. *EPA,* 167 F. 3d 658, 662 (D.C. Cir. 1999).

For these reasons, the EPA is not persuaded by these comments and rather considers our review to be sufficiently rigorous. If any improvements in control technology, work practices, operational procedures, process changes, or pollution prevention approaches occurred since the 2003 NESHAP was finalized, we would have identified them. Since our review did not identify any improvements and no new methods have been identified during the public comment period, we are finalizing as proposed our determination that no changes to the emission standards are required pursuant to CAA section 112(d)(6).

Comment: One commenter noted that no reduction in emission limits for this source category has occurred since 2003 and stated that better control technology is available that would make further emission reductions possible.

Response: The EPA disagrees with the commenter. As explained previously, our review of control technologies and current industry processes and practices identified no new cost-effective controls that would achieve further emission reductions. Although the commenter stated that better technology is available, the commenter did not identify or provide evidence demonstrating any control technology that would achieve lower HAP emissions from engine test cells/stands. As explained previously, the Agency's review found no new add-on control technology, no developments in existing add-on control technology, and no new work practices, operational changes, or pollution prevention practices that would result in further reductions in emissions from this source category. For a detailed discussion of the findings of our technology review, please refer to the *Technology Review for the Engine Test Cells/Stands Source Category* memorandum, which is available in the docket (Docket ID Item No. EPA–HQ–OAR–2018–0753–0031).

Additional comments and our specific responses can be found in the comment summary and response document titled, *Summary of Public Comments and Responses for the Residual Risk and Technology Review for Engine Test Cells/Stands,* which is available in the docket for this action.

4. What is the rationale for our final approach for the technology review?

The EPA evaluated all of the comments on the EPA's technology review and determined that no changes to the review are needed. For the reasons explained in the proposed rule, we determined that no cost-effective developments in practices, processes, or control technologies were identified in our technology review to warrant revisions to the standards. More information concerning our technology review, and how we evaluate cost effectiveness, can be found in the memorandum titled *Technology Review for the Engine Test Cells/Stands Source Category,* which is available in the docket for this action, and in the

preamble to the proposed rule (84 FR 20208, May 8, 2019). Therefore, pursuant to CAA section 112(d)(6), we are finalizing our technology review as proposed.

C. SSM for the Engine Test Cells/Stands Source Category

1. What did we propose for the Engine Test Cells/Stands source category?

The EPA is finalizing the proposed amendments to the Engine Test Cells/Stands NESHAP to remove or revise provisions related to SSM. In its 2008 decision in *Sierra Club* v. *EPA,* 551 F.3d 1019 (D.C. Cir. 2008), the Court vacated portions of two provisions in the EPA's CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some CAA section 112 standards apply continuously. The EPA proposed the amendments to remove or revise provisions related to SSM that are not consistent with the requirement that the standards apply at all times. More information concerning the elimination or revision of SSM provisions is detailed in the preamble to the proposed rule (84 FR 20208, May 8, 2019).

2. How did the SSM provisions change for the Engine Test Cells/Stands source category?

The EPA is finalizing the SSM provisions as proposed (84 FR 20208, May 8, 2019) with minor changes to the General Provisions table (Table 7) and related cross-references to correct inadvertent errors made at proposal. These include the following:

- Addition of language in Table 7 indicating that several provisions are still applicable for 180 days following the effective date of this final rule; and
- Removal of cross-references to SSM exemption-related provisions.

We also note that because the final sentence in 40 CFR 63.8(d)(3) refers to the General Provisions' SSM plan requirement which is no longer applicable, the EPA is adding to the rule at 40 CFR 63.9355(c)(5) text that is identical to 40 CFR 63.8(d)(3) except that the final sentence is replaced with the following sentence: ''The program of corrective action should be included in the plan required under § 63.8(d)(2).'' A public comment was also received on this issue and more information can be found in the comment summary and response document titled *Summary of Public Comments and Responses for the Residual Risk and Technology Review for Engine Test Cells/Stands,* which is available in the docket for this action;

For reasons more fully described in the preamble at proposal, we also proposed to revise 40 CFR 63.9305 to add regulatory text regarding the general duty to minimize emissions. However, a typographical error was inadvertently made at the end of the sentence, ''The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieve.'' This sentence should have read as follows, and we are finalizing it as such: ''The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved.''

Also, for reasons more fully described at proposal, we proposed to revise 40 CFR 63.9355 to add regulatory text regarding the requirements to record actions taken to minimize emissions and to record corrective actions. However, in 40 CFR 63.9355(a)(6), we inadvertently left the words ''the cause'' out of the sentence that read, ''For each failure record the date, time and duration of each failure.'' This sentence should have read as follows, and we are finalizing it as such: ''For each failure record the date, time, the cause and duration of each failure.''

Finally, while we proposed to revise the performance testing requirement at 40 CFR 63.9321 to remove the language ''according to the requirements in § 63.7(e)(1)'' (because 40 CFR 63.7(e)(1) restated the SSM exemption), rule text showing this change was inadvertently not provided in the amendatory text appearing toward the end of the proposal document. Because this change, and the rationale for it, was adequately described in the proposal preamble, we are finalizing it as proposed.

3. What key comments did we receive on the SSM provisions, and what are our responses?

The EPA received comments related to our proposed revisions to the SSM provisions. One commenter generally supported the proposed revisions to the SSM provisions but disagreed with the Agency's approach to malfunctions.

Comment: One commenter disagreed with the EPA's assertion that the Agency has the discretion to set standards for malfunctions where feasible. The commenter asserted that the EPA has only the discretion provided by the CAA (See, *e.g., Clean Air Council* v. *EPA,* 862 F.3d at 9 (D.C. Cir. 2018)) and that the CAA does not give the EPA authority to set malfunction-based standards or exemptions (See 42 U.S.C. 7412(d), (h), and 7602(k)). The commenter noted the EPA has not acted on a petition for reconsideration that was filed when the EPA set a malfunction standard in the Refinery Sector Rule (See *Air Alliance Houston et al.* v. *EPA,* D.C. Cir. No. 16–1035 (filed February 7, 2016), which held amendments in abeyance pending EPA action on reconsideration). The commenter contends their reconsideration petition and comments filed in support of that petition and offered at the November 2016 public hearing have shown that the Refinery Sector Rule malfunction exemption is unlawful and arbitrary and should be removed from the standards. Since the EPA has not acted on the reconsideration petition and the Court has held the case in abeyance, the commenter said that no other similar proposals for other source categories should be made until the Refinery Sector Rule petition is resolved. The commenter maintains that the malfunction exemption in the Refinery Sector Rule remains under a cloud of substantial controversy and is unlawful and arbitrary.

Response: The EPA disagrees with the commenter's statement that the EPA lacks the authority to set standards for malfunctions. In fact, in the Court's decision in *Sierra Club* v. *EPA,* 551 F.3d 1019 (D.C. Cir. 2008) vacating the SSM exemption in EPA's regulations implementing CAA section 112, the Court held that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that when CAA sections 112 and 302(k) are read together, Congress has required that there must be continuous CAA section 112–compliant standards. Pursuant to that holding, the EPA must apply a standard to periods of malfunction. In this final rule, the EPA has removed the SSM exemption and has required compliance with the existing standards during periods of SSM. Thus, the EPA has set a standard for periods of SSM as required by the *Sierra Club* decision.

The commenter's discussion of the EPA's decision in the Refinery Sector Rule, to set a standard for a particular type of malfunction that is different than the standards that apply in other circumstances, is not relevant here because the standards in this final rule for engine test cells apply to at all times, including during periods of malfunction. The commenter also

characterizes the Refinery Sector Rule as containing a malfunction exemption, so it is not clear whether the commenter's concern is with a standard that applies during malfunctions. In any event, the commenter's claim that the EPA has no authority to set standards for malfunctions is inconsistent with the *Sierra Club* SSM case.

Additional comments and our specific responses can be found in the comment summary and response document titled *Summary of Public Comments and Responses for the Residual Risk and Technology Review for Engine Test Cells/Stands,* which is available in the docket for this action.

4. What is the rationale for our final approach for the SSM provisions?

The EPA evaluated all of the comments on the EPA's proposed amendments to the SSM provisions. For the reasons explained in the proposed rule (84 FR 20208, May 8, 2019) and in section III.C of this preamble, we are finalizing our approach for the SSM provisions as proposed other than the minor changes detailed previously.

D. Electronic Reporting Requirements for the Engine Test Cells/Stands Source Category

1. What did we propose for the Engine Test Cells/Stands source category?

The EPA proposed that owners and operators of engine test cells/stands must submit electronic copies of required performance test reports, performance evaluation reports, and semiannual compliance reports through the EPA's CDX using the CEDRI. More information concerning our proposal on electronic reporting requirements can be found in the proposed rule (84 FR 20208, May 8, 2019).

2. How did the electronic reporting provisions change for the Engine Test Cells/Stands source category?

Since proposal, the electronic reporting provisions have not changed.

3. What key comments did we receive on the electronic reporting provisions, and what are our responses?

The EPA received comments both in support of and against the proposed electronic reporting provisions.

Comment: One commenter supported the proposed use of electronic reporting but recommended the EPA make certain changes to the proposed reporting and recordkeeping requirements. The commenter supported electronic reporting if it reduces regulatory burden, provides flexibility, and creates efficiencies for regulated entities. Although the commenter was supportive of electronic reporting, they wanted to ensure there is an orderly transition to the new reporting system. The commenter requested that the EPA should address the following issues:

- The addition of electronic reporting should not establish any new data requirements beyond what is currently required by the regulation. All data reporting requirements should tie to a regulatory citation;
- The reporting system should allow companies the option to provide explanatory comments on data or information submitted;
- Electronic reporting should not place further restrictions on who is eligible to submit a report;
- Sufficient compliance time should be allowed for companies to implement the revised requirements and to integrate EPA and company systems;
- Regulatory language should allow companies to submit hardcopy reports if there are problems with the EPA's reporting system availability or company systems;
- Electronic reporting should allow companies to submit reports as Portable Document Format (PDF) documents;
- The reporting system should allow updates or corrections to be submitted;
- The EPA should work with other regulatory authorities (*i.e.,* states, local agencies) to establish comparable or compatible electronic systems. The commenter said that electronic reporting to the EPA would not reduce reporting burden if companies reporting electronically to the EPA still have to submit hardcopy reports to other agencies that do not have electronic systems; and
- Any reporting templates should be available for review at the time a rule is proposed.

Response: The EPA acknowledges the comment. The new requirement to submit reports electronically does not establish any new data requirements, will allow facilities to submit some performance test results as an attachment within the electronic reporting tool (ERT) as well as include additional information in the semiannual report in PDF, allows facilities to make corrections to submittals through the resubmittal process in CEDRI, provides sufficient time for facilities to understand and comply with the new method of submitting reports, and includes provisions allowing extensions to be approved for situations where a facility is unable to successfully submit a report by the reporting deadline due to circumstances beyond their control (*e.g.,* outages of the EPA's CEDRI). Further, once submitted and certified, reports can be accessed by facility personnel and authorized EPA, Regional, state, local, and tribal reviewers.

For the semiannual compliance reports, reporters must use the spreadsheet template provided by the EPA to submit information to CEDRI. Additional information may be supplied through the comment field or as additional attachments through the process described on the Welcome tab of the spreadsheet template. In the proposal, we solicited comment on the content, layout and overall design of the template and a copy of the proposed template was made available in the docket (see *Engine_Test_Cells_Semiannual_Spreadsheet_Template_Draft,* available at Docket ID Item No. EPA–HQ–OAR–2018–0753–0147). 84 FR 20229, May 8, 2019. We received public comments on the draft template, which we took into consideration when preparing the final semiannual compliance report template. A copy of the final semiannual compliance report template is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2018–0753). The official version of the report template is available at the CEDRI homepage (*https://www.epa.gov/electronic-reporting-air-emissions/cedri*).

All facilities must submit their reports electronically. For reports that contain information claimed as CBI, reporters will submit redacted reports electronically and mail complete versions, including the CBI, on a compact disc, flash drive, or other electronic storage media to the EPA. Although facilities will not have the option to continue submitting reports in hardcopy, the EPA provides support for companies on the EPA's CEDRI website, accessed at *https://www.epa.gov/electronic-reporting-air-emissions/cedri.* An overview of the electronic data submission process is provided in the memorandum, *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules,* available in Docket ID No. EPA–HQ–OAR–2018–0753.

Comment: One commenter thought that the EPA should provide a notice and comment period only through a **Federal Register** document for all future changes in reporting templates. According to the commenter, at proposal, the EPA noted that the compliance reporting template for engine test facilities will be available on the CEDRI website. At the time of the proposal, the template was only available in the rule docket. While stakeholders can review the template as

it exists currently, the commenter said that any future changes to the template should be made available to affected reporters for comment prior to being adopted. The commenter stated that facilities do not regularly check the CEDRI website and would not be aware of any changes to the template. If the EPA changes the template without notice, the commenter said that facilities may use the wrong template or find they are in noncompliance. The commenter noted that a notification of proposed rules is required to be published in the **Federal Register** pursuant to the CAA and the Administrative Procedures Act (APA). The commenter cited both section 307(d)(3) of the CAA and section 553(b) of the APA as support:

Section 307(d)(3) of the CAA states, in the case of any rule to which this subsection applies, notice of proposed rulemaking shall be published in the **Federal Register**, as provided under section 553(b) of Title 5 [of the United States Code], shall be accompanied by a statement of its basis and purpose and shall specify the period available for public comment. (42 U.S.C. 7607(d)(3)).

Section 553(b) of the APA states that general notice of proposed rulemaking shall be published in the **Federal Register**, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. Except when notice or hearing is required by statute, it does not apply to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice, or when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. (5 U.S.C. 553(b).)

The commenter stated that none of the exceptions in the APA would apply to any future changes in reporting templates and noted that the **Federal Register** is the official publication for federal agencies to publish changes in regulatory requirements. The commenter said that companies typically monitor the **Federal Register** daily, but do not typically subscribe to the Clearinghouse for Inventories and Emissions Factors (CHIEF) Listserv or periodically review the CEDRI website. The commenter said that it is not practical for companies to also review the CHIEF Listserv and CEDRI websites and that posting revised templates to these sites is not a ''legally-sufficient substitute for the **Federal Register**.'' The commenter also said that the EPA should provide notice of any proposed changes to electronic reporting requirements in a **Federal Register** notice as this approach will provide the regulated community with the notice that they need to review any proposed regulatory changes, provide comments, and initiate compliance plans. The commenter believed that posting to an EPA website does not provide adequate notice that electronic reporting requirements have changed and recommended that the EPA only make future changes to the template if a **Federal Register** notice is issued and an opportunity for public comment is provided.

Response: The EPA disagrees that future changes to a reporting template require public notice and comment. This rulemaking establishes the process the EPA will use to notify owners/operators of the availability of revised forms and provided interested parties with an opportunity to comment on that process. The fact that the commenters prefer a different process does not mean that the EPA lacks the authority to adopt the process proposed. We are making the CEDRI forms consistent with the underlying regulations, and as such, the public has already had a chance to review and comment on the content of these reports. These underlying regulations establish clear and objective criteria for EPA to apply in future non-rulemaking actions. The application of regulatory criteria to future individual situations does not require notice and comment rulemaking, either under section 307(d) of the CAA or the APA.

The EPA has amended the template to display the date of creation and revision number of the template. The date of the final rule is not included in the template.

Comment: One commenter disagreed with the EPA's proposed extension provisions for CEDRI outages or force majeure events. The commenter thought the proposed extension provisions were ''unlawful and arbitrary.'' The commenter argued that the extension provisions do not set a firm deadline to either submit required reports or to request an extension of the reporting deadline. The commenter also disagreed with the provision: ''[t]he decision to accept the claim . . . and allow an extension to the reporting deadline is solely within the discretion of the Administrator'' and with the EPA's proposed definition of ''force majeure event.'' The commenter believed these provisions were too broad and vague and was concerned a facility would use these provisions to evade the compliance reporting deadlines that assure compliance with applicable standards.

The commenter also thought that the EPA lacked the authority to allow exceptions or extensions for a ''force majeure event'' under the CAA. The commenters said the CAA was enacted to protect public health and welfare, to reduce pollution and the harm it causes, including cancer and other serious health impacts from HAP. The commenter said that creating a ''malfunction exemption'' contravenes the CAA. The commenter noted that the concept of ''force majeure'' comes from contract law and is not applicable to the CAA because it is not a contract. The commenter noted that ''force majeure is a phrase coined primarily for the convenience of contracting parties wishing to describe the facts that create a contractual impossibility due to an 'Act of God.' (See 6 A. Corbin, Corbin on Contracts, section 1324 (1962)). As Corbin points out, this term is outmoded and serves no useful purpose as a test of responsibility.'' *Perlman* v. *Pioneer Limited Partnership,* 918 F.2d 1244, 1248 n.5 (5th Cir. 1990). The commenter urged the EPA to not apply the concept of ''force majeure'' to any part of the CAA and said that doing so would be a variation of the prior malfunction exemptions that were found to be unlawful under the CAA. (See, *e.g., Sierra Club* v. *EPA,* 551 F.3d 1028 (D.C. Cir. 2008); *NRDC,* 749 F.3d at 1062–63). The commenter argued that there is no ''force majeure'' exception allowed for non-compliance with the CAA or its requirements, and that the EPA may not create an exemption because ''the Clean Air Act and amendments thereto contain no force majeure exception.'' *U.S.* v. *Wheeling-Pittsburgh Steel Corp.,* 818 F.2d 1077, 1088 (3d Cir. 1987) (refusing to provide for a free-standing ''force majeure'' exception that would have exempted emission violations that fell outside the contractual term used in a consent decree due to the lack of legal basis to do so). The commenter noted that the Court explained: ''After a certain point, the transgression of regulatory limits caused by 'uncontrollable acts of third parties,' such as strikes, sabotage, operator intoxication or insanity, and a variety of other eventualities, must be a matter for the administrative exercise of case-by-case enforcement discretion, not for specification in advance by regulation.'' *Weyerhaeuser Co.* v. *Costle,* 590 F.2d 1011, 1058 (D.C. Cir. 1978).

The commenter thought that while CEDRI outages and some events may be out of a facility's control, the facility owners or operators have many factors within their control. The commenter said the EPA failed to evaluate the steps

a facility could take to predict and prevent delays in the reporting of pollution exceedances related to foreseeable types of events it defines as ''force majeure.'' If the EPA creates a ''force majeure event'' extension provision, the commenter recommended the facility be required to prevent similar problems in the future and report what steps it will take in the future to prevent the same problem from recurring. When there is such a problem, the commenter argued, the need for prompt reporting is important for ensuring actual emission exceedances end. The commenter asserted that allowing an unreasonable extension or not setting any deadline would be unlawful. The commenter thought reporting was especially important during the types of events described by the EPA. The commenter stated that reporting is necessary to protect public health and welfare.

The commenter also said the EPA did not identify any problems or burdens with the electronic reporting system that could justify an extension. The commenter noted that in a proposed rule for the Petroleum Refinery Sector, the EPA had stated: ''We note that the submission of ERT formatted performance test and performance evaluation reports using CEDRI is fully operational, and there are no known or reported system issues . . . In addition, the CDX Helpdesk staff are available during regular business hours to support industry users in completing their submissions electronically using CEDRI.'' The commenter also noted the EPA found that ''over 3,400 ERT files have been submitted to the EPA through CEDRI,'' only 43 help calls were received, and only 9 calls were referred to EPA staff for further assistance (see, NESHAP: Petroleum Refinery Sector Amendments, Proposal, 83 FR 15458, 15469 (April 10, 2018). The commenter said the EPA's proposed extension was not based on evidence of any problem with electronic reporting in the past, based on the record provided for public comment. The commenter said that no evidence was provided showing that a reporting problem could not be resolved through a case-by-case resolution or that any harm has been caused by not having an extension provision.

The commenter was concerned that delayed reporting and potentially failure to report would cause harm because it delays compliance assurance by the EPA, the states, and affected community residents. The commenter thought the extension provision would undermine the health and environmental protections of the standards, resulting in cancer and acute health threats from engine test facilities. The commenter urged the EPA to set a deadline for reporting and to assure that the extension request allows only a temporary delay in reporting, such as a 10-day extension, rather than an open-ended extension with no deadline.

Response: The EPA disagrees with these comments. The final rule requires electronic reporting for all facilities subject 40 CFR part 63, to subpart PPPPP as proposed. The commenter questioned the limited flexibility the EPA proposed (and is finalizing), namely inclusion of electronic reporting provisions for reporters facing circumstances beyond their control. The commenter asserts the case-by-case extension of report submittal deadlines is an ''unlawful exemption [from compliance with] the emissions standards.'' This is not the case, as explained below. The proposed provisions the commenter questions are as follows (emphasis added):

(3) If you are required to electronically submit a report through CEDRI in the EPA's CDX, and due to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX and submitting a required report within the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. *You must provide to the Administrator a written description identifying the date, time and length of the outage; a rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.* The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(4) If you are required to electronically submit a report through CEDRI in the EPA's CDX and a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due, the owner or operator may assert a claim of force majeure for failure to timely comply with the reporting requirement. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage). *If you intend to assert a claim of force majeure, you must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.* The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

There is no exception or exemption to reporting, much less an exemption from compliance with the numerical emission standards, rather, this regulatory provision only sets out a method for requesting an extension of the reporting deadline. Reporters are required to justify their request and identify a reporting date. There is no predetermined timeframe for the length of extension that can be granted, as this is something best determined by the Administrator (*i.e.,* the EPA Administrator or delegated authority as defined in 40 CFR 63.2) when reviewing the circumstances surrounding the request. Different circumstances may require a different length of extension for electronic reporting. For example, a tropical storm may delay electronic reporting for a day, but a Hurricane Katrina scale event may delay electronic reporting for much longer, especially if the facility has no power, and, as such, the owner or operator has no ability to either access electronically stored data or to submit reports electronically. The Administrator (or delegated authority)

will be the most knowledgeable of the events leading to the request for extension and will assess whether an extension is appropriate, and, if so, a reasonable length for the extension. The Administrator (or delegated authority) may even request that the report be sent in hardcopy until electronic reporting can be resumed. While no new fixed duration deadline is set, the regulation requires that the report be submitted electronically as soon as possible after the CEDRI outage or after the force majeure event resolves.

The concept of force majeure is not arbitrary, as it has been implemented since May 2007 within the CAA requirements through the performance test extensions requirements provided in 40 CFR 63.7(a)(4) and 60.8(a)(1). Like the performance test extensions, the approval of a requested extension of an electronic reporting deadline is at the discretion of the Administrator.

The EPA disagrees that the reporting extension will undermine enforcement because the Administrator has full discretion to accept or reject the claim of a CEDRI system outage or force majeure. As such, an extension is not automatic and is agreed to on an individual basis by the Administrator. If the Administrator determines that a facility has not acted in good faith to reasonably report in a timely manner, the Administrator can reject the claim and find that the failure to report timely is a deviation from the regulation. CEDRI system outages are infrequent, but the EPA knows when they occur and whether a facility's claim is legitimate. Force majeure events (*e.g.,* natural disasters impacting a facility) are also usually well-known events.

Additionally, the ability to request a reporting extension does not apply to a broad category of circumstances; on the contrary, the scope for submitting an extension request for an electronic report is very limited in that claims can only be made for an event outside of the owner's or operator's control that occurs in the 5 business days prior to the reporting deadline. The claim must then be approved by the Administrator, and in approving such a claim, the Administrator would agree that something outside the control of the owner or operator prevented the owner or operator from meeting its reporting obligation. In no circumstance does this electronic reporting extension allow for the owner or operator to be out of compliance with the underlying emissions standards.

The EPA disagrees with the commenter's assumption that the requirement to report ''as soon as possible'' makes it likely that reporting will be significantly delayed, may lead a facility to drag its feet in submitting reports for an extended period, or may lead to a facility never reporting information. Each request for an extension of the electronic reporting deadline must be approved by the Administrator (or delegated authority), and each request must state the time requested for the extension as well as the dates and times at which the unsuccessful attempt(s) to access CEDRI were made in the case of a CEDRI outage. The EPA also disagrees that a delay in reporting due to a CEDRI outage or a force majeure event would necessitate a delay in a corrective action that would be taken to prevent harmful and unlawful emission exceedances. The facility must remain in compliance with all air emissions requirements and has an ongoing responsibility under the general duty clause of 40 CFR 63.6(e) to operate and maintain any affected source in a manner consistent with safety and good air pollution practices for minimizing emissions. An extension of the deadline for submitting an electronic report in no way eliminates culpability for exceedances of emissions limitations or the requirement to address them.

The EPA disagrees that the force majeure extension request must require a facility to report what steps it will take in the future to prevent the same problem from occurring. A force majeure event for the purpose of electronic reporting is defined as ''. . . an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility.'' Examples of such events are acts of nature and acts of war or terrorism. By definition, force majeure events are not something that a facility is able to control, and, thus, there is no way for the facility to prevent it from happening.

The EPA disagrees that the existing statistics on the use of CEDRI and e-reporting precludes the need for a provision to account for an outage of the CEDRI system. Prudent management of electronic data systems builds in allowances for unexpected, non-routine delays, such as occurred on July 1, 2016, and October 20–23, 2017, and is consistent with the already-existing provisions afforded for unexpected, non-routine delays in performance testing (see 40 CFR 60.8(a)(1) and (2) and 40 CFR 63.7(a)(4)). For both electronic reporting and performance testing, owners or operators are to conduct and complete their activities within a short window of time; the EPA believes that it is prudent to allow owners or operators to make force majeure claims for situations beyond their reasonable control. The EPA also disagrees that incidental issues with questions on completing the form or the procedures for accessing CEDRI for which the CEDRI Helpdesk is available, are conditions that would be considered either force majeure or a CEDRI system outage. The existence of the Helpdesk for answering questions on procedures in submitting reports to CEDRI have no impact on the availability of CEDRI in such a circumstance.

The purpose of these requests for extensions are to accommodate owners and operators in cases where they cannot successfully submit a report electronically for reasons that are beyond their control and occur during a short window of time prior to the reporting deadline. The extension is not automatic, and the Administrator retains the right to accept or reject the request. The language was added as part of the standard electronic reporting language based on numerous comments received on the proposal for the Electronic Reporting and Recordkeeping Requirements for the New Source Performance Standards (80 FR 15100, March 20, 2015).

Additional comments and our specific responses can be found in the comment summary and response document titled *Summary of Public Comments and Responses for the Residual Risk and Technology Review for Engine Test Cells/Stands,* which is available in the docket for this action.

4. What is the rationale for our final approach for the electronic reporting provisions?

The EPA evaluated all of the comments on the EPA's proposed amendments to the electronic reporting provisions. For the reasons explained in the proposed rule (84 FR 20208, May 8, 2019), we have determined the electronic submittal of the reports addressed in this final rule will increase the usefulness of the data contained in those reports, is in keeping with current trends in data availability and transparency, will further assist in the protection of public health and the environment, will improve compliance by facilitating the ability of regulated facilities to demonstrate compliance with requirements and by facilitating the ability of delegated state, local, tribal, and territorial air agencies and the EPA to assess and determine compliance, and will ultimately reduce burden on regulated facilities, delegated air agencies, and the EPA. Electronic reporting also eliminates paper-based, manual processes, thereby saving time

and resources, simplifying data entry, eliminating redundancies, minimizing data reporting errors, and providing data quickly and accurately to the affected facilities, air agencies, the EPA, and the public. Moreover, electronic reporting is consistent with the EPA's plan [6] to implement Executive Order 13563 and is in keeping with the EPA's Agency-wide policy [7] developed in response to the White House's Digital Government Strategy.[8] For more information on the benefits of electronic reporting, see the memorandum, *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP),* available in Docket ID No. EPA–HQ–OAR–2018–0753.

E. Technical and Editorial Changes for the Engine Test Cells/Stands Source Category

1. What did we propose for the Engine Test Cells/Stands source category?

The EPA proposed the following technical and editorial changes to the existing NESHAP for the source category:

- Revising the monitoring requirements in 40 CFR 63.9307 to add THC as a continuous emission monitoring option and to add Performance Specification 8A and EPA Method 25A;
- Revising the initial compliance requirements in 40 CFR 63.9320 to include a provision for the performance test to be used to demonstrate compliance;
- Revising Tables 3 and 4 to 40 CFR part 63, subpart PPPPP, to add an alternative compliance option; and
- Revising section 40 CFR 63.9350 to address the reporting of performance tests and performance evaluations.

2. How did the technical and editorial changes change for the Engine Test Cells/Stands source category?

Since proposal, the technical and editorial changes have not changed.

3. What key comments did we receive on the technical and editorial changes, and what are our responses?

While no comments were received on the particular technical and editorial changes detailed above, additional comments of a technical and editorial nature were received. Our specific responses to those comments can be found in the document titled *Summary of Public Comments and Responses for the Residual Risk and Technology Review for Engine Test Cells/Stands,* which is available in the docket for this action.

4. What is the rationale for our final approach for the technical and editorial changes?

Because no comments were received on the technical and editorial changes that the EPA proposed, we determined that these changes should be finalized as proposed.

F. Additional Issue on Which Comment Was Requested: Prior Approval for an Aspect of Performance Testing

1. What did we propose for the Engine Test Cells/Stands source category?

In the proposal, the EPA specifically solicited comment on an aspect of initial performance testing. According to the existing regulations, if an affected source owner or operator elects to comply with the percent reduction emission limitation, an initial performance test must be conducted to determine the capture and control efficiencies of the equipment and to establish the operating limits to be achieved on a continuous basis. Performance tests are to be conducted under representative operating conditions, and the source is required to document the operating conditions during the test and explain why the conditions represent normal operation. In discussions prior to our May 2019 proposal, industry stakeholders raised the issue that, for facilities with multiple test cells/stands, it is difficult to define ''normal'' operation due to the several types of engine tests conducted, the varying operation conditions for the engine tests, the number of cells/stands, different kinds of test fuels, and the complex emission capture system. Thus, affected sources have felt the need to request approval on the testing protocol prior to conducting the performance tests to limit tests to representative cells. We requested comment on whether this process of requesting prior approval for determining what is considered ''normal'' operation for a specific affected facility is reasonable and appropriate for the one-time required performance test. More information concerning our request for comment on this aspect of initial performance testing can be found in the proposed rule (84 FR 20208, May 8, 2019).

2. How did the performance testing issue change for the Engine Test Cells/Stands source category?

Since proposal, this issue has not changed.

3. What key comments did we receive on the performance testing issue, and what are our responses?

One commenter commented more broadly on the issue of performance testing.

Comment: One commenter recommended that the EPA streamline requirements calling for Agency approval of alternate testing protocols and monitoring. The commenter said that this requirement creates unnecessary compliance complexity for facilities with multiple test cells and further stated that it was difficult to comply with this requirement when determining the capture efficiency for a cell that is not a permanent total enclosure (PTE), which is the case for cells in large complexes. The commenter said that in situations where there are temporary total enclosures (TTE), demonstrating TTE as defined by EPA Method 204 is challenging because of the size and set-up at a large facility (*e.g.,* approximately 90 cells). The gas-to-gas protocol, the commenter said, is not practical to implement due to the size and complexity of multiple cells within a large complex. The TTE requirements cannot be met as prescribed because:

- The test method requires the construction of a TTE over all of the test cells in order to measure emissions at exhaust points from the test cell building. With many cells and the volume of air flow involved, construction of a TTE is impossible because the temporary structure would be the size of a large building.
- Measuring all of the emission points from a test cell building at one location is not practical as this would require simultaneous testing at one location of exhaust volume and THC concentration from over 100 locations (90+ general ventilation exhaust points, scavenge air exhaust points systems, emission analyzer vents, and regenerative thermal oxidizers).
- The low CO volume generated from scavenge air and air handling units associated with the general ventilation system can be difficult to measure accurately and background CO levels can interfere with obtaining accurate

[6] U.S. EPA. *Final Plan for Periodic Retrospective Reviews,* August 2011. Available at: *https://www.regulations.gov/document?D=EPA-HQ-OA-2011-0156-0154.*

[7] *E-Reporting Policy Statement for EPA Regulations,* September 2013. Available at: *https://www.epa.gov/sites/production/files/2016-03/documents/epa-ereporting-policy-statement-2013-09-30.pdf.*

[8] *Digital Government: Building a 21st Century Platform to Better Serve the American People,* May 2012. Available at: *https://obamawhitehouse.archives.gov/sites/default/files/omb/egov/digital-government/digital-government.html.*

measurements for determining capture efficiency in testing TTE.

• Approval is needed to limit tests to ''representative'' cells. From a practical perspective, the absence of a definition of what is representative (*e.g.,* test type, common engine type, common fuel, CO measurement methods) results in delayed approvals from regulatory authorities as there is no defined basis for approval.

• Other TTE EPA Method 204 issues include:

○ A source must request alternative approval to deviate from EPA Method 204 requirements to use a single analyzer. The rule does not address the ability to use various calibration gases based on concentration ranges for several capture points.

○ Current rule excludes an allowance for measuring CO instead of VOC or THC, triggering the need for regulatory authority approval to measure CO. In most cases, VOC is too low of a concentration to measure from test cell operations.

○ When testing capture efficiency, an entity must lock room air handling system in place in order to accurately measure air flow from this source and generate valid data. This can trigger changes in ambient conditions for the engine test.

To address these issues, the commenter recommended the EPA should:

1. *Step 1:* Define 100-percent capture to exclude general ventilation, scavenge air systems, and test bench emissions. Based on testing experience and data, these sources represent less than 1 percent of the emissions.

○ Due to the size, number, and configuration of test cells, it is difficult to determine capture efficiency and meet the TTE requirements.

○ Alternatively, the EPA could establish a default capture rate for the *de minimis* emissions to avoid facilities having to undertake costly testing when the capture is known to be nearly complete.

2. *Step 2:* If a PTE cannot be met and the gas-to-gas protocol and TTE requirements are triggered:

○ Allow for a representative test and include a definition describing the requirements for representative test conditions in order to measure CO from various points from the enclosure. This would include testing a representative test cycle (*e.g.,* durability) on a single common engine/fuel type.

○ Modify requirements to allow for multiple analyzers with different measurement spans.

○ If testing of capture efficiency must be conducted, the test method should allow for the locking of the room air handling system. This is not considered normal operation but is necessary because facilities cannot accurately measure air flow when the system is in a constant state of adjusting.

○ Allow measurement of CO, not just THC or HAP.

Response: The EPA is not amending the test procedures and protocols required by this subpart at this time. The EPA also notes that the ability to use either alternative methods or deviations of methods may be pursued on a case by case basis through the site-specific test plan and the alternative method procedures of 40 CFR 63.7(e)(2). Sources may also request approval of a broadly applicable alternative test method through the EPA Measurement Technology Group.

4. What is the rationale for our final approach for the performance testing issue?

The EPA evaluated all of the comments on the EPA's proposed changes regarding initial performance testing. For the reasons explained previously, we determined that no changes should be made to current practice. Although affected sources may still request approval on the testing protocol, this practice will continue to not be required.

V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted

A. What are the affected facilities?

There are currently 59 engine test cells/stands facilities operating in the United States that conduct engine testing operations and are subject to the Engine Test Cells/Stands NESHAP. The 40 CFR part 63, subpart PPPPP, affected source is the collection of all equipment and activities associated with engine test cells/stands used for testing uninstalled stationary or uninstalled mobile engines located at a major source of HAP emissions. A new or reconstructed affected source is a completely new engine testing source that commenced construction after May 14, 2002, or meets the definition of reconstruction and commenced reconstruction after May 14, 2002.

B. What are the air quality impacts?

At the current level of control, emissions of total HAP from the source category are estimated to be approximately 163 tpy. This represents a reduction in HAP emissions of about 80 tpy due to the current (2003) Engine Test Cells/Stands NESHAP. These final amendments require all affected sources subject to the emission standards in the Engine Test Cells/Stands NESHAP to operate without the SSM exemption. We do not expect that eliminating the SSM exemption will result in reduced emissions since the existing NESHAP requires that the operating limits established during the performance test for demonstrating continuous compliance must be met at all times.

Indirect or secondary air emissions impacts are impacts that would result from the increased electricity usage associated with the operation of control devices (*i.e.,* increased secondary emissions of criteria pollutants from power plants). Energy impacts consist of the electricity and steam needed to operate control devices and other equipment. The EPA expects no secondary air emissions impacts or energy impacts from this rulemaking.

C. What are the cost impacts?

The EPA estimates that each facility in the source category will experience costs as a result of the final amendments. These costs are estimated as part of the reporting and recordkeeping costs of the final rule. Each facility will experience costs to read and understand the rule amendments. The total cost for this activity is estimated to be $4,029 annually, inclusive of all affected entities. Facilities will also experience costs associated with the elimination of the SSM exemption (including labor hours required for re-evaluation of previously developed SSM record systems), and costs associated with the requirement to electronically submit performance test, performance evaluation, and semi-annual compliance reports using CEDRI (including labor hours needed to become familiar with CEDRI and the reporting template for semi-annual compliance reports). There costs were also estimated as part of the reporting and recordkeeping costs of the rule amendments, however, we do not expect any net change in cost to result from elimination of the SSM exemption or the addition of the electronic reporting requirements. Therefore, the total estimated cost of this action, beyond the costs that would have been incurred by industry pursuant to the regulations in effect prior to this final rule, is $4,029 annually.

D. What are the economic impacts?

Economic impact analyses focus on changes in market prices and output levels. If changes in market prices and output levels in the primary markets are significant enough, impacts on other markets may also be examined. Both the magnitude of costs associated with a

rule and the distribution of those costs among affected facilities can have a role in determining how the market will change in response to the rule. As presented in section VI.C of this preamble, the total estimated cost of this final rule is approximately $4,029 annually. These costs are not expected to result in a significant market impact, regardless of whether they are passed on to the purchaser or absorbed by the firms.

E. What are the benefits?

The EPA is not finalizing changes to the emission limit requirements and estimates the proposed changes to SSM, recordkeeping, reporting, and monitoring are not economically significant. Because these final amendments are not considered economically significant, as defined by Executive Order 12866, and because no emission reductions were estimated, we did not estimate any benefits from reducing emissions.

F. What analysis of environmental justice did we conduct?

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

To examine the potential for any environmental justice issues that might be associated with the source category, the EPA performed a demographic analysis, which is an assessment of risks to individual demographic groups of the populations living within 5 kilometers (km) and within 50 km of the facilities. In the analysis, we evaluated the distribution of HAP-related cancer and noncancer risks from the Engine Test Cells/Stands source category across different demographic groups within the populations living near facilities.[9]

The results of the demographic analysis are summarized in Table 3 below. These results, for various demographic groups, are based on the estimated risk from actual emissions levels for the population living within 50 km of the facilities.

TABLE 3—ENGINE TEST CELLS/STANDS DEMOGRAPHIC RISK ANALYSIS RESULTS

[Engine Test Cells/Stands source category: Demographic assessment results—50 km study area radius]

		Population with cancer risk greater than or equal to 1 in 1 million	Population with HI greater than 1
	Nationwide	Source category	
Total Population	317,746,049	2,745	0
	White and minority by percent		
White	62	90	0
Minority	38	10	0
	Minority by percent		
African American	12	3	0
Native American	0.8	0.4	0
Hispanic or Latino (includes white and nonwhite)	18	2	0
Other and Multiracial	7	4	0
	Income by percent		
Below Poverty Level	14	13	0
Above Poverty Level	86	87	0
	Education by percent		
Over 25 and without a High School Diploma	14	9	0
Over 25 and with a High School Diploma	86	91	0
	Linguistically isolated by percent		
Linguistically Isolated	6	2	0

The results of the Engine Test Cells/Stands source category demographic analysis indicate that emissions from the source category expose approximately 2,700 people to a cancer risk at or above 1-in-1 million and no people to a chronic noncancer TOSHI greater than 1 based on actual or allowable emissions. Regarding cancer risk, the specific demographic results indicate that the percentage of the population potentially impacted by engine test cells/stands emissions is greater than its corresponding nationwide percentage for the following demographics: White (90 percent for the source category compared to 62 percent nationwide), Above Poverty Level (87

[9] Demographic groups included in the analysis are: White, African American, Native American, other races and multiracial, Hispanic or Latino, children 17 years of age and under, adults 18 to 64 years of age, adults 65 years of age and over, adults without a high school diploma, people living below the poverty level, people living two times the poverty level, and linguistically isolated people.

percent for the source category compared to 86 percent nationwide), and Over 25 and with a High School Diploma (91 percent for the source category compared to 86 percent nationwide). The remaining demographic group percentages (including the groups explicitly designated as minority) are the same or less than the corresponding nationwide percentages.

The EPA, therefore, reaffirms its determination that this final rule will not have disproportionately high and adverse human health or environmental effects on minority, low income, or indigenous populations because it maintains the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority, low income, or indigenous populations.

The methodology and the results of the demographic analysis are presented in a technical report, *Risk and Technology Review Analysis of Demographic Factors for Populations Living Near Engine Test Cells/Stands Source Category Operations,* available in the docket for this action.

G. What analysis of children's environmental health did we conduct?

The EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in the document, *Residual Risk Assessment for the Engine Test Cells/Stands Source Category in Support of the 2020 Risk and Technology Review Final Rule,* which is available in the docket for this action.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

The information collection activities in this rule have been submitted for approval to the Office of Management and Budget (OMB) under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 2066.09. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

We are finalizing changes to the reporting and recordkeeping requirements for the Engine Test Cells/Stands NESHAP in the form of eliminating the SSM reporting and SSM plan requirements and requiring electronic submittal of all compliance reports (including performance test reports). Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (see 40 CFR part 2; 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979).

Respondents/affected entities: Respondents are owners or operators of engine test cells/stands facilities subject to the Engine Test Cells/Standards NESHAP.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart PPPPP).

Estimated number of respondents: On average, over the next 3 years, approximately 12 existing major sources will be subject to these standards, of which seven are subject to emission limits, monitoring, recordkeeping, and reporting requirements. It is also estimated that one additional respondent will become subject to the emission standards over the 3-year period and two additional respondents will be subject only to the notification requirements.

Frequency of response: On average, this collection is expected to produce 18 responses per year.

Total estimated burden: 1,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $4,029 (per year), which is inclusive of the cost of familiarization with regulatory requirements, plus $2,900 annualized capital or operation and maintenance costs. 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 OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the Agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. During the original rulemaking, an ICR was sent to over 100 companies representing over 300 individual facilities. Using that information, along with discussion with industry stakeholders, it was determined that there were no major sources that were also owned by small entities. A review of the 59 facilities currently in this source category also concluded that none are owned by small entities. Thus, this action will not impose any requirements on small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. The EPA does not know of any engine test cell/stand facilities owned or operated by Indian tribal governments. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in sections III and IV of the proposal preamble (84 FR 20208, May 8, 2019) and further documented in the risk report titled *Residual Risk Assessment for the Engine Test Cells/Stands Source Category in Support of the 2020 Risk and Technology Review Final Rule,* which is available in the docket for this action.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The documentation for this decision is contained in section IV.B of the proposal preamble (84 FR 20208, May 8, 2019), section IV.A of this preamble, and the technical report, *Risk and Technology Review Analysis of Demographic Factors for Populations Living Near Engine Test Cells/Stands Source Category Operations,* which is available in the docket for this rulemaking.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Engine test cells/stands, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 11, 2020.

Andrew R. Wheeler,

Administrator.

For the reasons set forth in the preamble, 40 CFR part 63 is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart PPPPP—National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands

■ 2. Section 63.9295 is amended by revising paragraph (a) to read as follows:

§ 63.9295 When do I have to comply with this subpart?

(a) *Affected sources.* (1) If you start up your new or reconstructed affected source before May 27, 2003, you must comply with the emission limitations in this subpart no later than May 27, 2003; except that the compliance date for the requirements promulgated at §§ 63.9295, 63.9305, 63.9340, 63.9350, 63.9355, 63.9375, and Table 7 of 40 CFR part 63, subpart PPPPP, revised on June 3, 2020 is December 1, 2020.

(2) If you start up your new or reconstructed affected source on or after May 27, 2003, you must comply with the emission limitations in this subpart upon startup; except that if the initial startup of your new or reconstructed affected source occurs after May 27, 2003, but on or before May 8, 2019, the compliance date for the requirements promulgated at §§ 63.9295, 63.9305, 63.9340, 63.9350, 63.9355, 63.9375, and Table 7 of this subpart as revised on June 3, 2020 is December 1, 2020.

(3) If the initial startup of your new or reconstructed affected source occurs after May 8, 2019, the compliance date is June 3, 2020 or the date of startup, whichever is later.

* * * * *

■ 3. Section 63.9305 is revised to read as follows:

§ 63.9305 What are my general requirements for complying with this subpart?

(a) Prior to December 1, 2020, you must be in compliance with the emission limitation that applies to you at all times, except during periods of startup, shutdown, or malfunction (SSM) of your control device or associated monitoring equipment. On and after December 1, 2020, you must be in compliance with the applicable emission limitation at all times.

(b) If you must comply with the emission limitation, you must operate and maintain your engine test cell/stand, air pollution control equipment, and monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions at all times. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the affected source.

(c) For affected sources prior to December 1, 2020, you must develop a written SSM plan (SSMP) for emission control devices and associated monitoring equipment according to the provisions in § 63.6(e)(3). The plan will apply only to emission control devices, and not to engine test cells/stands.

■ 4. Section 63.9307 is amended by revising paragraphs (c)(1), (2), and (4) to read as follows:

§ 63.9307 What are my continuous emissions monitoring system installation, operation, and maintenance requirements?

* * * * *

(c) * * *

(1) You must install, operate, and maintain each CEMS according to the applicable Performance Specification (PS) of 40 CFR part 60, appendix B (PS–3, PS–4A, or PS–8).

(2) You must conduct a performance evaluation of each CEMS according to the requirements in 40 CFR 63.8 and according to PS–3 of 40 CFR part 60, appendix B, using Reference Method 3A or 3B for the O_2 CEMS, and according to PS–4A of 40 CFR part 60, appendix B, using Reference Method 10 or 10B for the CO CEMS, and according to PS–8 of CFR part 60, appendix B, using Reference Method 25A for the THC CEMS. If the fuel used in the engines being tested is natural gas, you may use ASTM D 6522–00, Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide and Oxygen Concentrations in Emissions from

Natural Gas Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers (incorporated by reference, see § 63.14). As an alternative to Method 3B, you may use ANSI/ASME PTC 19.10–1981, ''Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus],'' (incorporated by reference, see § 63.14).

* * * * *

(4) All CEMS data must be reduced as specified in § 63.8(g)(2) and recorded as CO or THC as carbon concentration in parts per million by volume, dry basis (ppmvd), corrected to 15 percent O_2 content.

* * * * *

■ 5. Section 63.9320 is amended by revising paragraphs (b) and (c) to read as follows:

§ 63.9320 What procedures must I use?

* * * * *

(b) You must conduct an initial performance evaluation of each capture and control system according to §§ 63.9321, 63.9322, 63.9323 and 63.9324, and each CEMS according to the requirements in 40 CFR 63.8 and according to the applicable Performance Specification of 40 CFR part 60, appendix B (PS–3, PS–4A, or PS–8).

(c) The initial demonstration of compliance with the carbon monoxide (CO) or THC concentration limitation consists of either the first 4-hour rolling average CO or THC concentration recorded after completion of the CEMS performance evaluation if CEMS are installed or the average of the test run averages during the initial performance test. You must correct the CO or THC concentration at the outlet of the engine test cell/stand or the emission control device to a dry basis and to 15 percent O_2 content according to Equation 1 of this section:

$$C_c = C_{unc} \left[\frac{5.9}{(20.9 - \%O2d)}\right]$$

Where:

C_c = concentration of CO or THC, corrected to 15 percent oxygen, ppmvd

C_{unc} = total uncorrected concentration of CO or THC, ppmvd

$\%O_{2d}$ = concentration of oxygen measured in gas stream, dry basis, percent by volume

* * * * *

■ 6. Section 63.9321 is amended by revising paragraph (a) introductory text to read as follows:

§ 63.9321 What are the general requirements for performance tests?

(a) You must conduct each performance test required by § 63.9310 under the conditions in this section unless you obtain a waiver of the performance test according to the provisions in § 63.7(h). Prior to December 1, 2020, the performance test must also be conducted according to the requirements in § 63.7(e)(1).

* * * * *

■ 7. Section 63.9330 is amended by revising paragraph (a) to read as follows:

§ 63.9330 How do I demonstrate initial compliance with the emission limitation?

(a) You must demonstrate initial compliance with the emission limitation that applies to you according to Table 4 to this subpart.

* * * * *

■ 8. Section 63.9340 is amended by revising paragraph (c) to read as follows:

§ 63.9340 How do I demonstrate continuous compliance with the emission limitations?

* * * * *

(c) Startups, shutdowns, and malfunctions:

(1) For affected sources prior to December 1, 2020, consistent with §§ 63.6(e) and 63.7(e)(1), deviations that occur during a period of SSM of control devices and associated monitoring equipment are not violations if you demonstrate to the Administrator's satisfaction that you were operating in accordance with § 63.6(e)(1).

(2) The Administrator will determine whether deviations that occur during a period you identify as an SSM of control devices and associated monitoring equipment are violations, according to the provisions in § 63.6(e).

■ 9. Section 63.9350 is amended by:

■ a. Revising paragraph (a)(6) and;

■ b. Adding paragraph (a)(7);

■ c. Revising paragraph (c) introductory text;

■ d. Adding paragraph (c)(5);

■ e. Revising paragraph (d) introductory text;

■ f. Adding paragraph (d)(11);

■ g. Revising paragraph (e); and

■ h. Adding paragraphs (f) through (i).

The revisions and additions read as follows:

§ 63.9350 What reports must I submit and when?

(a) * * *

(6) For affected sources prior to December 1, 2020, if you had an SSM of a control device or associated monitoring equipment during the reporting period and you took actions consistent with your SSMP, the compliance report must include the information in paragraphs § 63.10(d)(5)(i).

(7) Beginning on December 1, 2020, submit all semiannual compliance reports following the procedure specified in paragraph (g) of this section.

* * * * *

(c) For each deviation from an emission limit, the semiannual compliance report must include the information in paragraphs (b)(1) through (3) of this section and the information included in paragraphs (c)(1) through (4) of this section, except that on and after December 1, 2020 the semiannual compliance report must also include the information included in paragraph (c)(5) of this section.

* * * * *

(5) An estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

(d) For each CEMS or CPMS deviation, the semiannual compliance report must include the information in paragraphs (b)(1) through (3) of this section and the information included in paragraphs (d)(1) through (10) of this section, except that on and after December 1, 2020, the semiannual compliance report must also include the information included in paragraph (d)(11) of this section.

* * * * *

(11) The total operating time of each new or reconstructed engine test cell/stand during the reporting period.

(e) Prior to December 1, 2020, if you had an SSM of a control device or associated monitoring equipment during the semiannual reporting period that was not consistent with your SSMP, you must submit an immediate SSM report according to the requirements in § 63.10(d)(5)(ii).

(f) Within 60 days after the date of completing each performance test or performance evaluation required by this subpart, you must submit the results of the performance test following the procedures specified in paragraphs (f)(1) through (3) of this section.

(1) Data collected or performance evaluations of CMS measuring relative accuracy test audit (RATA) pollutants using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (*https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert*) at the time of the test. Submit the results of the performance test or performance evaluation to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). The data must be submitted in a file format generated through the use of the EPA's ERT.

Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) Data collected or performance evaluations of CMS measuring RATA pollutants using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test. The results of the performance test or performance evaluation must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

(3) If you claim some of the information submitted under paragraph (f) of this section is CBI, you must submit a complete file, including information claimed to be CBI, to the EPA. The file must be generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (f)(1) of this section.

(g) If you are required to submit reports following the procedure specified in this paragraph, you must submit reports to the EPA via CEDRI, which can be accessed through the EPA's CDX (*https://cdx.epa.gov/*). You must use the appropriate electronic report template on the CEDRI website (*https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri*) for this subpart. The report must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted. If you claim some of the information required to be submitted via CEDRI is CBI, submit a complete report, including information claimed to be CBI, to the EPA. The report must be generated using the appropriate form on the CEDRI website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(h) If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (h)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(2) The outage must have occured within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(i) If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the reporting requirement. To assert a claim of force majuere, you must meet the requirements outlined in paragraphs (i)(1) through (5) of this section.

(1) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the force majeure event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

■ 10. Section 63.9355 is amended by:

■ a. Revising paragraphs (a) introductory text and (a)(3);

■ b. Adding paragraphs (a)(6) through (8);

■ c. Revising paragraphs (b)(2), (c) introductory text, and (c)(2) and (4); and

■ d. Adding paragraph (c)(5).

The revisions and additions read as follows:

§ 63.9355 What records must I keep?

(a) You must keep the records as described in paragraphs (a)(1) through (5) of this section. After June 3, 2020, you must also keep the records as described in paragraphs (a)(6) through (8) of this section.

* * * * *

(3) Records of the occurrence and duration of each malfunction of the air pollution control equipment, if applicable, as required in § 63.9355.

* * * * *

(6) In the event that an affected unit fails to meet an applicable standard,

record the number of failures. For each failure record the date, time, the cause, and duration of each failure.

(7) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

(8) Record actions taken to minimize emissions in accordance with § 63.9305, and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(b) * * *

(2) For affected sources prior to December 1, 2020, the records in § 63.6(e)(3)(iii) through (v) related to SSM.

* * * * *

(c) For each CEMS, you must keep the records as described in paragraph (c)(1) through (5) of this section.

* * * * *

(2) Previous (*i.e.,* superceded) versions of the performance evaluation plan as required in paragraph (c)(5) of this section.

* * * * *

(4) For affected sources prior to December 1, 2020, the records in § 63.6(e)(3)(iii) through (v) related to SSM of the control device and associated monitoring equipment.

(5) The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (*i.e.,* superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. The program of corrective action should be included in the plan required under § 63.8(d)(2).

* * * * *

■ 11. Section 63.9360 is amended by adding paragraph (d) to read as follows;

§ 63.9360 In what form and how long must I keep my records?

* * * * *

(d) Any records required to be maintained by this part that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

■ 12. Section 63.9375 is amended in the definition of ''Deviation'' by revising paragraph (3) to read as follows:

§ 63.9375 What definitions apply to this subpart?

* * * * *

Deviation * * *

(3) Prior to December 1, 2020, fails to meet any emission limitation or operating limit in this subpart during malfunction, regardless of whether or not such failure is permitted by this subpart.

* * * * *

■ 13. Table 3 to subpart PPPPP is amended by revising the entry ''1. The CO or THC outlet concentration emission limitation'' to read as follows:

TABLE 3 TO SUBPART PPPPP OF PART 63—REQUIREMENTS FOR INITIAL COMPLIANCE DEMONSTRATIONS

*****

For each new or reconstructed affected source complying with . . .	You must . . .	Using . . .	According to the following requirements . . .
1. The CO or THC outlet concentration emission limitation.	a. Demonstrate CO or THC emissions are 20 ppmvd or less.	i. EPA Methods 3A and 10 of appendix A to 40 CFR part 60 for CO measurement or EPA Method 25A of appendix A to 40 CFR part 60 for THC measurement; or	You must demonstrate that the outlet concentration of CO or THC emissions from the test cell/stand or emission control device is 20 ppmvd or less, corrected to 15 percent O_2 content, using the average of the test runs in the performance test.
		ii. A CEMS for CO or THC and O_2 at the outlet of the engine test cell/stand or emission control device.	This demonstration is conducted immediately following a successful performance evaluation of the CEMS as required in § 63.9320 (b). The demonstration consists of the first 4-hour rolling average of measurements. The CO or THC concentration must be corrected to 15 percent O_2 content, dry basis using Equation 1 in § 63.9320.
*	*	*	* * * *

■ 14. Table 4 of subpart PPPPP is revised to read as follows:

TABLE 4 TO SUBPART PPPPP OF PART 63—INITIAL COMPLIANCE WITH EMISSION LIMITATIONS

[As stated in § 63.9330, you must demonstrate initial compliance with each emission limitation that applies to you according to the following table:]

For the . . .	You have demonstrated initial compliance if . . .
1. CO or THC concentration emission limitation.	The first 4-hour rolling average CO or THC concentration is 20 ppmvd or less, corrected to 15 percent O_2 content if CEMS are installed or the average of the test run averages during the performance test is 20 ppmvd or less, corrected to 15 percent O_2 content.
2. CO or THC percent reduction emission limitation.	The first 4-hour rolling average reduction in CO or THC is 96 percent or more, dry basis, corrected to 15 percent O_2 content.

■ 15. Table 5 of subpart PPPPP is revised to read as follows:

TABLE 5 TO SUBPART PPPPP OF PART 63—CONTINUOUS COMPLIANCE WITH EMISSION LIMITATIONS

[As stated in § 63.9340, you must demonstrate continuous compliance with each emission limitation that applies to you according to the following table:]

For the . . .	You must . . .	By . . .
1. CO or THC concentration emission limitation.	a. Demonstrate CO or THC emissions are 20 ppmvd or less over each 4- hour rolling averaging period.	i. Collecting the CPMS data according to § 63.9306(a), reducing the measurements to 1-hour averages used to calculate the 3-hr block average; or ii. Collecting the CEMS data according to § 63.9307(a), reducing the measurements to 1-hour averages, correcting them to 15 percent O_2 content, dry basis, according to § 63.9320.
2. CO or THC percent reduction emission limitation.	a. Demonstrate a reduction in CO or THC of 96 percent or more over each 4-hour rolling averaging period.	i. Collecting the CPMS data according to § 63.9306(a), reducing the measurements to 1-hour averages; or ii. Collecting the CEMS data according to § 63.9307(b), reducing the measurements to 1-hour averages, correcting them to 15 percent O_2 content, dry basis, calculating the CO or THC percent reduction according to § 63.9320.

■ 16. Table 7 of subpart PPPPP is revised to read as follows:

TABLE 7 TO SUBPART PPPPP OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART PPPPP

[As stated in 63.9365, you must comply with the General Provisions in §§ 63.1 through 15 that apply to you according to the following table:]

Citation	Subject	Applicable to subpart PPPPP	Explanation
§ 63.1(a)(1)–(12)	General Applicability	Yes.	
§ 63.1(b)(1)–(3)	Initial Applicability Determination	Yes	Applicability to subpart PPPPP is also specified in § 63.9285.
§ 63.1(c)(1)	Applicability After Standard Established	Yes.	
§ 63.1(c)(2)	Applicability of Permit Program for Area Sources.	No	Area sources are not subject to subpart PPPPP.
§ 63.1(c)(5)	Notifications	Yes.	
§ 63.1(d)	[Reserved].		
§ 63.1(e)	Applicability of Permit Program Before Relevant Standard is Set.	Yes.	
§ 63.2	Definitions	Yes	Additional definitions are specified in § 63.9375.
§ 63.3	Units and Abbreviations	Yes.	
§ 63.4	Prohibited Activities and Circumvention	Yes.	
§ 63.5(a)	Construction/Reconstruction	Yes.	
§ 63.5(b)	Requirements for Existing, Newly Constructed, and Reconstructed Sources.	Yes.	
§ 63.5(d)	Application for Approval of Construction/ Reconstruction.	Yes.	
§ 63.5(e)	Approval of Construction/Reconstruction	Yes.	
§ 63.5(f)	Approval of Construction/Reconstruction based on Prior State Review.	Yes.	
§ 63.6(a)	Compliance With Standards and Maintenance Requirements-Applicability.	Yes.	
§ 63.6(b)(1)–(7)	Compliance Dates for New and Reconstructed Sources.	Yes	§ 63.9295 specifies the compliance dates.
§ 63.6(c)(1)–(2)	Compliance Dates for Existing Sources	No	Subpart PPPPP does not establish standards for existing sources.
§ 63.6(c)(5)	Compliance Dates for Existing Sources	Yes	§ 63.9295(b) specifies the compliance date if a new or reconstructed area source becomes a major source.
§ 63.6(e)(1)(i)	Operation and Maintenance	Yes before December 1, 2020. No on and after December 1, 2020.	See § 63.9305 for general duty requirement.
§ 63.6(e)(1)(ii)	Operation and Maintenance	Yes before December 1, 2020. No on and after December 1, 2020.	
§ 63.6(e)(1)(iii)	Operation and Maintenance	Yes.	
§ 63.6(e)(3)	SSM Plan	Yes before December 1, 2020. No on and after December 1, 2020.	

TABLE 7 TO SUBPART PPPPP OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART PPPPP—Continued

[As stated in 63.9365, you must comply with the General Provisions in §§ 63.1 through 15 that apply to you according to the following table:]

Citation	Subject	Applicable to subpart PPPPP	Explanation
§ 63.6(f)(1)	Compliance Except During SSM	Yes before December 1, 2020. No on and after December 1, 2020.	
§ 63.6(f)(2)–(3)	Methods for Determining Compliance	Yes.	
§ 63.6(g)(1)–(3)	Use of Alternative Standards	Yes.	
§ 63.6(h)	Compliance With Opacity/Visible Emission Standards.	No	Subpart PPPPP does not establish opacity standards and does require continuous opacity monitoring systems (COMS).
§ 63.6(i)(1)–(16)	Extension of Compliance	No	Compliance extension provisions apply to existing sources which do not have emission limitations in subpart PPPPP.
§ 63.6(j)	Presidential Compliance Exemption	Yes.	
§ 63.7(a)(1)–(2)	Performance Test Dates	Yes.	
§ 63.7(a)(3)	Performance Test Required By the Administrator.	Yes.	
§ 63.7(b)–(d)	Performance Test Requirements-Notification, Quality Assurance, Facilities Necessary for Safe Testing, Conditions During Testing.	Yes.	
§ 63.7(e)(1)	Conditions for Conducting Performance Tests.	Yes before December 1, 2020. No, see § 63.9321, on and after December 1, 2020.	
§ 63.7(e)(2)–(4)	Conduct of Performance Tests	Yes.	
§ 63.7(f)	Alternative Test Methods	Yes.	
§ 63.7(g)–(h)	Performance Testing Requirements-Data Analysis, Recordkeeping, Reporting, Waiver of Test.	Yes.	
§ 63.8(a)(1)–(2)	Monitoring Requirements—Applicability	Yes	Subpart PPPPP contains specific requirement for monitoring at § 63.9325.
§ 63.8(a)(4)	Additional Monitoring Requirements	No	Subpart PPPPP does not have monitoring requirement for flares.
§ 63.8(b)	Conduct of Monitoring	Yes.	
§ 63.8(c)(1)	Continuous Monitoring System (CMS) Operation and Maintenance.	Yes.	
§ 63.8(c)(1)(i)	General Duty to Minimize Emissions and CMS Operation.	Yes before December 1, 2020. No on and after December 1, 2020.	
§ 63.8(c)(1)(ii)	Operation and Maintenance of CMS	Yes.	
§ 63.8(c)(1)(iii)	Requirement to Develop SSM Plan for CMS.	Yes before December 1, 2020. No on and after December 1, 2020.	
§ 63.8(c)(2)–(3)	Monitoring System Installation	Yes.	
§ 63.8(c)(4)	CMS	No	§ 63.9335(a) and (b) specifies the requirements.
§ 63.8(c)(5)	COMS	No	Subpart PPPPP does not have opacity or VE standards.
§ 63.8(c)(6)–(8)	CMS Requirements	Yes	Except that subpart PPPPP does not require COMS.
§ 63.8(d)(1)–(2)	CMS Quality Control	Yes.	
§ 63.8(d)(3)	CMS Quality Control	Yes before December 1, 2020. No on and after December 1, 2020.	
§ 63.8(e)	CMS Performance	Yes	Except for § 63.8(e)(5)(ii) which applies to COMS.
§ 63.8(f)(1)–(5)	Alternative Monitoring Method	Yes.	
§ 63.8(f)(6)	Alternative to Relative Accuracy Test	Yes.	
§ 63.8(g)	Data Reduction	Yes before December 1, 2020. No on and after December 1, 2020.	§§ 63.9335 and 63.9340 specify monitoring data reduction.
§ 63.9(a)–(b)	Notification Requirements	Yes.	
§ 63.9(c)	Request for Compliance Extension	No	Compliance extension to not apply to new or reconstructed sources.
§ 63.9(d)	Notification of Special Compliance Requirements for New Sources.	Yes.	
§ 63.9(e)	Notification of Performance Test	No	Subpart PPPPP does not require performance testing.
§ 63.9(f)	Notification of Opacity/VE test	No	Subpart PPPPP does not have opacity/VE standards.
§ 63.9(g)(1)	Additional Notifications When Using CMS	Yes.	

TABLE 7 TO SUBPART PPPPP OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART PPPPP—Continued

[As stated in 63.9365, you must comply with the General Provisions in §§ 63.1 through 15 that apply to you according to the following table:]

Citation	Subject	Applicable to subpart PPPPP	Explanation
§ 63.9(g)(2)	Additional Notifications When Using CMS	No	Subpart PPPPP does not have opacity/VE standards.
§ 63.9(g)(3)	Additional Notifications When Using CMS	Yes.	
§ 63.9(h)	Notification of Compliance Status	Yes.	
§ 63.9(i)	Adjustment of Submittal Deadlines	Yes.	
§ 63.9(j)	Change in Previous Information	Yes.	
§ 63.10(a)	Recordkeeping/Reporting	Yes.	
§ 63.10(b)(1)	General Recordkeeping Requirements	Yes.	
§ 63.10(b)(2)(i)	Recordkeeping of Occurrence and Duration of Startups and Shutdowns.	Yes before December 1, 2020. No on and after December 1, 2020.	
§ 63.10(b)(2)(ii)	Recordkeeping of Occurrence and Duration of Malfunctions.	Yes before December 1, 2020. No on and after December 1, 2020.	See § 63.9355 for recordkeeping of (1) date, time, and duration; (2) listing of affected source or equipment, and an estimate of the quantity of each regulated pollutant emitted over the standard; and (3) actions to minimize emissions and correct the failure.
§ 63.10(b)(2)(iii)	Recordkeeping of Maintenance on Controls and Monitoring Equipment.	Yes.	
§ 63.10(b)(2)(iv)–(v).	Actions Taken to Minimize Emissions During SSM.	Yes before December 1, 2020. No on and after December 1, 2020.	
§ 63.10(b)(2)(vi)–(xi).	CMS Records	Yes.	
§ 63.10(b)(2)(xii)	Records	Yes.	
§ 63.10(b)(2)(xiii)	Records	Yes.	
§ 63.10(b)(2)(xiv)	Records	Yes.	
§ 63.10(b)(3)	Recordkeeping for Applicability Determinations.	Yes.	
§ 63.10(c)(1)–(6), (9)–(14).	Additional Recordkeeping for CMS	Yes.	
§ 63.10(c)(7)–(8)	Records of Excess Emissions and Parameter Monitoring Exceedances for CMS.	No	Specific language is located at § 63.9355 of subpart PPPPP.
§ 63.10(c)(15)	Records Regarding the SSM Plan	Yes before December 1, 2020. No on and after December 1, 2020.	
§ 63.10(d)(1)	General Reporting Requirements	Yes.	
§ 63.10(d)(2)	Report of Performance Test Results	Yes.	
§ 63.10(d)(3)	Reporting of Opacity or VE Observations	No	Subpart PPPPP does not have opacity/VE standards.
§ 63.10(d)(4)	Progress Reports for Sources with Compliance Extensions.	No	Compliance extensions do not apply to new or reconstructed sources.
§ 63.10(d)(5)	SSM Reports	Yes before December 1, 2020. No on and after December 1, 2020.	On and after December 1, 2020, see § 63.9350 for malfunction reporting requirements.
§ 63.10(e)(1) and (2)(i).	Additional CMS Reports	Yes.	
§ 63.10(e)(2)(ii)	Additional CMS Reports	No	Subpart PPPPP does not require COMS.
§ 63.10(e)(3)	Excess Emissions/CMS Performance Reports.	No	Specific language in located in § 63.9350 of subpart PPPPP.
§ 63.10(e)(4)	COMS Data Reports	No	Subpart PPPPP does not require COMS.
§ 63.10(f)	Waiver for Recordkeeping/Reporting	Yes.	
§ 63.11	Control Device Requirements/Flares	No	Subpart PPPPP does not specify use of flares for compliance.
§ 63.12	State Authority and Delegations	Yes.	
§ 63.13	Addresses	Yes.	
§ 63.14	Incorporation by Reference	Yes	ASTM D 6522–00 and ANSI/ASME PTC 19.10–1981 (incorporated by reference—See § 63.14).
§ 63.15	Availability of Information/Confidentiality	Yes.	

[FR Doc. 2020–05909 Filed 6–2–20; 8:45 a.m.]

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