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Presidential Documents

Title 3—

The President

Proclamation 10043 of May 29, 2020

Suspension of Entry as Nonimmigrants of Certain Students and Researchers From the People's Republic of China

By the President of the United States of America

A Proclamation

The People's Republic of China (PRC) is engaged in a wide-ranging and heavily resourced campaign to acquire sensitive United States technologies and intellectual property, in part to bolster the modernization and capability of its military, the People's Liberation Army (PLA). The PRC's acquisition of sensitive United States technologies and intellectual property to modernize its military is a threat to our Nation's long-term economic vitality and the safety and security of the American people.

The PRC authorities use some Chinese students, mostly post-graduate students and post-doctorate researchers, to operate as non-traditional collectors of intellectual property. Thus, students or researchers from the PRC studying or researching beyond the undergraduate level who are or have been associated with the PLA are at high risk of being exploited or co-opted by the PRC authorities and provide particular cause for concern. In light of the above, I have determined that the entry of certain nationals of the PRC seeking to enter the United States pursuant to an F or J visa to study or conduct research in the United States would be detrimental to the interests of the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that the unrestricted entry into the United States as nonimmigrants of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Suspension and Limitation on Entry.* The entry into the United States as a nonimmigrant of any national of the PRC seeking to enter the United States pursuant to an F or J visa to study or conduct research in the United States, except for a student seeking to pursue undergraduate study, and who either receives funding from or who currently is employed by, studies at, or conducts research at or on behalf of, or has been employed by, studied at, or conducted research at or on behalf of, an entity in the PRC that implements or supports the PRC's ''military-civil fusion strategy'' is hereby suspended and limited subject to section 2 of this proclamation. For the purposes of this proclamation, the term ''military-civil fusion strategy'' means actions by or at the behest of the PRC to acquire and divert foreign technologies, specifically critical and emerging technologies, to incorporate into and advance the PRC's military capabilities.

Sec. 2. *Scope of Suspension and Limitation on Entry.*

(a) Section 1 of this proclamation shall not apply to:

(i) any lawful permanent resident of the United States;

(ii) any alien who is the spouse of a United States citizen or lawful permanent resident;

(iii) any alien who is a member of the United States Armed Forces and any alien who is a spouse or child of a member of the United States Armed Forces;

(iv) any alien whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement or who would otherwise be allowed entry into the United States pursuant to United States obligations under applicable international agreements;

(v) any alien who is studying or conducting research in a field involving information that would not contribute to the PRC's military-civil fusion strategy, as determined by the Secretary of State and the Secretary of Homeland Security, in consultation with the appropriate executive departments and agencies (agencies);

(vi) any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee; or

(vii) any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

(b) Nothing in this proclamation shall be construed to limit the ability of an individual to seek asylum, refugee status, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws of the United States.

Sec. 3. *Implementation and Enforcement.* (a) Persons covered by sections 1 or 2 of this proclamation shall be identified by the Secretary of State or the Secretary of State's designee, in his or her sole discretion, pursuant to such standards and procedures as the Secretary of State may establish. For purposes of subsections 2(a)(v), 2(a)(vi), and 2(a)(vii) of this proclamation, the Secretary of State shall provide for identifications of aliens based on the further determinations and recommendations provided for in those subsections by the Attorney General and the Secretary of Homeland Security.

(b) The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish in the Secretary of State's discretion. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of aliens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish in the Secretary of Homeland Security's discretion.

(c) An alien who circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry shall be a priority for removal by the Department of Homeland Security.

Sec. 4. *Termination.* This proclamation shall remain in effect until terminated by the President. The Secretary of State, in consultation with the Secretary of Homeland Security, may at any time recommend that the President continue, modify, or terminate this proclamation.

Sec. 5. *Effective Date.* This proclamation is effective at 12:00 p.m. eastern daylight time on June 1, 2020.

Sec. 6. *Additional Measures.* (a) The Secretary of State shall consider, in the Secretary's discretion, whether nationals of the PRC currently in the United States pursuant to F or J visas and who otherwise meet the criteria described in section 1 of this proclamation should have their visas revoked pursuant to section 221(i) of the INA, 8 U.S.C. 1201(i).

(b) Within 60 days of the effective date of this proclamation, the Secretary of State and the Secretary of Homeland Security, in consultation with the

heads of appropriate agencies, shall review nonimmigrant and immigrant programs and shall recommend to the President, through the Assistant to the President for National Security Affairs, any other measures requiring Presidential action that would mitigate the risk posed by the PRC's acquisition of sensitive United States technologies and intellectual property.

(c) The Secretary of State and the Secretary of Homeland Security shall, within the scope of their respective authorities and in coordination with the heads of appropriate agencies, take action to further mitigate the risk posed by the PRC's acquisition of sensitive United States technologies and intellectual property. The Secretary of State and the Secretary of Homeland Security shall report to the President, within 60 days of the effective date of this proclamation, through the Assistant to the President for National Security Affairs, any such planned and executed actions.

(d) The Secretary of State and the Secretary of Homeland Security shall consider issuing updated regulations and guidance, as appropriate, implementing the inadmissibility provisions in section 212(a)(3)(D) of the INA, 8 U.S.C. 1182(a)(3)(D).

Sec. 7. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

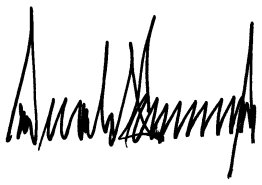
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.



[FR Doc. 2020–12217
Filed 6–3–20; 8:45 am]
Billing code 3295–F0–P

Rules and Regulations

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2020–0057; FRL–10009–47–Region 1]

Air Plan Approval; Vermont; Infrastructure State Implementation Plan Requirements for the 2015 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Vermont that addresses the infrastructure requirements of the Clean Air Act (CAA or Act)—including the interstate transport provisions—for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The infrastructure requirements are designed to ensure that the structural components of each state's air-quality management program, including provisions prohibiting emissions that will have certain adverse air-quality effects in other states, are adequate to meet the state's responsibilities under the CAA. EPA is also approving the State of Vermont Executive Order (E.O.) 19–17, *Executive Code of Ethics,* which Vermont submitted with its infrastructure submission for the 2015 ozone NAAQS to be added to the SIP. Because E.O. 19–17 supersedes and replaces E.O. 09–11, EPA is also removing E.O. 09–11 from the Vermont SIP. This action is being taken in accordance with the Clean Air Act.

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

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2020–0057. 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, *i.e.,* 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 at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID–19.

FOR FURTHER INFORMATION CONTACT: Alison C. Simcox, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 05–2), Boston, MA 02109–3912, tel. (617) 918–1684, email *simcox.alison@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background and Purpose

On April 1, 2020 (85 FR 18160), EPA published a notice of proposed rulemaking (NPRM) for the State of Vermont.

The NPRM proposed approval of a Vermont SIP revision that addresses the infrastructure requirements of the Clean Air Act (CAA or Act)—including the interstate transport provisions—for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The NPRM also proposed approval of State of Vermont Executive Order (E.O.) 19–17, *Executive Code of Ethics,* which the State submitted with its infrastructure submission. The formal SIP revision was submitted by Vermont on November 19, 2019. The rationale for EPA's proposed action is given in the NPRM and will not be restated here. EPA received no public comments on the NPRM.

II. Final Action

EPA is approving Vermont's November 19, 2019, infrastructure SIP submission for the 2015 ozone NAAQS)—including the ''Good Neighbor'' or ''transport'' provisions—as a revision to the Vermont SIP. In addition, EPA is approving, and incorporating into the Vermont SIP, the following executive order:

State of Vermont Executive Order No. 19–17, Executive Code of Ethics, effective December 4, 2017.

EPA is also removing State of Vermont Executive Order No. 09–11, *Executive Code of Ethics,* from the Vermont SIP because this has been superseded and replaced by Executive Order No. 19–17.

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 of the Vermont executive order described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (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 State implementation plan, 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 by reference in the next update to the SIP compilation.[1]

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely

[1] 62 FR 27968 (May 22, 1997).

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 regulatory action because this action is not significant 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 Clean Air Act; 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 6, 2020.

Dennis Deziel,

Regional Administrator, EPA Region 1.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart UU—Vermont

■ 2. Amend § 52.2370:

■ a. In the table in paragraph (c) by removing the entry ''Vermont Executive Order 09–11'' and adding the entry ''Vermont Executive Order 19–17'' at the end of the Statutes and Executive Orders section of the table; and

■ b. In the table in paragraph (e) by adding the entry ''Submittal to meet Section 110(a)(2) Infrastructure Requirements for the 2015 Ozone NAAQS'' at the end of the table.

The additions read as follows:

§ 52.2370 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED VERMONT REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	*	*
Statutes and Executive Orders				

EPA-APPROVED VERMONT REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	* *	*	* *	* *
Vermont Executive Order 19–17.	Executive Code of Ethics.	12/4/2017	6/4/2020 [Insert **Federal Register** citation].	Prohibits all Vermont executive branch appointees (including the ANR Secretary) from taking ''any action in any matter in which he or she has either a Conflict of Interest or the appearance of a Conflict of Interest, until the Conflict is resolved.'' Submitted and approved as part of 2015 Ozone infrastructure SIP.

* * * * * (e) * * *

VERMONT NON-REGULATORY

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date	Explanations
*	* *	*	* *	* *
Submittal to meet Section 110(a)(2) Infrastructure Requirements for the 2015 Ozone NAAQS.	Statewide	11/19/2019	6/4/2020 [Insert **Federal Register** citation].	This submittal is approved with respect to the following CAA elements or portions thereof: 110(a)(2) (A), (B), (C), (D), (E)(1), E(2), (F), (G), (H), (J1), (J2), (J3), (K), (L), and (M). This approval includes the Transport SIP for the 2015 Ozone NAAQS, which shows that Vermont does not significantly contribute to ozone nonattainment or maintenance in any other state.

[FR Doc. 2020–10059 Filed 6–3–20; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2018–0686; FRL–10007–57]

Ea peptide 91398; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the Ea peptide 91398 on all food commodities when applied/used as a biochemical pesticide. Plant Health Care, Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of Ea peptide 91398.

DATES: This regulation is effective June 4, 2020. Objections and requests for hearings must be received on or before August 3, 2020, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0686, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-*

idx?®&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2018–0686 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before August 3, 2020. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2018–0686, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background and Statutory Findings

In the **Federal Register** of February 6, 2019 (84 FR 2115) (FRL–9987–08), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 8F8698) by Plant Health Care, Inc., 2626 Glenwood Ave., Suite 350, Raleigh, NC 26708. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of ''Peptides Derived from Harpin Protein'' (PDHP), a class of peptides that includes Ea peptide 91398. That document referenced a summary of the petition prepared by the petitioner Plant Health Care, Inc., which is available in the docket, *http://www.regulations.gov.* Three comments were received on the notice of filing. EPA's response to these comments is discussed in Unit III.C.

The petitioner defined PDHP as ''(1) consists of a peptide less than 5 kD in size, less than 40 amino acids in length, that is acidic (pI<7.0) and contains no cysteine residues; (2) the source(s) of genetic material encoding the protein are bacterial plant pathogens not known to be mammalian pathogens or any structurally, functionally similar peptide produced synthetically; (3) elicits the Natural Defense Mechanism (NDM), which is characterized as rapid, localized cell death in plant tissue after infiltration of the peptide into the intercellular spaces of plant leaves or roots; (4) is heat stable (retains NDM activity when heated to 65 °C for 20 minutes); (5) is readily degraded by a proteinase representative of environmental conditions as well as degradation by environmental factors such as oxidation and hydrolysis; (6) exhibits a rat acute oral toxicity (LD_{50}) of greater than 5,000 mg product/kg body weight.'' However, after review, the Agency determined that the petition and submitted data support an exemption from the requirement of tolerance only for Ea peptide 91398, and not the broader class of PDHP.

III. Final Rule

A. EPA's Safety Determination

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . . '' Additionally, FFDCA section 408(b)(2)(D) requires that the Agency consider ''available information concerning the cumulative effects of a particular pesticide's residues'' and ''other substances that have a common mechanism of toxicity.''

EPA evaluated the available toxicity and exposure data on Ea peptide 91398 and considered their validity, completeness, and reliability, as well as the relationship of this information to human risk. A full explanation of the data upon which EPA relied and its risk assessment based on those data can be found within the document entitled ''Federal Food, Drug, and Cosmetic Act (FFDCA) Safety Determination for Ea Peptide 91398'' (Safety Determination). This document, as well as other relevant information, is available in the docket for this action as described under **ADDRESSES**.

Ea peptide 91398 is a short synthetic peptide derived from harpin protein. The peptide has a non-toxic mode of action and functions as a plant response elicitor when applied to growing plants. Ea 91398 stimulates natural plant defense, growth, and metabolic mechanisms to provide protection against fungal and bacterial pathogens and against nematodes. The proposed uses include treatment of a wide range of agricultural crops by seed treatment or foliar applications.

Harpin proteins are sourced from a naturally-occuring bacterial plant pathogen, *Erwinia amylovora,* that has no known pathogenicity to mammals. EPA has previously registered other harpin proteins under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for similar uses and application methods. An exemption from the requirement of tolerance has been previously established for harpin proteins with a secondary structure consisting of α and β units (40 CFR 180.1204), although this exemption does not include Ea peptide 91398.

Data and scientific information submitted in support of the petition demonstrated that, with regard to humans, Ea peptide 91398 is not toxic, mutagenic, or allergenic via any route of exposure. Although there may be some exposure to residues when Ea peptide 91398 is used on food commodities in accordance with label directions and

good agricultural practices, dietary exposure to such residues presents no concern for adverse effects. Because no adverse effects to infants, children, and adults are anticipated, EPA determined that an additional Food Quality Protection Act (FQPA) safety factor is not necessary to protect infants and children from anticipated residues of Ea peptide 91398. These findings are discussed in more detail in the Safety Determination.

Based upon its evaluation in the Safety Determination, EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of Ea peptide 91398. Therefore, an exemption from the requirement of a tolerance is established for residues of Ea peptide 91398 in or on all food commodities when used in accordance with label directions and good agricultural practices.

B. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

C. Response to Comments

Three comments were received in response to the notice of filing. One expressed support for issuing the exemption from the requirement of a tolerance. Two commenters expressed support for rigorous testing of pesticides urged the Agency to consider effects on plants, animals, and humans or the ''collateral damage'' of pesticides. Under FIFRA and FFDCA, pesticide developers are required to submit data to EPA to determine potential effects to humans and the environment. Pesticides approved under FIFRA must be shown not to cause unreasonable adverse effects to humans or the environment. As described in the Safety Determination, such data have been submitted and reviewed for Ea peptide 91398. The Agency has concluded that these data support registration under FIFRA and an exemption from the requirement of a tolerance under FFDCA.

IV. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 14, 2020.

Richard Keigwin,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.1376 to subpart D to read as follows:

§ 180.1376 Ea peptide 91398; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of Ea peptide 91398 in or on all food commodities when used in accordance with label directions and good agricultural practices.

[FR Doc. 2020–11549 Filed 6–3–20; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[EPA–R06–UST–2018–0702; FRL–10008–89–Region 6]

Louisiana: Final Approval of State Underground Storage Tank Program Revisions and Incorporation by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the State of Louisiana's Underground Storage Tank (UST) program submitted by the State. EPA has determined that these

revisions satisfy all requirements needed for program approval. This action also codifies EPA's approval of Louisiana's state program and incorporates by reference those provisions of the State regulations that we have determined meet the requirements for approval. The provisions will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions.

DATES: This rule is effective August 3, 2020, unless EPA receives adverse comment by July 6, 2020. If EPA receives adverse comment, it will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of August 3, 2020, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Submit your comments by one of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the on-line instructions for submitting comments.

2. *Email: lincoln.audray@epa.gov.*

Instructions: Direct your comments to Docket ID No. EPA–R06–UST–2018–0702. EPA's policy is that all comments received will be included in the public docket without change and may be available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov,* or email. The Federal *https://www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment. If the EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

The index to the docket for this action is available electronically at *www.regulations.gov.*

You can view and copy the documents that form the basis for this codification and associated publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 6, 1201 Elm Street, Suite #500, Dallas, Texas 75270. The facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID 19. We recommend that you telephone Audray Lincoln, Environmental Protection Specialist, at (214) 665–2239, before visiting the Region 6 office. Interested persons wanting to examine these documents should make an appointment with the office at least two weeks in advance.

FOR FURTHER INFORMATION CONTACT: Audray Lincoln, (214) 665–2239, *lincoln.audray@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. We encourage the public to submit comments via *https://www.regulations.gov,* as there will be a delay in processing mail and no courier or hand deliveries will be accepted. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION:

I. Approval of Revisions to Louisiana's Underground Storage Tank Program

A. Why are revisions to state programs necessary?

States which have received final approval from the EPA under RCRA section 9004(b) of RCRA, 42 U.S.C. 6991c(b), must maintain an underground storage tank program that is equivalent to, consistent with, and no less stringent than the Federal underground storage tank program. When EPA makes revisions to the regulations that govern the UST program, states must revise their programs to comply with the updated regulations and submit these revisions to the EPA for approval. Changes to state UST programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to the EPA's regulations in 40 Code of Federal Regulations (CFR) part 280. States can also initiate changes on their own to their underground storage tank program and these changes must then be approved by EPA.

B. What decisions has the EPA made in this rule?

On October 2, 2018, in accordance with 40 CFR 281.51(a), Louisiana submitted a complete program revision application seeking approval for its UST program revisions which correspond to the EPA final rule published on July 15, 2015 (80 FR 41566). This rule finalized revisions to the 1988 UST regulation and to the 1988 state program approval (SPA) regulation. As required by 40 CFR 281.20, the State submitted the following: A transmittal letter from the Governor requesting approval, a description of the program and operating procedures, a demonstration of the State's procedures to ensure adequate enforcement, a Memorandum of Agreement outlining the roles and responsibilities of the EPA and the implementing agency, a statement of certification from the Attorney General, and copies of all relevant State statutes and regulations.

We have reviewed the application and have determined that the revisions to Louisiana's UST program are no less stringent than the corresponding Federal requirements in subpart C of 40 CFR part 281. Additionally, we have found that the Louisiana program provides for adequate enforcement of compliance as required by 40 CFR 281.11(b). Therefore, the EPA grants Louisiana final approval to operate its UST program with the changes described in the program revision application, and as outlined below in Section I.G of this document. The Louisiana Department of Environmental Quality (LDEQ) is the lead implementing agency for the UST program in Louisiana, except in Indian Country.

C. What is the effect of this approval decision?

This action does not impose additional requirements on the regulated community because the regulations being approved by this rule are already effective in the State of Louisiana, and they are not changed by this action. This action merely approves the existing State regulations as meeting the Federal requirements and renders them federally enforceable.

D. Why is EPA using a direct final rule?

The EPA is publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. Louisiana did not receive any comments during its comment period when the rules and regulations being considered in this document were proposed at the State level.

E. What happens if the EPA receives comments that oppose this action?

Along with this direct final, the EPA is publishing a separate document in the ''Proposed Rules'' section of this **Federal Register** that serves as the proposal to approve the State's UST program revision, providing opportunity for public comment. If EPA receives comments that oppose this approval, EPA will withdraw the direct final rule by publishing a document in the **Federal Register** before the rule becomes effective. The EPA will consider all comments received during the comment period and will address them in a later final rule. You will not have another opportunity to comment. If you want to comment on this approval, you must do so at this time.

F. For what has Louisiana previously been approved?

On August 5, 1992, EPA finalized a rule approving the UST program submitted by Louisiana to be implemented by LDEQ in lieu of the Federal program.[1] On January 18, 1996, EPA codified the approved Louisiana program that is subject to EPA's inspection and enforcement authorities under RCRA sections 9005 and 9006, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions.[2]

G. What changes are we approving with this action?

In order to be approved, the program must provide for adequate enforcement of compliance as described in 40 CFR 40 CFR 281.11 and part 281, subpart D. The LDEQ has broad statutory authority to regulate the installation, operation, maintenance, closure of USTs, and UST releases under Louisiana Revised Statutes (La. R.S.), Title 30, Subtitle II, Environmental Quality; Chapter 1—General, Chapter 2—Department of Environmental Quality, Chapter 2–4—Enforcement Procedure and Judicial Review, Chapter 4—Louisiana Water Control Law, Chapter 9—Hazardous Waste Control Law, and Chapter 12—Liability for Hazardous Substance Remedial Action, Part I General Provisions.

Specific authorities to regulate the installation, operation, maintenance, closure of USTs, and UST releases are found under Louisiana Administrative Code (LAC), Title 33, Part XI. Underground Storage Tanks, Chapter 15. Enforcement, Sections 1501.A, 1501.A.2, 1501.A.4, and 1501.B; LAC 33:XI. Chapter 5. General Operating Requirements, Section 509; LAC 33:XI. Chapter 1. Office of the Secretary, Chapter 7. Penalties; LAC 33:XI. Chapter 8. Expedited Penalty Agreement; and LAC 33:XI. Underground Storage Tanks, Chapter 4. Delivery Prohibition. The aforementioned regulations satisfy the requirements of 40 CFR 281.40 and 281.41.[3]

The LDEQ Enforcement Division requires that respondents provide notice and opportunity for public comment on all proposed settlements of civil enforcement actions, except where immediate emergency action is necessary to adequately protect human health, safety, and the environment. The LDEQ Underground Storage Tank Division (USTD) investigates and provides responses to citizen complaints about violations. Additionally, the LDEQ Enforcement Division does not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation. Requirements for public participation can be found in the Louisiana Code of Civil Procedure, Article 1091; La.R.S.30:2025(E)(5), La.R.S.30:2026, La.R.S. 20:2050.4(B), La.R.S. 30:2050.7(B), (C), and (D); and LAC Title 33.XI.Chapter 7 at section 715(H). Louisiana has met the public participation requirements found in 40 CFR 281.42.

To qualify for final approval, a state's program must be ''no less stringent'' than the Federal program which was revised on July 15, 2015 (80 FR 41566).[4] EPA added new operation and maintenance requirements and addressed UST systems which were deferred in the 1988 UST regulation. The changes also added secondary containment requirements for new and replaced tanks and piping, operator training requirements, periodic operation and maintenance requirements for UST systems, and requirements to ensure UST system compatibility before storing certain biofuel blends. It removed past deferrals for emergency generator tanks, field constructed tanks, and airport hydrant systems.

The LDEQ made updates to their regulations to ensure that they were no less stringent than the Federal regulations which were revised on July 15, 2015 (80 FR 41566). Title 40 CFR 281.30 through 281.39 contain the ''no less stringent than'' criteria that a state must meet in order to have its UST program approved. In the State's application for approval of its UST program, the Louisiana Attorney General certified that it meets the requirements listed in 40 CFR 281.30 through 281.39. EPA has relied on this certification in addition to the analysis submitted by the State in making our determination. For further information on EPA's analysis of the State's application, see the chart in the Technical Support Document (TSD) contained in the docket for this rulemaking. The corresponding State regulations are as follows:

Title 40 CFR 281.30 lists the Federal requirements for new UST system design, construction, installation, and notification with which a state must comply in order to be found to be no less stringent than Federal requirements. LAC 33:XI.101. Applicability, LAC 33:XI.301. Registration Requirements, LAC 33:XI.303. Standards for UST Systems, LAC 33:XI.305. Installation Requirements for Partially-Deferred UST Systems, LAC 33:XI.801. General Requirements, LAC 33:XI.509 Reporting and Recordkeeping, and LAC 33:XI.803. Additions, Exceptions, and Alternatives for UST Systems with Field-Constructed Tanks and Airport Hydrant Systems require that USTs be designed, constructed, and installed in a manner that will prevent releases for their operating life due to manufacturing defects, structural failure, or corrosion and be provided with equipment to prevent spills and tank overfills when new tanks are installed or existing tanks are upgraded, unless the tank does not receive more than 25 gallons at one time. These parts also require UST system owners and operators to notify the implementing agency of any new UST systems, including instances where one assumes ownership of an existing UST.

Title 40 CFR 281.31 requires that most existing UST systems meet the design, construction, installation, and notification requirements of § 281.30, are upgraded to prevent releases for their operating life due to corrosion, spills, or overfills, or are permanently closed. LAC 33:XI.303. Standards for

[1] 57 FR 34519 (August 5, 1992).

[2] 61 FR 1211 (January 18, 1996).

[3] Please see the TSD located in the docket for this rulemaking for a more in depth explanation of how the State's program satisfies the RCRA and its corresponding regulations.

[4] See 40 CFR 281.11(b).

UST Systems, LAC 33:XI.801. General Requirements, and LAC 33:XI.803. Additions, Exceptions, and Alternatives for UST Systems with Field-Constructed Tanks and Airport Hydrant Systems contain the appropriate requirements that UST systems be upgraded to prevent releases during their operating life due to corrosion, spills, or overfills.

Title 40 CFR 281.32 contains the general operating requirements that must be met in order for the State's submission to be considered no less stringent than the Federal requirements. These requirements are designed to prevent spills and overfills. LAC 33:XI.501. Spill and Overfill Control, LAC 33:XI.503. Operation and Maintenance of Corrosion Protection, LAC 33:XI.505. Compatibility, LAC 33:XI.507. Repairs Allowed, LAC 33:XI.509. Reporting and Recordkeeping, LAC 33:XI.511. Periodic Testing of Spill Prevention Equipment and Containment Sumps used for Interstitial Monitoring of Piping and Periodic Inspection of Overfill Prevention Equipment, LAX 33:XI.907.A. Assessing the Site at Closure or Change-in-Service, LAC 33:XI.705 Release Detection Recordkeeping, and LAC 33:XI.513. Periodic Operation and Maintenance Walkthrough Inspections contain the necessary general operating requirements required by 40 CFR 281.32.

Title 40 CFR 281.33 contains the requirements for release detection that must be met in order for the State's submission to be considered no less stringent than Federal requirements. LAC 33:XI.701. Methods of Release Detection, LAC 33:XI.703. Requirements for Use of Release Detection Methods, and LAC 33:XI.803. Additions, Exceptions, and Alternatives for UST Systems with Field-Constructed Tanks and Airport Hydrant Systems contain the necessary requirements for release detection as required by 40 CFR 281.33.

Title 40 CFR 281.34 contains the requirements for release reporting, investigation, and confirmation that must be met in order for the State's submission to be considered no less stringent than Federal requirements. LAC 33:XI.501. Spill and Overfill Control, LAC 33:XI.707. Reporting of Suspected Releases, LAC 33:XI.709. Investigation Due to Off-Site Impacts, LAC 33:XI.711 Release Investigation and Confirmation Steps, LAC 33:XI.715 Release Response and Corrective Action for UST Systems Containing Petroleum, Motor Fuel, or Hazardous Substances, and LAC 33:XI.713. Reporting and Cleanup of Spills and Overfills contain the necessary requirements as required by 40 CFR 281.34 for release reporting, investigation, and confirmation.

Title 40 CFR 281.35 contains the requirements for release response and corrective action that must be met in order for the State's submission to be considered no less stringent than Federal requirements. LAC 33:XI.715. Release Response and Corrective Action for UST Systems Containing Petroleum, Motor Fuel, or Hazardous Substances contains the required provisions as listed in 40 CFR 281.35 for release response and corrective action.

Title 40 CFR 281.36 contains the requirements for out of service UST systems and closures that must be met in order for the State's submission to be considered no less stringent than Federal requirements. LAC 33:XI.803. Additions, Exceptions, and Alternatives for UST Systems with Field-Constructed Tanks and Airport Hydrant Systems, LAC 33:XI.901. Applicability to Previously Closed UST Systems, LAC 33:XI.903. Temporary Closure, LAC 33:XI.905. Permanent Closure and Change-in-Service, and LAC 33:XI.907. Assessing the Site at Closure or Change-in-Service contain the necessary requirements as listed in 40 CFR 281.36 for out of service UST systems and closures.

Title 40 CFR 281.37 contains the requirements for financial responsibility for UST systems containing petroleum that must be met in order for the State's submission to be considered no less stringent than Federal requirements. LAC 33:XI.Chapter 11. Financial Responsibility contains the necessary requirements as listed in 40 CFR 281.37 for financial responsibility for UST systems.

Title 40 CFR 281.38 contains the requirements for lender liability that must be met in order for the State's submission to be considered no less stringent than Federal requirements. LAC 33:XI.103. Definitions and La. R.S. 30:2277(4) contain the requirements for lender liability as listed in 40 CFR 281.38.

Title 40 CFR 281.39 contains the requirements for operator training that must be met in order for the State's submission to be considered no less stringent than Federal requirements LAC 33:XI.Chapter 6. Operator Training contains the requirements for operator training as required by 40 CFR 281.39.

H. Where are the revised rules different from the Federal rules?

Broader in Scope Provisions

The following statutory and regulatory provisions are considered broader than the Federal program:

Louisiana's definition of owner (LAC 33:XI.103. Definitions) includes the current owner of the land under which the tank is or was buried, any legal owner of the tank, any known operator of the tank, any lessee, and any lessor; and the definition provides that if one person defined as an owner complies it shall be deemed compliance by all persons defined as owners. The Federal definition does not include operators, lessees, or lessors as owners; thus, these elements of the State definition are broader in scope than the Federal program.

Louisiana provides definitions for on staff, registered tank, registration certificate, response action contractor and technical services in LAC 33:XI.103 that apply to state-specific program elements outside the scope of the Federal program.

Louisiana requires any person who acquires a UST system to pay all current and unpaid annual fees along with any late payment fees prior to receiving a registration certificate in LAC 33:XI.301.C.6. These fees are outside of the scope of the Federal program.

Louisiana requires annual fees for USTs in LAC 33:XI.307. These fess are outside of the scope of the Federal program.

Louisiana has specific regulations that pertain to the use of the Louisiana Motor Fuels Underground Storage Tank Trust Fund (MFUSTTF) (LAC 33:XI.1121). Louisiana requires the use of department-approved response action contractors for all assessment and remediation activities associated with UST releases that are covered by the MFUSTTF (LAC 33:XI. Chapter 12).

The last sentence of LAC 33:XI.715.A which requires all investigations and corrective actions to be conducted in accordance with the state-specific out of scope LAC 33:I. Chapter 13. Risk Evaluation/Corrective Action Program.

Where an approved state program has a greater scope of coverage than required by Federal law, the additional coverage is not part of the federally-approved program. 40 CFR 281.12(a)(3)(ii).

More Stringent Provisions

The following statutory and regulatory provisions are considered more stringent in coverage than the Federal program:

Louisiana requires that UST owners use a specific registration form (UST–REG) which is more detailed than the EPA registration form. For example, a to-scale site diagram must accompany the UST–REG form for all installations and renovations. An updated UST–REG form must be submitted to LDEQ any

time any of the information on the previously submitted registration form changes, and the State requires a phase-in schedule to ensure that all UST owners have submitted a UST–REG form prior to September 20, 2021 (LAC 33:XI.301.C.1 through 301.C.3). Additionally, Louisiana requires UST owners to keep a current copy of their registration form and registration certificate (LAC 33:XI.301.C.8 and 9).

Louisiana requires all UST systems installed between December 22, 1988 and December 20, 2008 located within 50 feet of an active or abandoned water well to meet the secondary containment requirements for hazardous substance UST systems (LAC 33:XI.303.B).

Louisiana requires all underground storage tanks and piping installed after December 20, 2008 to be secondarily contained and use interstitial monitoring (LAC 33:XI.303.C.1).

Louisiana requires under-dispenser containment for dispensers installed or replaced (when certain conditions apply) after December 20, 2008 (LAC 33:XI.303.D.4).

Louisiana requires secondary containment for submersible turbine pumps installed under certain conditions after December 20, 2008 (LAC 33:XI.303.D.5).

Louisiana regulations require that only State certified installers may certify the installation of a UST in Louisiana (LAC 33:XI.303.D.6.b) whereas in the Federal regulations (§ 280.20(e)) there are other allowable options.

Louisiana requires annual tank tightness testing for tanks that have had corrosion protection installed when the tank was over 10 years old and when tank integrity assessment records cannot be provided (LAC 33:XI.303.E.3.b.vi).

Louisiana requires that UST owners inspect, by removal, overfill devices within seven days of an overfill event (LAC 33:XI.501.D). Tank overfills caused by tank or manifold piping issues are not allowed in Louisiana, and the UST system must be immediately taken out of service and repaired, replaced, permanently closed, or placed into temporary closure following the procedures outlined in LAC 33:XI.711.A.1.a.ii (LAC 33:XI.501.E).

Louisiana requires UST owners and operators to notify the department prior to a repair unless the repair is an emergency repair, then notification is provided to the department within 30 days of the emergency. (LAC 33:XI.507.A.1).

Louisiana requires that after January 20, 1992, only contractors certified by the department under LAC 33:XI.Chapter 13 can perform certain UST repairs (LAC 33:XI.507.A.2).

Louisiana requires that if 25% or more of a piping run is replaced or repaired, the entire piping run must be replaced with secondarily contained piping and interstitial monitoring must be conducted on the piping run (LAC 33:XI.303.D.2.g and LAC 33:XI.507.A.7).

Louisiana requires retaining walkthrough inspection records for three years (LAC 33:XI.513.B).

Louisiana requires annual testing of shear valves to ensure that they operate properly (LAC 33:XI.515).

At LAC 33:XI.609 the State requires retraining Class A and B operators every three years.

Louisiana requires that the annual line leak detector tests ensure that the submersible turbine pumps do not run continuously (LAC33:XI.701.B.1.c.).

Louisiana requires UST owners and operators of temporarily closed UST systems that have internal liners that are not inspected within 1 year of the inspection due date or cannot be repaired in accordance with a code of practice permanently close the UST system (LAC 33:XI.903.A.4.a).

Louisiana requires all UST systems that store fuel solely for use by emergency power generators installed on or after August 9, 2009, to be secondarily contained and use interstitial monitoring (LAC 33:XI.101.A.1.c).

Louisiana requires that failed equipment must be repaired or replaced within 30 days of failing the test or inspection unless an alternative timeframe is granted by the department in writing (LAC 33:XI.511.D.1).

Louisiana requires that failed spill prevention equipment or containment sumps used for interstitial monitoring be repaired or replaced within 30 days of failing an inspection unless an alternative timeframe is granted by the department in writing (LAC 33:XI.513.C.1).

Louisiana has a specific minimum recordkeeping requirement for each release detection method (LAC 33:XI.705.A.2.a–l).

Louisiana requires UST owners submit records of results of the investigation at permanent closure (LAC 33:XI.509.A.5), results of temporary closure site assessments (LAC 33:XI.509.A.6), and notifications before and after repairs (LAC 33:XI.509.A.8) to the department.

Louisiana requires that UST owners maintain records of corrosion expert's design documentation for field-installed corrosion protection systems (LAC 33:XI.509.B.1), most current registration forms (LAC 33:XI.509.B.5), type and construction of tank, piping, leak detection equipment, corrosion protection equipment, and spill and overfill equipment in use (LAC 33:XI.509.B.6), and shear valve inspection and testing (LAC 33:XI.509.B.11).

Louisiana prohibits the use of monthly inventory control or manual tank gauging (for certain size tanks) in combination with tightness testing (or its equivalent) conducted every five years as an acceptable form of monthly release detection after December 20, 2018 (LAC 33:XI.703.B.1.a.i).

Louisiana requires UST owners, operators, employees, agents, contractors, or assigns having knowledge of any of the listed conditions to notify the department and owners and operators to follow the release investigation and confirmation steps outlined in LAC 33:XI.711 whenever released substances are discovered at the UST site or surrounding area (LAC 33:XI.707.A.1), whenever an unusual operating condition is discovered (LAC 33:XI.707.A.2), and whenever a release detection method indicates that a release may have occurred or the interstitial space may have been compromised (LAC 33:XI.707.A.3).

Louisiana requires UST owners and operators of temporarily closed UST systems with galvanic systems that are not tested within 1 year of the test due date or are not repaired within 1 year of failing a CP test permanently close the UST system (LAC 33:XI.903.A.3.a).

Louisiana requires UST owners and operators submit a notification to the department whenever UST systems have been temporarily closed (LAC 33:XI.903.C.3).

Louisiana specifies that UST systems that do not meet new tank standards, have not been upgraded, and have been in temporary closure for more than 6 months must be permanently closed (LAC 33:XI.903.D).

Louisiana requires UST owners and operators conduct the release investigation and confirmation steps outlined in LAC 33:XI.711.A.1 in the event that the UST owner or operator goes directly into corrective action after a release occurs (LAC 33:XI.715.C.1.g).

Louisiana requires UST owners and operators to conduct a site assessment whenever all UST systems located in the same tank hold at a facility have been in temporary closure for 24 months under certain conditions (LAC 33:XI.903.E).

Louisiana requires UST owners and operators conduct tank, line, and leak detector testing within 5 days of bringing a temporarily closed UST system back into service (LAC 33:XI.903.F).

Louisiana requires that UST owners and operators to notify the department prior to UST system installation in LAC 33:XI.303.D.6.c.

Louisiana requires UST owners and operators submit a notification to the department within 30 days of bringing a temporarily closed UST system back into service (LAC 33:XI.903.G).

Louisiana requires UST owners and/or certified workers notify the department prior to any UST system closure-critical junctures (LAC 33:XI.905.A.2).

Louisiana requires use of DEQ-approved certified workers for all UST system closure-critical junctures (LAC 33:XI.905.A.3).Louisiana prohibits the re-use of single-walled piping that was attached to a tank that is permanently closed (LAC 33:XI.905.B).

Louisiana requires UST owners and operators of temporarily closed UST systems with impressed current systems that are inoperative for more than 6 months or not repaired within 9 months of failing a CP test have the CP system repaired, re-tested, and recommissioned under supervision of a corrosion expert within 90 days or permanently close the UST system (LAC 33:XI.903.A.1.a).

Louisiana requires conducting UST system closure site assessments in accordance with the department's UST closure guidance document in order to determine if there are any present or any past releases, does not allow the use of release detection device sampling to satisfy the closure assessment requirement, and requires UST owners and operators submit the results of the closure site assessment to the department within 60 days following permanent closure or change-in-service (LAC 33:XI.907.A).

I. How does this action affect Indian Country (18 U.S.C. 1151) in Louisiana?

Louisiana is not authorized to carry out its Program in Indian Country (18 U.S.C. 1151) within the State. This authority remains with EPA. Therefore, this action has no effect in Indian Country. *See* 40 CFR 281.12(a)(2).

II. Codification

A. What is codification?

Codification is the process of placing a state's statutes and regulations that comprise the state's approved UST program into the CFR. Section 9004(b) of RCRA, as amended, allows the EPA to approve State UST programs to operate in lieu of the Federal program. The EPA codifies its authorization of state programs in 40 CFR part 282 and incorporates by reference state regulations that the EPA will enforce under sections 9005 and 9006 of RCRA and any other applicable statutory provisions. The incorporation by reference of state authorized programs in the CFR should substantially enhance the public's ability to discern the current status of the approved state program and state requirements that can be federally enforced. This effort provides clear notice to the public of the scope of the approved program in each state.

B. What is the history of codification of Louisiana's UST program?

The EPA incorporated by reference Louisiana's then approved UST program effective March 18, 1996 (61 FR 1211; January 18, 1996). In this document, the EPA is revising 40 CFR 282.68 to include the approval revision actions.

C. What codification decisions have we made in this rule?

In this rule, we are finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of the Louisiana rules described in the amendments to 40 CFR part 282 set forth below. The EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and in hard copy at the EPA Region 6 office (see the **ADDRESSES** section of this preamble for more information).

The purpose of this **Federal Register** document is to codify Louisiana's approved UST program. The codification reflects the State program that would be in effect at the time the EPA's approved revisions to the Louisiana UST program addressed in this direct final rule become final. The document incorporates by reference Louisiana's UST regulations and clarifies which of these provisions are included in the approved and federally enforceable program. By codifying the approved Louisiana program and by amending the Code of Federal Regulations (CFR), the public will more easily be able to discern the status of the federally-approved requirements of the Louisiana program.

The EPA is incorporating by reference the Louisiana approved UST program in 40 CFR 282.68. Section 282.68(d)(1)(i)(A) incorporates by reference for enforcement purposes the State's regulations. Section 282.68 also references the Attorney General's Statement, Demonstration of Adequate Enforcement Procedures, the Program Description, and the Memorandum of Agreement, which are approved as part of the UST program under subtitle I of RCRA.

D. What is the effect of Louisiana's codification on enforcement?

The EPA retains the authority under sections 9003(h), 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991b(h), 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake corrective action, inspections and enforcement actions and to issue orders in approved States. With respect to these actions, EPA will rely on Federal sanctions, Federal inspection authorities, and Federal procedures rather than the state authorized analogues to these provisions. Therefore, the EPA is not incorporating by reference such particular, approved Louisiana procedural and enforcement authorities. Section 282.68(d)(1)(ii) of 40 CFR lists those approved Louisiana authorities that would fall into this category.

E. What State provisions are not part of the codification?

The public also needs to be aware that some provisions of the State's UST program are not part of the federally approved State program. Such provisions are not part of the RCRA Subtitle I program because they are ''broader in coverage'' than Subtitle I of RCRA. Title 40 CFR 281.12(a)(3)(ii) states that where an approved state program has provisions that are broader in coverage than the Federal program, those provisions are not a part of the federally approved program. As a result, State provisions which are ''broader in coverage'' than the Federal program are not incorporated by reference for purposes of enforcement in part 282. Section 282.68(d)(1)(iii) of the codification simply lists for reference and clarity the Louisiana statutory and regulatory provisions which are ''broader in coverage'' than the Federal program and which are not, therefore, part of the approved program being codified today. Provisions that are ''broader in coverage'' cannot be enforced by EPA; the State, however, will continue to implement and enforce such provisions under State law.

III. Statutory and Executive Order Reviews

This action only applies to Louisiana's UST Program requirements pursuant to RCRA Section 9004 and imposes no requirements other than those imposed by State law. It complies with applicable EOs and statutory provisions as follows:

A. Executive Order 12866 Regulatory Planning and Review, Executive Order 13563: Improving Regulation and Regulatory Review

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action approves and codifies State requirements for the purpose of RCRA section 9004 and imposes no additional requirements beyond those imposed by State law. Therefore, this action is not subject to review by OMB.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 (82 FR 9339, February 3, 2017) regulatory action because actions such as this final approval of Louisiana's revised underground storage tank program under RCRA are exempted under Executive Order 12866. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

C. Unfunded Mandates Reform Act and Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Because this action approves and codifies pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

D. Executive Order 13132: Federalism

This action 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves and codifies State requirements as part of the State RCRA underground storage tank program without altering the relationship or the distribution of power and responsibilities established by RCRA.

E. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks.

F. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a ''significant regulatory action'' as defined under Executive Order 12866.

G. National Technology Transfer and Advancement Act

Under RCRA section 9004(b), EPA grants a State's application for approval as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State approval application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

H. Executive Order 12988: Civil Justice Reform

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

I. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights

EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the Executive order.

J. Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). ''Burden'' is defined at 5 CFR 1320.3(b).

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations

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. Because this rule approves pre-existing State rules which are at least equivalent to, and no less stringent than existing Federal requirements, and imposes no additional requirements beyond those imposed by State law, and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

L. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801–808, 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 document 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 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). However, this action will be effective August 3, 2020 because it is a direct final rule.

List of Subjects in 40 CFR Part 282

Environmental protection, Administrative practice and procedure, Hazardous substances, Incorporation by reference, Insurance, Intergovernmental relations, Oil pollution, Petroleum, Reporting and recordkeeping requirements, Surety bonds, Water pollution control, Water supply.

Dated: April 30, 2020.

Kenley McQueen,

Regional Administrator, EPA Region 6.

For the reasons set forth in the preamble, EPA is amending 40 CFR part 282 as follows:

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

■ 1. The authority citation for part 282 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

■ 2. Revise § 282.68 to read as follows:

§ 282.68 Louisiana State-Administered Program.

(a) *History of the approval of Louisiana's program.* The State of Louisiana is approved to administer and enforce an underground storage tank program in lieu of the Federal program under subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Louisiana Department of Environmental Quality, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA published the notice of final determination approving the Louisiana underground storage tank base program effective on September 4, 1992. A subsequent program revision application was approved effective on August 3, 2020.

(b) *Enforcement authority.* Louisiana has primary responsibility for administering and enforcing its federally approved underground storage tank program. However, EPA retains the authority to exercise its corrective action, inspection, and enforcement authorities under sections 9003(h), 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991b(h), 6991d and 6991e, as well as under any other applicable statutory and regulatory provisions.

(c) *Retaining program approval.* To retain program approval, Louisiana must revise its approved program to adopt new changes to the Federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Louisiana obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the **Federal Register**.

(d) *Final program approval.* Louisiana has final approval for the following elements of its program application originally submitted to EPA and approved effective September 4, 1992, and the program revision application approved by EPA effective on August 3, 2020.

(1) *State statutes and regulations*—(i) *Incorporation by reference.* The provisions cited in this paragraph (d)(1)(i) are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.* The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of Louisiana UST regulations that are incorporated by reference in this paragraph (d)(1)(i) from the Louisiana Office of the State Register, P.O. Box 94095, Baton Rouge, LA 70804–9095; Phone number: (225) 342–5015; website: *https://www.doa.la.gov/Pages/osr/lac/LAC-33.aspx;* or Louisiana Department of Environmental Quality's website: *http://www.deq.louisiana.gov/resources/category/regulations-lac-title-33.* You may inspect all approved material at the EPA Region 6, 1201 Elm Street, Suite #500, Dallas, Texas 75270 (phone number (214) 665–2239) or the National Archives and Records Administration (NARA). For information on the availability of the material at NARA, email *fedreg.legal@nara.gov* or go to *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(A) ''Louisiana Regulatory Requirements Applicable to the Underground Storage Tank Program, September 2019''. Those provisions are listed in appendix A to this part.

(B) [Reserved]

(ii) *Legal basis.* EPA evaluated the following statutes and regulations which provide the legal basis for the State's implementation of the underground storage tank program, but they are not being incorporated by reference and do not replace Federal authorities:

(A) The statutory provisions include:

(*1*) Louisiana Revised Statutes, Title 30, Subtitle II, Environmental Quality (Environmental Quality Act):

(*i*) Chapter 2. Department of Environmental Quality, Section 2011. Department of Environmental Quality created; duties; powers; structure, paragraphs (A) through (C), (D) introductory paragraph through (D)(10), (D)(13) through (D)(15), (D)(17) through (D)(23), (D)(25), and (E) through (G); Section 2012. Enforcement inspections; Section 2025. Enforcement; Section 2026. Citizen suits; Section 2030. Confidential information; restricted access via the internet; Section 2043. Public records; forms and methods; electronic signatures.

(*ii*) Chapter 2–A. Enforcement Procedure and Judicial Law, Section 2050.4. Enforcement; final action; Section 2050.7. Enforcement; settlement or compromise; Section 2050.8. Enforcement; cease and desist orders.

(*iii*) Chapter 4. Louisiana Water Control Law, Section 2077. Remediation of pollution;

(*iv*) Chapter 9. Hazardous Waste Control Law, Section 2194. Underground Storage Tanks; registration, paragraphs (C) introductory paragraph, (B)(6), (B)(8), (B)(9), (B)(15), and (C) through (E); Section 2194.1. Prohibitions; Section 2195.9 Financial responsibility; 2195.10 Financial responsibility for noncompliance; 2195.11 Voluntary cleanup; private contracts; exemptions.

(*v*) Chapter 12, Liability for Hazardous Substance Remedial Action, Part I. General provisions, Section 2277. Defenses, Subsection (4).

(*2*) Louisiana Code of Civil Procedure Section 4 Intervention, Article 1091 Third person may intervene.

(B) The regulatory provisions include:

(*1*) Louisiana Administrative Code, Title 33; effective September 20, 2018:

(*i*) Part I. Office of the Secretary, Chapter 7—Penalty Regulations, Chapter 8—Expedited Penalty Regulations, Chapter 13—Risk Evaluation/Corrective Action Program Regulations, Chapter 39—Notification Regulations and procedures for Unauthorized Discharges, section 3915 Notification Requirements for Unauthorized Discharges That Cause Emergency Conditions and section 3923 Notification Requirements for Other Regulatorily Required Reporting.

(*ii*) Part XI. Underground Storage Tanks, Chapter 3, section 301.C.9 through C.12; Chapter 4 Delivery Prohibition, section 401 purpose and section 403 delivery prohibition of regulated substances to underground storage tank systems; Chapter 7. Methods of Release Detection and Release reporting, Investigation, Confirmation, and Response, section 715.H public participation; Chapter 15. Enforcement.

(*2*) [Reserved]

(iii) *Provisions not incorporated by reference.* The following specifically identified sections and rules applicable to the Louisiana underground storage tank program are broader in coverage than the Federal program, are not part of the approved program, and are not incorporated by reference in this section for enforcement purposes:

(A) Louisiana Revised Statutes, Title 30, Subtitle II, Environmental Quality (Environmental Quality Act).

(B) Louisiana Administrative Code, Title 33, Part XI. Underground Storage Tanks, Chapter 1, Section 103, definitions of *owner (as it refers to operators, lessees, or lessors as owners),*

on staff, registered tank, registration certificate, response action contractor, and *technical services;* Chapter 3, Sections 301. C.6, Section 307; Chapter 7, Section 715.A; Chapter 11, Section 1121; Chapter 12; Chapter 13.

(2) *Statement of legal authority.* The Attorney General's Statements, signed by the Attorney General of Louisiana on September 12, 1991 and September 27, 2018, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The ''Demonstration of Procedures for Adequate Enforcement'' submitted as part of the original application on October 9, 1991 and as part of the program revision application for approval on October 2, 2018 though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program description.* The program description and any other material submitted as part of the original application on October 9, 1991 and as part of the program revision application on October 2, 2018, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the Louisiana Department of Environmental Quality, signed by the EPA Regional Administrator on May 8, 2019 though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

■ 3. Appendix A to part 282 is amended by revising the entry for Louisiana to read as follows:

Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations

* * * * *

Louisiana

(a) The regulatory provisions include:

Louisiana Administrative Code, Title 33, Part XI. Underground Storage Tanks; effective September 20, 2018:

1. Chapter 1. Program Applicability and Definitions

Section 101. Applicability
Section 103. Definitions except for sections a.i, iv, and v of the definition of *owner;* and the definitions of *on staff, registered tank, response action contractor,* and *technical services*

2. Chapter 3. Registration Requirements, Standards, and Fee Schedule

Section 301. Registration Requirements, all sections except 301.C.6
Section 303. Standards for UST Systems
Section 305. Installation Requirements for Partially-Deferred UST Systems

3. Chapter 5. General Operating Requirements

Section 501. Spill and overfill Control
Section 503. Operation and Maintenance of Corrosion Protection
Section 505. Compatibility
Section 507. Repairs Allowed
Section 509. Reporting and Recordkeeping
Section 511. Periodic Testing of Spill Prevention Equipment and Containment Sumps used for Interstitial Monitoring of Piping and Periodic Inspection of Overfill Prevention Equipment
Section 513. Periodic Operation and Maintenance Walkthrough Inspection

4. Chapter 6. Training Requirements for Underground Storage Tank System Operators

Section 601. Purpose
Section 603. Underground Storage Tank Operator Classes
Section 605. Acceptable UST Operator Training and Certification Processes
Section 607. Underground Storage Tank Operator Training Deadlines
Section 609. Underground Storage Tank Operator Training Frequency
Section 611. Documentation of Underground Storage Tank Operator Training

5. Chapter 7. Methods of Release Detection and Release Reporting, Investigation, Confirmation, and Response

Section 701. Methods of Release Detection
Section 703. Requirements for Use of Release Detection Methods
Section 705. Release Detection Recordkeeping
Section 707. Reporting of Suspected Releases
Section 709. Investigation Due to Off-Site Impacts
Section 711. Release Investigation and Confirmation Steps
Section 713. Reporting and Cleanup of Spills and Overfills
Section 715. Release Response and Corrective Action for UST Systems Containing Petroleum, Motor Fuel, or Hazardous Substances, all sections except the last sentence of 715.A, and 715.H

6. Chapter 8. UST Systems with Field-Constructed tanks and Airport Hydrant Fuel Distribution Systems

Section 801. General Requirements
Section 803. Additions, Exceptions, and Alternatives for UST Systems with Field-Constructed Tanks and Airport Hydrant Systems

7. Chapter 9. Out-of-Service UST Systems and Closure

Section 901. Applicability to Previously Closed UST Systems
Section 903. Temporary Closure
Section 905. Permanent Closure and Changes-in-Service
Section 907. Assessing the Site at Closure or Change-in-Service

8. Chapter 11. Financial responsibility

Section 1101. Applicability
Section 1103. Compliance Dates
Section 1105. Definition of Terms
Section 1107. Amount and Scope of Required Financial Responsibility
Section 1109. Allowable Mechanisms and Combinations of Mechanisms
Section 1111. Financial Test of Self-Insurance
Section 1113. Guarantee
Section 1115. Insurance and Risk Retention Group Coverage
Section 1117. Surety Bond
Section 1119. Letter of Credit
Section 1123. Trust Fund
Section 1125. Standby Trust Fund
Section 1127. Substitution of Financial Assurance Mechanisms by Owner or Operator
Section 1129. Cancellation or Nonrenewal by a Provider of Financial Assurance
Section 1131. Reporting by Owner or Operator
Section 1133. Recordkeeping
Section 1135. Drawing on Financial Assurance Mechanisms
Section 1137. Release from the Requirements
Section 1139. Bankruptcy or Other Incapacity of Owner or Operator or provider of Financial Assurance
Section 1141. Replenishment of Guarantees, Letters of Credit, or Surety Bonds

(b) Copies of the Louisiana UST regulations that are incorporated by reference are available from the Louisiana Office of the State Register, P.O. Box 94095, Baton Rouge, LA 70804–9095; Phone number: (225) 342–5015; website: *https://www.doa.la.gov/Pages/osr/lac/LAC-33.aspx;* or Louisiana Department of Environmental Quality's website: *http://www.deq.louisiana.gov/resources/category/regulations-lac-title-33.*

* * * * *

[FR Doc. 2020–09941 Filed 6–3–20; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 85, No. 108
Thursday, June 4, 2020

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 170

[Docket No. PRM–170–7; NRC–2018–0172]

Categorization of the Licensee Fee Category for Full-Cost Recovery

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; closure of petition.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has partially granted and partially denied a request to amend the NRC's regulations for licensing fees assessed to certain water treatment facilities. The request was submitted by Christopher S. Pugsley, Esq., on behalf of Water Remediation Technology, LLC (WRT), in a petition for rulemaking. This action closes the petition docket.

DATES: The docket for the petition for rulemaking, PRM–170–7, closed on June 4, 2020.

ADDRESSES: Please refer to Docket ID NRC–2018–0172 when contacting the NRC about the availability of information for this petition. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Public comments and supporting materials related to this petition can be found at *https://www.regulations.gov* by searching on the petition Docket ID NRC–2018–0172 or the fiscal year (FY) 2019 proposed and final fee rules Docket ID NRC–2017–0032. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *The NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Document 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, at 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- *Attention:* The Public Document Room (PDR), where you may examine and order copies of public documents is currently closed. You may submit your request to the PDR via email at *PDR.Resource@nrc.gov* or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Anthony Rossi, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7341; email: *Anthony.Rossi@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. The Petition

The NRC received and docketed a petition for rulemaking (PRM) (ADAMS Accession No. ML18214A757), PRM–170–7, dated July 2, 2018, filed by the petitioner on behalf of WRT. On November 2, 2018 (83 FR 55113), the NRC published a notice of docketing. The NRC did not institute a public comment period for this PRM because the NRC considered the issues raised in the petition in the FY 2019 proposed fee rule (84 FR 578; January 31, 2019), and the public had an opportunity to comment during that process.

The NRC identified three issues in the petition, as follows:

Issue 1: The petitioner requested that the NRC amend its regulations under part 171 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Annual Fees for Reactor Licenses and Fuel Cycle Licenses and Materials Licenses, including Holders of Certificates of Compliance, Registrations, and Quality Assurance Program Approvals and Government Agencies Licensed by the NRC,'' to re-categorize licensees performing water treatment services (*e.g.,* WRT) from a full-cost recovery category to a category with a fixed annual fee.

Issue 2: The petitioner requested that the NRC address consistency issues between 10 CFR part 170, ''Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services under the Atomic Energy Act of 1954, as Amended,'' and 10 CFR part 171 for small entities.

Issue 3: The petitioner requested that the NRC consider amending language under § 170.11, ''Exemptions,'' to extend the timeframe within which a licensee may appeal the assessment of fees and apply for a fee exemption from 90 days to 180 days.

Before filing this petition, the petitioner had made similar requests in public comments (ADAMS Accession No. ML18057B073) submitted on the FY 2018 proposed fee rule (83 FR 29622; June 25, 2018). In PRM–170–7, the petitioner asked the NRC to consider the rule changes in the FY 2019 fee rulemaking.

II. Public Comments on the Petition

The notice of docketing of PRM–170–7 did not request public comments; however, the NRC did request comments on the issues raised in the petition in the FY 2019 proposed fee rule. The comment period closed on March 4, 2019, and the NRC received one comment submission (ADAMS Accession No. ML19064B347) that was from the petitioner and expressed support for the proposed changes with respect to PRM–170–7.

III. Reasons for Consideration

The petitioner assists small community water systems with compliance with uranium drinking water standards. The petitioner asserted that its licensed operations are not intended to produce source material for its commercial value, thereby reducing the financial benefit to the licensee as compared to uranium recovery facilities that process ore primarily for its source material content. Further, the petitioner stated that it treats the source material as a contaminant, rather than as a commodity. The petitioner explained that it only receives payment for services to remove uranium from drinking water or other water sources; therefore, it does not profit from processing the source material itself. The petitioner asserts that uranium water treatment licensees should be re-categorized from their current designation of full-cost fee recovery

licensees under fee category 2.A.(5), ''Licenses that authorize the possession of source material related to removal of contaminants (source material) from drinking water,'' to the annual fee category 2.F, ''All other source material licenses,'' of 10 CFR 170.31 and 171.16.

Additionally, the petitioner asserted that, because small entities have limited employees, market share, and revenue, it makes sense to charge small entities fixed fee amounts. The petitioner concluded that because of its current small entity designation for 10 CFR part 171 annual fees under the NRC's regulations, and the nature of its licensed operations, it should be re-designated under the 10 CFR part 170 fee category and charged a fixed-fee amount.

The NRC reviewed PRM–170–7, WRT's public comment on the FY 2018 proposed fee rule, and related documentation and addressed the first two requests raised in the petition in its FY 2019 fee rule, issued on May 17, 2019 (84 FR 22331). At the time of filing of the petition, an entity that removed uranium from drinking water at community water systems (*e.g.,* WRT) was viewed as a fee category 2.A.(5) licensee under §§ 170.31 and 171.16. Additionally, at that time, fee category 2.A.(5) required full-cost recovery of fees under 10 CFR part 170 for all licensing and inspection activities and assessed an annual fee.

Based on its review, the NRC concluded that full-cost recovery is not warranted for licensees that remove contaminants from drinking water. Therefore, in its FY 2019 fee rule, the NRC addressed the first two of the three petition requests by eliminating fee category 2.A.(5) under §§ 170.31 and 171.16, and categorizing existing and future uranium water treatment licensees as fee category 2.F. Because of the elimination of fee category 2.A.(5) and the use of category 2.F., uranium water treatment licensees such as WRT shifted from a 10 CFR part 170 full-cost fee category to a flat-fee category. Moreover, licensees in the 2.F. fee category, including WRT, may qualify for the small entity reduced fee. Therefore, the NRC finds this action addresses the first two issues submitted in the petition.

IV. Reasons for Denial

The NRC is denying the third change requested by the petitioner, which was related to the timeframe to appeal the assessment of fees under § 170.11(c). The petitioner stated that it disagrees with the 90-day timeframe in § 170.11(c), which was added in the FY 2018 fee rule, and requested that the NRC extend the timeframe to apply for a fee exemption to 180 days. The petitioner asserted that the current regulation does not allow an applicant or licensee enough time to assess NRC's billings, its progress on an application or other work, and whether there are grounds for an exemption request. The petitioner also stated that an applicant or licensee should not be restricted regarding when it can request an exemption.

The 90-day timing requirement only applies to those exemption requests for special projects submitted under § 170.11(a)(1), which states that no application fees, license fees, renewal fees, inspection fees, or special project fees shall be required for a special project that is a request/report submitted to the NRC. Therefore, the 90-day timeframe is limited to only those who are seeking fee exemptions after submitting a request or report to the NRC under § 170.11(a)(1). This timing requirement does not apply to applicants or licensees that submit an application for the routine licensing activities addressed in the petition. For these licensing activities, an applicant or licensee may request an exemption pursuant to § 170.11(b) at any time. In addition, § 170.51, ''Right to review and appeal of prescribed fees,'' all debtors' requests for review of the fees assessed and appeal or disagreement with the prescribed fee (staff hours and contractual) must be submitted in accordance with the provisions of 10 CFR 15.31, ''Disputed Debts.'' Under § 15.31(a), a debtor who disputes a debt shall explain why the debt is incorrect in fact or in law within 30 days from the date that the initial demand letter was mailed or hand-delivered. The petitioner did not indicate any concerns related to these requirements. For these reasons, the NRC is denying the third change requested by the petitioner.

V. Conclusion

For these reasons, the NRC granted the first two requested changes in PRM–170–7 in the FY 2019 final fee rule, and is denying the third requested change. This action closes docket PRM–170–7.

Dated: May 14, 2020.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2020–10831 Filed 6–3–20; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0451; Product Identifier 2020–NM–036–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 99–01–19 and AD 2004–25–02, which apply to certain Airbus SAS Model A320 series airplanes. AD 99–01–19 and AD 2004–25–02 require repetitive inspections to detect fatigue cracking in certain areas of the fuselage, and corrective action if necessary. AD 2004–25–02 also provides an optional terminating action for the repetitive inspections. Since the FAA issued AD 2004–25–02, it has been reported that, during full scale tests to support the Model A320 structure extended service goal (ESG) exercise, several cracks were found on both sides of the overwing emergency exit door cut-outs at fuselage section 15. This proposed AD would continue to require, for certain airplanes, repetitive inspections of the fastener holes for any cracking, and repair if necessary, and would provide an optional terminating action for the fastener hole inspections. This proposed AD would also expand the applicable airplanes and require, for all airplanes, inspections of the emergency exit door structure for any cracking and repair if necessary; as specified in a European Union Aviation Safety Agency (EASA) AD, which will be incorporated by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by 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 EASA material that will be incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* For Airbus service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *https://www.airbus.com.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0451.

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–2020–0451; 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: Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *Sanjay.Ralhan@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0451; Product Identifier 2020–NM–036–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The FAA issued AD 2004–25–02, Amendment 39–13889 (70 FR 1184, January 6, 2005) (''AD 2004–25–02''), which applies to certain Airbus SAS Model A320 series airplanes. AD 2004–25–02 requires repetitive inspections to detect fatigue cracking in certain areas of the fuselage, and corrective action if necessary. AD 2004–25–02 also provides an optional terminating action for the repetitive inspections. The FAA issued AD 2004–25–02 to address fatigue cracking of the fuselage, which could result in reduced structural integrity of the airplane.

AD 2004–25–02 specifies that accomplishing the inspection in paragraph (i) of that AD terminates the repetitive inspection requirements of that AD. In addition, paragraph (f) of AD 2004–25–02 specifies that accomplishing the inspection in that paragraph terminates the requirements of AD 99–01–19, Amendment 39–10987 (64 FR 1114, January 8, 1999) (''AD 99–01–19'').

Actions Since AD 2004–25–02 Was Issued

Since the FAA issued AD 2004–25–02, the agency has determined additional action is necessary to address the identified unsafe condition and that additional airplanes are affected by the unsafe condition.

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0040, dated February 28, 2020 (''EASA AD 2020–0040'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; and Model A320–211, –212, –214, –215, –216, –231, –232, and –233 airplanes. Model A320–215 airplanes are not certified by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability. EASA AD 2020–0040 supersedes French AD 2002–259(B), dated May 15, 2002 (which corresponds to FAA AD 2004–25–12).

This proposed AD was prompted by a report that during full scale tests to support the Model A320 structure ESG exercise, several cracks were found on both sides of the overwing emergency exit door cut-outs at fuselage section 15. The FAA is proposing this AD to address fatigue cracking of the fuselage, which could result in reduced structural integrity of the airplane. See the MCAI for additional background information.

Explanation of Retained Requirements

Paragraphs (g), (h), (i), and (j) of this proposed AD restate the requirements and optional terminating action of AD 2004–25–02, except a terminating action for repaired areas is removed as of the effective date of this AD. Paragraph (h) of AD 2004–25–02 (which corresponds to paragraph (i) of this proposed AD), specifies that accomplishment of the repair terminates the repetitive inspections for the area repaired. However, paragraph (3) of EASA AD 2020–0040, specifies that the repair does not terminate the repetitive inspections. The corresponding FAA paragraph (paragraph (i) of this proposed AD) specifies the repair does not terminate the inspections as of the effective date of this AD.

In addition, the FAA has revised the service information compliance language for the optional modification. Paragraph (i) of AD 2004–25–02 refers to using Airbus Service Bulletin A320–53–1031, dated December 9, 1994; or Revision 02, dated December 5, 2001, for the optional modification. However, paragraph (j) of this proposed AD specifies using Airbus Service Bulletin A320–53–1031, Revision 02, dated December 5, 2001, for the optional modification. The FAA has added paragraph (m) of this proposed AD to provide credit for the optional modification if done using Airbus Service Bulletin A320–53–1031, dated December 9, 1994.

Also, the FAA did not restate paragraph (j) of AD 2004–25–02 in this proposed AD because that paragraph was informational. If Airbus Service Bulletin A320–53–1031, dated December 9, 1994; or Revision 02, dated December 5, 2001; was used for the optional modification while complying with AD 99–01–19, operators are in compliance with paragraph (i) of AD 2004–25–02 (which now corresponds to paragraphs (j) and (m) of this proposed AD).

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0040 describes, among other actions, procedures for inspections of the emergency exit door structure for any cracking and repair, and if necessary.

Airbus has issued Service Bulletin A320–53–1031, Revision 02, dated December 5, 2001. This service information describes procedures for repetitive rotating probe inspections of the fasteners holes and repair if necessary.

This AD would also require Airbus Service Bulletin A320–53–1032, Revision 02, dated December 5, 2001, which the Director of the Federal Register approved for incorporation by reference as of February 10, 2005 (70 FR 1184, January 6, 2005).

This AD would also require Airbus Service Bulletin A320–53–1032, Revision 01, dated January 15, 1998, which the Director of the Federal Register approved for incorporation by reference as of February 12, 1999 (64 FR 1114, January 8, 1999).

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

FAA's Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would retain the requirements of AD 2014–25–02. This proposed AD would also expand the applicability and require accomplishing the actions specified in EASA AD 2020–0040 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0040 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0040 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0040 that is required for compliance with EASA AD 2020–0040 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0451 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 800 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
Retained actions from AD 2004–25–02.	Up to 19 work-hours × $85 per hour = Up to $1,615.	$0	Up to $1,615	Up to $1,292,000.
New proposed actions	Up to 23 work-hours × $85 per hour = Up to $1,955.	0	Up to $1,955	Up to $1,564,000.

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS: MODIFICATION, REPAIR OF FASTENER HOLES, AND REPAIR OF CRACKS IN THE EMERGENCY EXIT DOOR STRUCTURE THAT ARE WITHIN LIMITS

Labor cost	Parts cost	Cost per product
Up to 66 work-hours × $85 per hour = Up to $5,610	Up to $85,000	Up to $90,610.

The FAA has received no definitive data that would enable the agency to provide cost estimates for the on-condition repair of cracks in the emergency exit door structure that are not within limits that is specified in this proposed AD.

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	$4,219	$4,304

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 99–01–19, Amendment 39–10987 (64 FR 1114, January 8, 1999); and AD 2004–25–02, Amendment 39–13889 (70 FR 1184, January 6, 2005); and adding the following new AD:

Airbus SAS: Docket No. FAA–2020–0451; Product Identifier 2020–NM–036–AD.

(a) Comments Due Date

The FAA must receive comments by July 20, 2020.

(b) Affected ADs

This AD replaces AD 99–01–19, Amendment 39–10987 (64 FR 1114, January 8, 1999) (''AD 99–01–19''); and AD 2004–25–02, Amendment 39–13889 (70 FR 1184, January 6, 2005) (''AD 2004–25–02'').

(c) Applicability

This AD applies to all Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; and Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by a report that, during full scale tests to support the Model A320 structure extended service goal (ESG) exercise, several cracks were found on both sides of the overwing emergency exit door cut-outs at fuselage section 15. The FAA is issuing this AD to address fatigue cracking of the fuselage, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Initial Inspections, with No Changes

For Airbus SAS Model A320–111, –211, –212, and –231 series airplanes on which Airbus Modification 21346 has not been done: This paragraph restates the requirements of paragraph (f) of AD 2004–25–02, with no changes. At the applicable time specified in paragraph (g)(1) or (2) of this AD: Do a detailed inspection to find cracking on the outboard flanges around the fastener holes of frames 38 through 41, between stringers 12 and 21, using Airbus Service Bulletin A320–53–1032, Revision 02, dated December 5, 2001.

(1) For airplanes on which the inspection specified in Airbus Service Bulletin A320–53–1032, Revision 01, dated January 15, 1998; or Airbus Service Bulletin A320–53–1032, Revision 02, dated December 5, 2001; has been done as of February 10, 2005 (the effective date of AD 2004–25–02): Do the next inspection within 4,900 flight cycles after accomplishment of the last inspection, or within 1,100 flight cycles after February 10, 2005, whichever is later.

(2) For airplanes on which no inspection specified in Airbus Service Bulletin A320–53–1032, Revision 01, dated January 15, 1998; or Airbus Service Bulletin A320–53–1032, Revision 02, dated December 5, 2001; has been done as of February 10, 2005 (the effective date of AD 2004–25–02): Do the inspection at the earlier of the times specified in paragraphs (g)(2)(i) and (ii) of this AD.

(i) Before the accumulation of 30,000 total flight cycles.

(ii) Before the accumulation of 24,800 total flight cycles, or within 3,500 flight cycles after February 10, 2005 (the effective date of AD 2004–25–02), whichever is later.

(h) Retained Repetitive Inspections if No Cracking Is Found, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2004–25–02, with no changes. If no crack is found during the inspection required by paragraph (g)(1) or (2) of this AD: Repeat the inspection thereafter at intervals not to exceed 4,900 flight cycles.

(i) Retained Corrective Actions With New Repetitive Inspections and Compliance Language

This paragraph restates the requirements of paragraph (h) of AD 2004–25–02, with new repetitive inspections and compliance language. If any crack is found during any inspection required by paragraph (g) of this AD, before further flight, repair using Airbus Service Bulletin A320–53–1032, Revision 01, dated January 15, 1998; or Airbus Service Bulletin A320–53–1032, Revision 02, dated December 5, 2001. Accomplishment of a repair using the service bulletin before the effective date of this AD ends the repetitive inspection requirements for the area repaired. As of the effective date of this AD, the repair does not constitute terminating action for the repetitive inspection. Thereafter, repeat the inspection at intervals not to exceed 4,900 flight cycles. If any crack is found during any inspection required by this AD, and the service bulletin specifies to contact Airbus for appropriate action: Before further flight, repair using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA.

(j) Retained Optional Terminating Action With Changes to the Service Information Compliance Language

This paragraph restates the optional terminating action specified in paragraphs (i) and (j) of AD 2004–25–02, with changes to the service information compliance language. Accomplishment of Airbus Modification 21346 using Airbus Service Bulletin A320–53–1031, Revision 02, dated December 5, 2001, constitutes terminating action for the repetitive inspection requirements of paragraphs (h) and (i) this AD.

(k) New Requirements

Except as specified in paragraph (l) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0040, dated February 28, 2020 (''EASA AD 2020–0040'').

(l) Exceptions to EASA AD 2020–0040

(1) Where EASA AD 2020–0040 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2020–0040 requires the accomplishment of repetitive inspections and corrective actions as specified in paragraphs (1) and (2) of the EASA AD, those actions are not required by this AD as specified in the EASA AD. Those actions are required by paragraphs (g), (h), and (i) of this AD.

(m) Credit for Previous Actions

This paragraph provides credit for the optional terminating action specified in paragraph (j) of this AD, if Airbus Modification 21346 was performed before the effective date of this AD using Airbus Service Bulletin A320–53–1031, dated December 9, 1994.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, FAA, send it to the attention of the person identified in paragraph (o)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

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

(ii) AMOCs approved previously for AD 2004–25–02 are approved as AMOCs for the corresponding provisions of paragraphs (g) through (j) of this AD.

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

(o) Related Information

(1) For information about EASA AD 2020–0040, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* For Airbus service information identified in this AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *https://www.airbus.com.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0451.

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

Issued on May 29, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–12025 Filed 6–3–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0462; Product Identifier 2019–SW–021–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 adopt a new airworthiness directive (AD) for certain Airbus Helicopters Model AS332C1 and AS332L1 helicopters. This proposed AD was prompted by a report that the affected helicopters use the same ''flight/ground'' logic signal instead of independent redundant signals. This proposed AD would require amending the emergency procedures of the rotorcraft flight manual (RFM) for your helicopter, a wiring modification of the ''flight/ground'' logic signal source of the attitude heading and reference system (AHRS) 1, and then removal of the amendment to the RFM for your helicopter. 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 Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; phone: (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 service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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–2020–0462; 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 European Aviation Safety Agency (now 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 FURTHER INFORMATION CONTACT: George Schwab, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX

76177; phone: 817–222–5110; email: *george.schwab@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–2020–0462; Product Identifier 2019–SW–021–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

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0021, dated February 1, 2019; corrected February 4, 2019 (EASA AD 2019–0021) (referred to after this as the Mandatory Continuing Airworthiness Information or ''the MCAI''), to correct an unsafe condition for certain Airbus Helicopters Model AS332C1 and AS332L1 helicopters. EASA advises that the AHRS 1 and AHRS 2 installed on AS332C1e and AS332L1e helicopters use the same 'flight/ground' logic signal, instead of independent redundant signals, as required by the original design specification. If both AHRS incorrectly receive ''ground'' status in flight, as a result for instance of a single failure, this will generate consistent erroneous computation of the attitudes and vertical speed during helicopter maneuvers with consequent incorrect flight data indications to the flight crew on both primary displays. EASA AD 2019–0021 states that this condition, if not corrected, could lead to increased workload for the flight crew when the upper modes of the automatic flight control system are not engaged, possibly resulting in reduced control of the helicopter during high speed maneuvers in instrumental meteorological conditions (IMC).

EASA further advises that Airbus Helicopters has issued rush revisions to the RFM, and developed a modification of the wiring harness, ensuring independent sources of the ''flight/ground'' logic signal for both AHRS. EASA AD 2019–0021 requires amending the emergency procedures of the applicable RFM, doing the modification of the wiring harness, and then removing the amendment to the RFM.

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–2020–0462.

Related Service Information Under 1 CFR Part 51

Airbus Helicopters has issued Alert Service Bulletin No. AS332–34.00.60, Revision 1, dated March 29, 2019. This service information describes procedures for a wiring modification of the ''flight/ground'' logic signal source of the AHRS 1, which changes the ''flight/ground'' logic signal source to independent redundant signals.

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

Airbus Helicopters has issued Alert Service Bulletin No. AS332–34.00.60, Revision 0, dated December 6, 2018. The service information describes procedures for a wiring modification of the ''flight/ground'' logic signal source of the AHRS 1, which changes the ''flight/ground'' logic signal source to independent redundant signals. Airbus Service Bulletin No. AS332–34.00.60, Revision 1, dated March 29, 2019, clarifies the procedures for the post-installation test in Alert Service Bulletin No. AS332–34.00.60, Revision 0, dated December 6, 2018.

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 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, except as discussed under ''Differences Between this Proposed AD and the MCAI or Service Information.''

Differences Between This Proposed AD and the MCAI or Service Information

EASA AD 2019–0021 specifies to do the modification within 6 months. This proposed AD would require the modification be done within 100 hours time-in-service or before intentional flight into IMC, whichever occurs first. The FAA has determined this compliance time represents the maximum interval of time allowable for the affected helicopters to continue to safely operate before the modification is done.

Costs of Compliance

The FAA estimates that this proposed AD affects 8 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
7 work-hours × $85 per hour = $595	$40	$635	$5,080

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters: Docket No. FAA–2020–0462; Product Identifier 2019–SW–021–AD.

(a) Comments Due Date

The FAA must receive comments by July 20, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model AS332C1 and AS332L1 helicopters, certificated in any category, all manufacturer serial numbers, equipped with an Advanced Helicopter Cockpit & Avionics System (AHCAS), except helicopters that have Airbus Helicopters modification 0728576 embodied in production.

(d) Subject

Joint Aircraft Service Component (JASC) Code 3420, Attitude and direction data system.

(e) Reason

This AD was prompted by a report that the affected helicopters use the same ''flight/ground'' logic signal, instead of independent redundant signals. The FAA is issuing this AD to address certain helicopters that use the same ''flight/ground'' logic signal, instead of independent redundant signals. If both attitude heading and reference systems (AHRS) incorrectly receive ''ground'' status in flight, as a result for instance of a single failure, this will generate consistent erroneous computation of the attitudes and vertical speed during helicopter maneuvers with consequent incorrect flight data indications to the flight crew on both primary displays. Erroneous flight information could lead to increased workload for the flight crew when the upper modes of the automatic flight control system are not engaged, possibly resulting in reduced control of the helicopter during high speed maneuvers in instrumental meteorological conditions (IMC).

(f) Compliance

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

(g) Required Actions

(1) Within 30 days after the effective date of this AD: Amend the emergency procedures of the rotorcraft flight manual (RFM) for your helicopter by inserting the supplemental text specified in Figure 1 to paragraph (g)(1) of this AD, immediately following paragraph 9 GROUND/FLIGHT LOGIC FAULT.

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Figure 1 to Paragraph (g)(1) - *Supplemental Text for Paragraph 9 GROUND/FLIGHT LOGIC FAULT of the RFM*

Symptoms	Condition	Consequences and procedures
GRD/FLT (Post-MOD 07 23817)		**Procedure:** The following NOTE is added: **NOTE** **In the event of GRD/FLT, both AHRS may provide erroneous attitude and vertical speed while ISIS remains reliable. Should this discrepancy occur it is recommended to:** **- Keep on (or activate) the upper modes.** **- In IMC flight limit the IAS (< 120 kt) and bank angle (< 20°).** The rest of the paragraph is unchanged.

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(2) Within 100 hours time-in-service or before intentional flight into IMC, whichever occurs first after the effective date of this AD, do the wiring modification of the ''flight/ground'' logic signal source of the AHRS 1 in accordance with the Accomplishment Instructions of Airbus Helicopters Alert Service Bulletin No. AS332–34.00.60, Revision 1, dated March 29, 2019. After completion of the wiring modification, the RFM amendment required by paragraph (g)(1) of this AD must be removed from the RFM for your helicopter.

(h) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the helicopter can be modified (if the operator elects to do so), provided the helicopter is operated under visual flight rules only.

(i) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Airbus Helicopters Alert Service Bulletin No. AS332–34.00.60, Revision 0, dated December 6, 2018.

(j) 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: George Schwab, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; phone: 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.

(k) Related Information

(1) The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2019–0021, dated February 1, 2019; corrected February 4, 2019. 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–2020–0462.

(2) For service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; phone: (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 service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

Issued on May 29, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–12028 Filed 6–3–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 251

Special Uses; Processing of Applications, Issuance of Authorizations, and Communications Site Management

AGENCY: Forest Service, USDA.

ACTION: Issuance of proposed directives; notice of availability for public comment.

SUMMARY: The United States Department of Agriculture (USDA), Forest Service is proposing to issue a directive to implement parts of the Agriculture Improvement Act of 2018 and streamline the Agency's procedures for evaluating applications to locate or modify communications facilities on National Forest System (NFS) lands. The proposed directives would work in conjunction with the special use regulations published on April 8, 2020 to address the streamlining requirements of the Farm Bill.

DATES: Comments must be received in writing by July 6, 2020.

ADDRESSES: Comments may be submitted electronically to *https://cara.ecosystem-management.org/Public/CommentInput?project=ORMS-2525.* Written comments may be mailed to Director, Lands Staff, 1400 Independence Avenue SW, Washington, DC 20250–1124. 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-2525.*

FOR FURTHER INFORMATION CONTACT: Joey Perry, Lands Staff, 530–251–3286 or *joey.perry@usda.gov.* Individuals who use telecommunication devices for the deaf may call the Federal Relay Service at 800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The President signed the Agriculture Improvement Act of 2018 (the Farm Bill) into law on December 20, 2018. Title VIII, Subtitle G, Section 8705, of the Farm Bill requires regulations that streamline the process for evaluating applications for communications facilities on NFS lands. The Forest Service published revisions to its special use regulations on April 8, 2020 (85 FR 19660). The Forest Service issued proposed directives that would work in conjunction with that rule. The Forest Service is requesting comments on the proposed directives, available online at *https://cara.ecosystem-management.org/Public/CommentInput?project=ORMS-2525*.

After the public comment period closes, the Forest Service will consider timely comments that are within the scope of the proposed directives in the development of the final directives. A notice of the final directives, 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.*

Tina Johna Terrell,

Associate Deputy Chief, National Forest System.

[FR Doc. 2020–11830 Filed 6–3–20; 8:45 am]

BILLING CODE 3411–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2019–0681; FRL–10006–86–Region 2]

Approval and Promulgation of Implementation Plans; New Jersey; Revisions to Emissions Reporting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of New Jersey. This proposed revision requests to remove from the SIP the recordkeeping, emission reporting, photochemical dispersion modeling, and inventory requirements for t-butyl acetate (TBAC) as a volatile organic compound (VOC). The proposed revision is consistent with the Clean Air Act (CAA).

DATES: Written comments must be received on or before July 6, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R02–OAR–2019–0681, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ysabel Banon, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3382, or by email at *banon.ysabel@epa.gov.*

SUPPLEMENTARY INFORMATION: On November 29, 2017, the State of New Jersey through the Department of Environmental Protection (NJDEP), formally submitted a proposed revision to the New Jersey SIP which repeals New Jersey Administrative Code (NJAC) 7:27–34, ''TBAC Emission Reporting.''

I. Background

TBAC is a VOC that is used as a solvent in coating operations, and may be found in products, such as paints, inks, and adhesives. VOCs are organic compounds of carbon that, in the presence of sunlight, react with sources of oxygen molecules, such as nitrogen oxides (NO_X), in the atmosphere to produce tropospheric ozone, commonly known as smog. Common sources that may emit VOCs include paints, coatings, housekeeping and maintenance products, and building and furnishing materials.

VOCs have different levels of volatility, depending on the compound, and react at different rates to produce varying amounts of ozone. VOCs that are non-reactive or of negligible reactivity to form ozone react slowly and/or form less ozone; therefore, reducing their emissions has limited effects on local or regional ozone pollution. Section 302(s) of the CAA specifies that the EPA has the authority to define the meaning of VOC and thus what compounds shall be treated as VOCs for regulatory purposes.

It is the EPA's policy that organic compounds with a negligible level of reactivity should be excluded from the regulatory definition of VOC in order to focus control efforts on compounds that significantly affect ozone concentrations. The EPA uses the reactivity of ethane as the threshold for determining whether a compound has negligible reactivity. Compounds that are less reactive than, or equally reactive to, ethane under certain assumed conditions may be deemed negligibly reactive and, therefore, suitable for exemption by the EPA from the regulatory definition of VOC. The policy of excluding negligibly reactive compounds from the regulatory definition of VOC was first laid out in

the ''Recommended Policy on Control of Volatile Organic Compounds'' (42 FR 35314, July 8, 1977) and was supplemented subsequently with the ''Interim Guidance on Control of Volatile Organic Compounds in Ozone State Implementation Plans'' (70 FR 54046, September 13, 2005). The regulatory definition of VOC as well as a list of compounds that are designated by the EPA as negligibly reactive can be found at 40 CFR 51.100(s)(1).

On September 30, 1999, EPA proposed to revise the regulatory definition of VOC in 40 CFR 51.100(s)(1) to exclude TBAC as a VOC. 64 FR 52731. In most cases, when a negligibly reactive VOC is exempted from the definition of VOC, emissions of that compound are no longer recorded, collected, or reported to states or the EPA as part of VOC emissions. However, the EPA's November 29, 2004 final rule excluded TBAC from the definition of VOC for purposes of VOC emissions limitations or VOC content requirements but continued to define TBAC as a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements that apply to VOCs. 69 FR 69298 (November 29, 2004).

On February 25, 2016, the EPA revised the regulatory definition of VOC under 40 CFR 51.100(s)(1) to remove TBAC's recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements. 81 FR 9339. Accordingly, on October 24, 2017, the NJDEP repealed N.J.A.C. 7:27–34 which includes TBAC emissions reporting requirements within the State of New Jersey.

II. Summary of the SIP Revision and the EPA's Analysis

In order to conform with the EPA's current regulatory requirements for TBAC in the February 25, 2016 final rule, New Jersey is now requesting that NJAC 7:27–34, ''TBAC Emissions Reporting,'' consisting of TBAC's recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements, be removed from the SIP.

The EPA has already made the determination that TBAC is ''negligible reactive'' and therefore has low contribution to ozone as well as a low likelihood of risk to human health or the environment, and removed the recordkeeping, emission reporting, photochemical dispersion modeling, and inventory requirements for TBAC. 69 FR 69298 (November 29, 2004), 81 FR 9339 (February 25, 2016).

The EPA is proposing to approve the removal of the recordkeeping, emission reporting, photochemical dispersion modeling, and inventory requirements for TBAC from the New Jersey SIP. This proposed SIP revision will not interfere with attainment of any national ambient air quality standard (NAAQS), reasonable further progress, or any other requirement of the CAA, including section 110(l), and is consistent with the EPA's February 25, 2016 final rule. 81 FR 9339.

III. Proposed Action

Based on a review of the submitted material, the EPA is proposing to approve the removal from New Jersey SIP of NJAC 7:27–34, ''TBAC Emissions Reporting,'' which includes recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements for TBAC. Therefore, the EPA is proposing to approve New Jersey's SIP revision, which was submitted on November 29, 2017. The EPA is soliciting public comments on the issues discussed in this rulemaking action. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this document, the EPA is proposing to amend regulatory text that includes incorporation by reference. As described above in section III, the EPA is proposing to remove NJAC 7:27–34, ''TBAC Emissions Reporting,'' from the New Jersey State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, 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 Clean Air Act; 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, this proposed rulemaking action, pertaining to TBAC, 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, and Volatile organic compounds.

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

Dated: May 22, 2020.

Peter Lopez,

Regional Administrator, Region 2.

[FR Doc. 2020–11620 Filed 6–3–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R09–OAR–2019–0609; FRL–10010–26–Region 9]

Maintenance Plan and Redesignation Request for the Ajo PM_{10} Planning Area; Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the ''Ajo PM_{10} Redesignation Request and Maintenance Plan (May 3, 2019)'' (''Ajo PM_{10} Maintenance Plan'' or ''Plan'') as a revision to the state implementation plan (SIP) for the State of Arizona. The Ajo PM_{10} Maintenance Plan includes, among other elements, an emissions inventory consistent with attainment, a maintenance demonstration, contingency provisions, and a demonstration that contributions from motor vehicle emissions to PM_{10} in the Ajo planning area are insignificant. The EPA is also proposing to approve the State of Arizona's request to redesignate the Ajo planning area from nonattainment to attainment for the national ambient air quality standards (NAAQS or ''standards'') for particulate matter of ten microns or less (PM_{10}). Lastly, the EPA is proposing to delete the area designation for Ajo for the revoked NAAQS for total suspended particulate (TSP) because the designation is no longer necessary. The EPA is proposing these actions because the SIP revision meets the applicable requirements under the Clean Air Act (CAA or ''Act'') for maintenance plans and because the State has met the requirements under the Act for redesignation of a nonattainment area to attainment with respect to the Ajo planning area.

DATES: Comments must be received on or before July 6, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2019–0609, at *https://www.regulations.gov,* or via email to Ashley Graham, Air Planning Office at *graham.ashleyr@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (*e.g.,* audio or video) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ashley Graham, EPA Region IX, (415) 972–3877, *graham.ashleyr@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, the words ''we,'' ''us,'' or ''our'' refer to the EPA.

Table of Contents

I. Background

A. The PM_{10} National Ambient Air Quality Standards

In 1971, pursuant to section 109 of the CAA, the EPA promulgated the original NAAQS for the criteria pollutants, which included carbon monoxide, hydrocarbons, nitrogen dioxide, photochemical oxidant, sulfur dioxide and particulate matter.[1] The NAAQS are set at concentrations intended to protect public health and welfare. Following promulgation of the NAAQS, under section 110 of the CAA, each state is required to adopt and submit a SIP to provide for the implementation, maintenance and enforcement of the NAAQS within such state.

The original NAAQS for particulate matter were defined in terms of a reference method that called for measuring particulate matter up to a nominal size of 25 to 45 micrometers or microns. This fraction of total ambient particulate matter is referred to as ''total suspended particulate'' or TSP. In 1987, the EPA revised the NAAQS for particulate matter, replacing TSP as the indicator for particulate matter for the ambient standards with a new indicator that includes only the particles with an aerodynamic diameter less than or equal to 10 microns in diameter (PM_{10}).[2] At that time, the EPA established two PM_{10} standards: Primary and secondary 24-hour standards of 150 micrograms per cubic meter ($\mu g/m^3$) and primary and secondary annual standards of 50 $\mu g/m^3$.[3]

In 2006, the EPA retained the 24-hour PM_{10} standards but revoked the annual standards.[4] More recently, as part of the EPA's periodic review of the NAAQS, the EPA reaffirmed the 24-hour PM_{10} NAAQS.[5] This proposed action relates to the current 24-hour PM_{10} NAAQS and the revoked TSP NAAQS.

PM_{10} contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Individuals particularly sensitive to exposure include older adults, people with heart and lung disease, and children.[6] PM_{10} can be emitted directly into the atmosphere as a solid or liquid particle (''primary PM_{10}'' or ''direct PM_{10}'') or can be formed in the atmosphere (''secondary PM_{10}'') as a result of various chemical reactions among precursor pollutants such as

[1] 36 FR 8186 (April 30, 1971).

[2] 52 FR 24634 (July 1, 1987).

[3] For a given air pollutant, ''primary'' standards are those determined by the EPA as requisite to protect public health. ''Secondary'' standards are those determined by the EPA as requisite to protect public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air. CAA section 109(b).

[4] 71 FR 61144 (October 17, 2006).

[5] 78 FR 3086 (January 15, 2013).

[6] Id. at 3088.

nitrogen oxides (NO_X), sulfur dioxide (SO_2), volatile organic compounds (VOC), and ammonia.[7]

B. The Ajo PM_{10} Planning Area

Under section 107 of the CAA, the EPA is required to designate all areas of the country as attainment, nonattainment, or unclassifiable for each of the NAAQS. In response to an area designation of nonattainment, states are required to adopt and submit SIP revisions that, among other things, provide for attainment of the NAAQS within such area. Once a nonattainment area attains the NAAQS and meets certain other prerequisites, the state may request that the EPA redesignate the area to attainment. For the Ajo planning area, the Arizona Department of Environmental Quality (ADEQ) has primary responsibility for air quality planning and has permitting jurisdiction over certain types of sources, including smelting of metal ores.[8] The Pima County Department of Environmental Quality (PDEQ or ''District'') [9] has primary permitting authority over most types of stationary sources within Pima County. The ADEQ worked cooperatively with the District in preparing the Ajo PM_{10} Maintenance Plan.

In 1979, we designated Township T12S, R6W (''Ajo'') in the northwestern portion of Pima County, Arizona as a nonattainment area for the TSP NAAQS.[10] At that time, the Phelps Dodge Corporation copper mining, concentrating, and smelting facilities, collectively known as the Phelps Dodge ''New Cornelia Branch,'' were the principal sources of fugitive dust in the Ajo nonattainment area. The Ajo mine ceased operation in 1984 and the smelter deactivated in April 1985.

In 1987, the EPA replaced the TSP NAAQS with the PM_{10} NAAQS. Under the CAA, as amended in 1990, the EPA designated the Ajo planning area as a Moderate nonattainment area for the PM_{10} NAAQS.[11] By the end of 1991, to minimize windblown fugitive dust from the inactive tailings impoundments, one of the significant sources of fugitive dust in the area, Phelps Dodge covered (or capped) more than 1,900 acres of the tailings with crushed rock. The smelter and copper ore concentrator structures at the facility were effectively dismantled by the end of 1996.

In 2006, based on ambient monitoring data for 2002–2004, the EPA determined that the Ajo PM_{10} nonattainment area had attained the PM_{10} NAAQS.[12] Based on that determination, the EPA also determined that certain CAA requirements, including obligations to demonstrate reasonable further progress, to provide an attainment demonstration, and to provide contingency measures pursuant to part D of the CAA, were not applicable for so long as the Ajo area continues to attain the PM_{10} NAAQS.

With the closure of the mine and smelter, and the capping of the inactive tailings impoundment, only one significant source of fugitive dust, a slag reprocessing facility, remained active in the Ajo planning area. In 2011 and 2013, the ADEQ's Ajo PM_{10} monitoring site recorded exceedances of the PM_{10} NAAQS caused in part by high winds that entrained fugitive dust from the slag reprocessing facility and other fugitive sources in the area. In 2015, the slag reprocessing facility was demolished and a slag dust cap was applied on certain process areas.

In 2019, the Pima County Board of Supervisors adopted Pima County Code (PCC) Section 17.16.125 (''Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo PM_{10} Planning Area'') to provide for continued maintenance and enforcement of the measures already implemented to control windblown dust from the tailings impoundment and the slag storage area. On May 10, 2019, in light of renewed attainment of the PM_{10} NAAQS in the Ajo planning area and the adoption of PCC Section 17.16.125, the ADEQ submitted the Ajo PM_{10} Maintenance Plan to the EPA as a revision to the Arizona SIP and requested that the EPA redesignate the Ajo planning area from nonattainment to attainment for the PM_{10} NAAQS.[13] The ADEQ also requested that the EPA delete the TSP nonattainment designation for the Ajo Area.[14]

The Ajo PM_{10} Maintenance Plan includes chapters addressing the various criteria for redesignation under CAA section 107(d)(3)(E); a chapter containing the PM_{10} maintenance plan; a chapter addressing transportation conformity; and three appendices that document the emissions inventory estimates relied upon by the maintenance plan, the compliance with procedural and legal authority requirements, and the process undertaken to adopt PCC Section 17.16.125 (''Inactive Mineral Tailings Impoundment and Slag Storage Area Within the Ajo PM_{10} Planning Area'').

II. Procedural Requirements for Adoption and Submittal of State Implementation Plan Revisions

Section 110(l) of the CAA requires states to make SIP revisions available for public review and comment and to hold a public hearing or provide the public the opportunity to request a public hearing. The Act requires the plan be adopted by the state and submitted to the EPA by the governor or his/her designee. To meet these procedural requirements, every SIP submission should include evidence that the state provided adequate public notice and an opportunity for a public hearing consistent with the EPA's implementing regulations in 40 CFR 51.102.

In the ADEQ's May 10, 2019 submittal of the Ajo PM_{10} Maintenance Plan, the State verified that it had adhered to its SIP adoption procedures in Appendix B, which includes the notice of public hearing, the agenda for the January 24, 2019 public hearing, the sign-in sheet, the public hearing officer certification and transcript of the hearing, and the State's responsiveness summary. Specifically, a notice of public hearing was published in the Ajo Copper News on December 25, 2018 and January 1, 2019, and in the Arizona Daily Star on December 26, 2018 and December 27, 2018, newspapers of general circulation in the Ajo area. The notices announced the availability of the Ajo PM_{10} Maintenance Plan at the ADEQ Record Center in Phoenix, Arizona, on the ADEQ's website, and at the Salazar-Ajo branch of the Pima County Public Library in Ajo, Arizona, and opened the comment period for 30 days prior to the public hearing. The public hearing was held on January 24, 2019. No comments on the Ajo PM_{10} Maintenance Plan were

[7] EPA, Air Quality Criteria for Particulate Matter, No. EPA/600/P–99/002aF and EPA/600/P–99/002bF, October 2004.

[8] Arizona Revised Statutes (ARS) § 49–402(A) and (B).

[9] The Pima County Board of Supervisors is the governing body for the Pima County Air Quality Control District, which operates within the PDEQ.

[10] 44 FR 21261 (April 10, 1979). The unincorporated town of Ajo, Arizona, is located approximately 113 miles west northwest of Tucson, and is located on the edge of a broad desert valley at an elevation of 1,750 feet, bordered by scattered hills and low mountain ranges to the west and south.

[11] 56 FR 11101 (March 15, 1991). The Ajo planning area is somewhat larger than the Ajo TSP nonattainment area and includes sections 6–8, 17–20 and 29–32 of Township T12S, R5W in addition to Township T12S, R6W. Area designations within the State of Arizona are codified at 40 CFR 81.303. Currently, the population within the Ajo planning area is approximately 3,500 persons, and employment is mainly in the commercial, service, and tourism sectors. Ajo PM_{10} Maintenance Plan, 8–9.

[12] 71 FR 6352 (February 8, 2006).

[13] May 10, 2019 refers to the date on which the ADEQ submitted the Ajo PM_{10} Maintenance Plan electronically to the EPA. The ADEQ's transmittal letter to the EPA is dated May 8, 2019.

[14] Letter dated May 8, 2019, from Timothy S. Franquist, Director, Air Quality Division, ADEQ, to Michael Stoker, Regional Administrator, EPA Region IX, submitting the SIP Revision ''Ajo PM_{10} Redesignation Request and Maintenance Plan.''

made during the public hearing, and no written comments were received during the public comment period.

Through the SIP transmittal letter dated May 8, 2019, the ADEQ's Director of the Air Quality Division adopted the Ajo PM_{10} Maintenance Plan as a revision to the Arizona SIP. The Director of the ADEQ is authorized under state law to adopt and submit SIPs and SIP revisions to the EPA, and the Director of the ADEQ has delegated that authority to the Director of the Air Quality Division. Based on the documentation provided in the SIP submittal and summarized in this notice, we find that submittal of the Ajo PM_{10} Maintenance Plan as a revision to the Arizona SIP satisfies the procedural requirements of section 110(l) of the Act and of 40 CFR 51.102.[15]

III. Substantive Requirements for Redesignation

The CAA establishes the requirements for redesignation of a nonattainment area to attainment. Specifically, section 107(d)(3)(E) allows for redesignation provided that the following criteria are met: (1) The EPA determines that the area has attained the applicable NAAQS; (2) the EPA has fully approved the applicable implementation plan for the area under CAA section 110(k); (3) the EPA determines that the improvement in air quality is due to permanent and enforceable reductions in emissions; (4) the EPA has fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A; and (5) the state has met all requirements applicable to the area under section 110 and part D of the CAA. Section 110 identifies a comprehensive list of elements that SIPs must include, and part D establishes the SIP requirements for nonattainment areas. Part D is divided into six subparts. The generally applicable nonattainment SIP requirements are found in subpart 1 of part D, and the particulate matter-specific SIP requirements are found in subpart 4 of part D.

The EPA provided guidance on redesignations in a document titled ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' published in the **Federal Register** on April 16, 1992,[16] and supplemented on April 28, 1992 (collectively referred to herein as the ''General Preamble'').[17] Additional guidance was issued on September 4, 1992, in a memorandum from John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards, titled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' (referred to herein as the ''Calcagni memo''), and a 1994 memorandum from Mary D. Nichols, titled ''Part D New Source Review (part D NSR) Requirements for Areas Requesting Redesignation to Attainment'' (''Nichols memo'').

As noted above, approval of a maintenance plan is one of the CAA prerequisites for redesignation of a nonattainment area to attainment. Section 175A of the CAA provides the general framework for maintenance plans. The initial 10-year maintenance plan must provide for maintenance of the NAAQS for at least 10 years after redesignation, including any additional control measures necessary to ensure such maintenance. In addition, maintenance plans are to contain contingency provisions necessary to assure the prompt correction of a violation of the NAAQS that occurs after redesignation. The contingency provisions must include, at a minimum, a requirement that the state will implement all control measures contained in the nonattainment SIP prior to redesignation. Maintenance plan submittals are SIP revisions, and as such, the EPA is obligated under CAA section 110(k) to approve them or disapprove them depending upon whether they meet the applicable CAA requirements for such plans.

For the reasons set forth in section IV of this document, we propose to approve the Ajo PM_{10} Maintenance Plan and to approve the ADEQ's request for redesignation of the Ajo nonattainment area to attainment for the PM_{10} NAAQS based on our conclusion that all of the criteria under CAA section 107(d)(3)(E) have been satisfied.

IV. Evaluation of the State's Redesignation Request for the Ajo PM_{10} Nonattainment Area

A. Determination That the Area Has Attained the PM_{10} National Ambient Air Quality Standards

Section 107(d)(3)(E)(i) of the CAA requires that for an area to be redesignated to attainment, the EPA must determine that the area has attained the relevant NAAQS. In this case, the relevant NAAQS is the 24-hour PM_{10} NAAQS.[18] In 2006, the EPA determined that the Ajo area had attained the PM_{10} standards based on ambient data from 2002–2004.[19] This proposed action updates this determination based on the most recent available PM_{10} monitoring data.

Generally, the EPA determines whether an area's air quality is meeting the PM_{10} NAAQS based on the most recent complete, quality-assured, and certified data measured at established state and local air monitoring stations (SLAMS) in the nonattainment area and entered into the EPA Air Quality System (AQS) database. Data from air monitoring sites operated by state, local, or tribal agencies in compliance with EPA monitoring requirements must be submitted to AQS. These monitoring agencies annually certify that these data are accurate to the best of their knowledge. Accordingly, the EPA relies primarily on data in AQS when determining the attainment status of an area.[20] All valid data are reviewed to determine the area's air quality status in accordance with 40 CFR part 50, appendix K.

The PM_{10} NAAQS is attained when the expected number of days per calendar year with a 24-hour concentration in excess of the standard (referred to herein as an ''exceedance''),[21] averaged over a three-year period, is less than or equal to one. The expected number of exceedances averaged over a three-year period at any given monitor is known as the PM_{10} design value. The PM_{10} design value for the area is the highest design value within the nonattainment area.[22] Generally, for purposes of redesignation, the most recent three consecutive years

[15] On November 10, 2019, the Ajo PM_{10} Maintenance Plan was deemed complete by operation of law under CAA section 110(k)(1)(B).

[16] 57 FR 13498.

[17] 57 FR 18070.

[18] The annual PM_{10} standards were revoked effective December 18, 2006 (71 FR 61144, October 17, 2006). Thus, this document discusses only attainment of the 24-hour PM_{10} standards.

[19] 71 FR 6352 (February 8, 2006).

[20] 40 CFR 50.6; 40 CFR part 50, appendix J; 40 CFR part 53; and 40 CFR part 58, appendices A, C, D, and E.

[21] An exceedance is defined as a daily value that is above the level of the 24-hour standard (*i.e.,* 150 $\mu g/m^3$) after rounding to the nearest 10 $\mu g/m^3$ (*i.e.,* values ending in 5 or greater are to be rounded up). Thus, a recorded value of 154 $\mu g/m^3$ would not be an exceedance since it would be rounded to 150 $\mu g/m^3$ whereas a recorded value of 155 $\mu g/m^3$ would be an exceedance since it would be rounded to 160 $\mu g/m^3$. 40 CFR part 50, appendix K, section 1.0.

[22] 40 CFR 50.6 and 40 CFR part 50, appendix K. The comparison with the allowable expected exceedance rate of one per year is made in terms of a number rounded to the nearest tenth (fractional values equal to or greater than 0.05 are to be rounded up; *e.g.,* an exceedance rate of 1.05 would be rounded to 1.1, which is the lowest rate for nonattainment). 40 CFR part 50, appendix K, section 2.1(b).

of complete [23] air quality data are necessary to show attainment of the PM_{10} NAAQS.

The ADEQ operates the PM_{10} monitoring network in the Ajo area. The ADEQ submits annual monitoring network plans to the EPA. These network plans describe the monitoring network operated by the ADEQ within the Ajo nonattainment area and discuss the status of the air monitoring network, as required under 40 CFR 58.10. The EPA regularly reviews these annual plans for compliance with the applicable reporting requirements in 40 CFR part 58. With respect to PM_{10}, the EPA has found that the area's network plans meet the applicable reporting requirements under 40 CFR part 58, appendix D.[24] The EPA also concluded from its 2018 Technical Systems Audit that the ADEQ's ambient air monitoring program is robust and meets or exceeds EPA requirements.[25] The ADEQ annually certifies that the data it submits to AQS are complete and quality-assured.[26]

The ADEQ operates one PM_{10} SLAMS monitoring site, Ajo (AQS ID: 04–019–0001), within the Ajo PM_{10} nonattainment area. The monitor is located at the Arizona Department of Transportation (ADOT) maintenance yard (see Figure 1–1 in the Ajo PM_{10} Maintenance Plan) and was sited to monitor the effects of the former copper smelter and mine tailings. SLAMS produce data comparable to the NAAQS, and therefore the monitor must be an approved Federal Reference Method, Federal Equivalent Method (FEM), or Approved Regional Method. The Ajo monitor measures hourly PM_{10} concentrations on a daily, year-round basis using a method that has been designated as an FEM by the EPA.

Consistent with the requirements contained in 40 CFR part 50, the EPA has reviewed the quality-assured and certified PM_{10} ambient air monitoring data collected at the Ajo monitoring site, as recorded in AQS, for the applicable monitoring period. We have determined that the data are of sufficient completeness for the purposes of making comparisons with the PM_{10} NAAQS. The EPA's evaluation of whether the Ajo PM_{10} nonattainment area has attained the PM_{10} NAAQS is based on our review of the monitoring data and takes into account the adequacy of the PM_{10} monitoring network in the nonattainment area and the reliability of the data collected by the network as discussed earlier in this section of this proposal.

Table 1 shows the highest measured PM_{10} concentrations and number of expected exceedances at the Ajo monitoring site during the most recent three-year period (2017–2019). One exceedance of the PM_{10} NAAQS was recorded in 2018 at the Ajo monitor.[27] However, the resulting 24-hour design value for the 2017–2019 period is less than 1.0 at the Ajo monitor. Therefore, we find that, based on complete, quality-assured, and certified data for 2017–2019, the Ajo PM_{10} nonattainment area has attained the PM_{10} NAAQS. Preliminary data available in AQS for 2020 indicate that the area continues to attain the PM_{10} NAAQS.

TABLE 1—AJO MONITORED PM_{10} CONCENTRATIONS, EXPECTED EXCEEDANCES, AND DESIGN VALUE

Monitoring site name (AQS ID)	Maximum 24-hour average concentration (μg/m³)			Expected exceedances (calendar year)			PM_{10} design value
	2017	2018	2019	2017	2018	2019	2017–2019
Ajo (04–019–0001)	109	164	65	0	1.1	0	0.4

Source: EPA AQS Design Value Report and Quicklook Report, accessed May 6, 2020.

B. The Area Must Have a Fully Approved State Implementation Plan Meeting the Requirements Applicable for Purposes of Redesignation Under Section 110 and Part D of the Clean Air Act

Sections 107(d)(3)(E)(ii) and (v) of the CAA require the EPA to determine that the area has a fully approved applicable SIP under CAA section 110(k) that meets all applicable requirements under section 110 and part D for the purposes of redesignation. The EPA may rely on prior SIP approvals in approving a redesignation request [28] as well as any additional measure or element it may approve in conjunction with a redesignation action.[29] In this instance, we are proposing to approve a part D element as part of this action—the emissions inventory under CAA section 172(c)(3). With full approval of this element, the Ajo planning area portion of the Arizona SIP will be fully approved under CAA section 110(k) for the purposes of redesignation of the area to attainment.

1. Basic State Implementation Plan Requirements Under Section 110

a. Clean Air Act Section 110(a) Requirements

The general SIP elements and requirements set forth in CAA section 110(a)(2) include, but are not limited to, the following: Submittal of a SIP that has been adopted by the state after reasonable public notice and hearing; provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; implementation of a source permitting program; provisions for the implementation of part C requirements for prevention of significant deterioration (PSD); provisions for the implementation of part D requirements for nonattainment new source review permit programs; provisions for air pollution modeling; and provisions for public and local agency participation in planning and emission control rule development.

We note that SIPs must be fully approved only with respect to applicable requirements for purposes of

[23] For PM_{10}, a complete year of air quality data includes all four calendar quarters with each quarter containing a minimum of 75 percent of the scheduled PM_{10} sampling days. 40 CFR part 50, Appendix K, section 2.3(a).

[24] For example, see letter dated November 8, 2019, from Gwen Yoshimura, Manager, Air Quality Analysis Office, EPA Region IX, to Daniel Czecholinski, Acting Director, Air Quality Division, ADEQ.

[25] Letter dated April 25, 2019, from Elizabeth Adams, Director, Air Division, EPA Region IX, to Timothy Franquist, Director, Air Quality Division, ADEQ.

[26] For example, see letter dated April 13, 2020, from Daniel Czecholinski, Director, Air Quality Division, ADEQ, to Gwen Yoshimura, Manager, Air Quality Analysis Office, EPA Region IX, Subject: ''Certification of 2019 Ambient Air Data.''

[27] One exceedance was recorded in 2018; however, the number of expected exceedances for 2018 is 1.1 due to an adjustment applied to the data. 40 CFR part 50 Appendix K.

[28] Calcagni Memo, 3; *Wall* v. *EPA,* F.3d 426 (6th Cir. 2001); and *Southwest Pennsylvania Growth Alliance* v. *Browner,* 114 F.3d 984, 989–990 (6th Cir. 1998).

[29] 68 FR 25418, 25426 (May 12, 2003) and citations within.

redesignation in accordance with CAA section 107(d)(3)(E)(ii). The CAA section 110(a)(2) (and part D) requirements that are linked to a particular nonattainment area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. Requirements that apply regardless of the designation of any particular area of a state are not applicable requirements for the purposes of redesignation, and the state will remain subject to these requirements after the nonattainment area is redesignated to attainment.

For example, CAA section 110(a)(2)(D) requires that SIPs contain certain measures to prevent sources in a state from significantly contributing to air quality problems in another state; these SIPs are often referred to as ''transport SIPs.'' Because the section 110(a)(2)(D) requirements for transport SIPs are not linked to a particular nonattainment area's designation and classification, but rather apply regardless of the area's attainment status, these are not applicable requirements for the purposes of redesignation under CAA section 107(d)(3)(E).

Similarly, the EPA considers other section 110(a)(2) (and part D) requirements that are not linked to nonattainment plan submissions or to an area's attainment status as not applicable requirements for purposes of redesignation. The EPA considers the section 110 (and part D) requirements that relate to a particular nonattainment area's designation and classification as the relevant measures to evaluate in reviewing a redesignation request. This is consistent with the EPA's existing policy on applicability of the conformity SIP requirement for redesignations.[30]

On numerous occasions, the ADEQ and the PDEQ have submitted, and the EPA has approved, provisions addressing the basic CAA section 110 provisions. The Arizona SIP contains enforceable emission limitations; requires monitoring, compiling, and analyzing of ambient air quality data; requires preconstruction review of new or modified stationary sources; provides for adequate funding, staff, and associated resources necessary to implement its requirements; and provides the necessary assurances that the State maintains responsibility for ensuring that the CAA requirements are satisfied in the event that local or regional agencies are unable to meet their CAA obligations.[31] There are no outstanding or disapproved applicable SIP submittals that prevent redesignation of the Ajo PM_{10} nonattainment area for the PM_{10} standards.[32] Therefore, we propose to conclude that the ADEQ and the PDEQ have met all SIP requirements for the Ajo planning area that are applicable for purposes of redesignation under section 110 of the CAA.

b. Federal Implementation Plan at 40 CFR 52.126

In 1972, the EPA determined that Arizona's SIP ''does not provide for the attainment and maintenance of the national standards for particulate matter'' in the Phoenix-Tucson Intrastate Air Quality Control Region (AQCR), which includes Pima County.[33] The following year, the EPA promulgated a particulate matter federal implementation plan (FIP), based on a finding that the SIP ''was not adequate to attain the primary standards for particulate matter'' in the Phoenix-Tucson Intrastate AQCR.[34] We explained that the emissions inventory ''indicated that the problem is the result of emissions from stationary source[s] (mainly process sources) and fugitive dust sources'', and concluded that ''control of both these source categories is necessary to attain the national particulate matter standards.'' [35] Accordingly, we promulgated ''substitute regulations for process sources equivalent to reasonable available control technology.'' These regulations were put in place as a replacement for Arizona, Maricopa County, and Pima County rules.

In 1974, Pima County adopted new regulations for process industries under its jurisdiction and ADEQ submitted them to the EPA. These new regulations incorporated the federal emission rates promulgated in the FIP. The EPA proposed to approve the rules on August 21, 1975.[36] Upon final approval, the Pima County jurisdiction was removed from the FIP.[37] As a result, the current FIP only applies to Pima County sources under the ADEQ's jurisdiction. There are no process sources under ADEQ jurisdiction currently operating within the Ajo PM_{10} nonattainment area. Therefore, the EPA finds that the FIP at 40 CFR 52.126 does not apply to any sources in the Ajo area and does not preclude redesignation of the area to attainment. As discussed in more detail in section IV.B.2.b of this document, upon redesignation to attainment, any new major sources with significant PM_{10} emissions as defined under 40 CFR 51.166 proposing to locate within the Ajo planning area will be subject to the requirements in the EPA's PSD regulation at 40 CFR 52.21 unless the new source is subject to the ADEQ's jurisdiction in which case the new source will be subject to the ADEQ's SIP-approved PSD permitting program requirements.

2. State Implementation Plan Requirements Under Part D

Subparts 1 and 4 of part D, title I of the CAA contain air quality planning requirements for PM_{10} nonattainment areas. Subpart 1 contains general requirements for all nonattainment areas of any pollutant governed by a NAAQS, including PM_{10}. The subpart 1 requirements include, in relevant part, provisions for implementation of reasonably available control measures (RACM), a demonstration of reasonable further progress (RFP), emissions inventories, a program for preconstruction review and permitting of new or modified major stationary sources, contingency measures, and transportation conformity.

Subpart 4 contains specific planning and scheduling requirements for PM_{10} nonattainment areas. The requirements set forth in CAA section 189(a), (c), and (e) apply specifically to Moderate PM_{10} nonattainment areas and include the following: An approved permit program for construction of new or modified major stationary sources; provisions for RACM; an attainment demonstration; quantitative milestones demonstrating RFP toward attainment by the applicable attainment date; and provisions to ensure that the control requirements applicable to major stationary sources of PM_{10} also apply to major stationary sources of PM_{10} precursors, except where the Administrator has determined that such sources do not contribute significantly to PM_{10} levels that exceed the NAAQS in the area.

[30] 75 FR 36023, 36026 (June 24, 2010) and citations within.

[31] For example, see the EPA's final actions approving provisions of the Arizona SIP addressing section 110 elements under the 1997 and 2006 $PM_{2.5}$ NAAQS (77 FR 66398) and the 2008 lead and 2008 ozone NAAQS (80 FR 47859).

[32] On June 30, 2017, Arizona submitted a SIP revision to meet the requirements under section 110 of the CAA for the 1987 PM_{10} NAAQS. The requirements of section 110(a)(2), however, are statewide requirements that are not linked to the 1987 PM_{10} NAAQS nonattainment status of the Ajo area. Therefore, the EPA concludes that these infrastructure requirements are not applicable requirements for purposes of review of the State's redesignation request.

[33] 37 FR 10842, 10849 (May 31, 1972).

[34] 38 FR 12702 (May 14, 1973), codified at 40 CFR 52.126.

[35] Id. at 12703.

[36] 40 FR 36577, 36578.

[37] 42 FR 46926 (September 19, 1977).

As noted in section I.B of this document, the EPA determined in 2006 that the Ajo PM_{10} nonattainment area attained the PM_{10} NAAQS based on 2002–2004 data. In accordance with the EPA's Clean Data Policy, we determined that the following requirements do not apply to the Ajo PM_{10} nonattainment area for so long as the area continues to attain the PM_{10} standards or until the area is redesignated to attainment: an attainment demonstration under CAA section 189(a)(1)(B); RACM provisions under sections 172(c) and 189(a)(1)(C); RFP provisions under section 189(c)(1); and contingency measures under section 172(c)(9).[38]

Moreover, in the context of evaluating the area's eligibility for redesignation, there is a separate and additional justification for finding that requirements associated with attainment are not applicable for purposes of redesignation. Prior to and independently of the Clean Data Policy, and specifically in the context of redesignations, the EPA has interpreted CAA SIP submittal requirements associated with attainment of the NAAQS (such as attainment and RFP demonstrations) as not being applicable for purposes of redesignation.[39] The Calcagni memo similarly provides that requirements for RFP and other measures needed for attainment will not apply for redesignations because they have meaning and applicability only where areas do not meet the NAAQS.[40] With respect to contingency measures, the EPA explained that the section 172(c)(9) contingency measure requirements are directed at ensuring RFP and attainment by the applicable date, and that consequently, these requirements no longer apply when an area has attained the standards and is eligible for redesignation. Furthermore, CAA section 175A(d) provides for specific requirements for maintenance plan contingency provisions that effectively supersede the requirements of section 172(c)(9) for these areas.

Thus, the requirements associated with attainment do not apply for purposes of evaluating whether an area that has attained the standards qualifies for redesignation. The EPA has enunciated this position since the General Preamble was published more than 25 years ago, and it represents the Agency's interpretation of what constitutes applicable requirements under section 107(d)(3)(E). The courts have recognized the scope of the EPA's authority to interpret ''applicable requirements'' in the redesignation context.[41]

The remaining applicable Part D requirements for Moderate PM_{10} areas include the following: (1) An emissions inventory under section 172(c)(3); (2) a permit program for the construction and operation of new and modified major stationary sources of PM_{10} under sections 172(c)(5) and 189(a)(1)(A); (3) control requirements for major stationary sources of PM_{10} precursors under section 189(e), except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels that exceed the standards in the area; (4) requirements under section 172(c)(7) that meet the applicable provisions of section 110(a)(2); and (5) provisions to ensure that federally supported or funded projects conform to the air quality planning goals in the applicable SIP under section 176(c). We discuss each of these requirements below.

a. Emissions Inventory

Section 172(c)(3) of the CAA requires states to submit a comprehensive, accurate, current inventory of relevant PM_{10} pollutants for the baseline year from all sources within the nonattainment area. We interpret the Act such that the emissions inventory requirement of section 172(c)(3) may be satisfied by the inventory included in the maintenance plan.[42] In section IV.D.1 of this document, we are proposing to approve the 2018 attainment inventory submitted as part of the Ajo PM_{10} Maintenance Plan as satisfying the emissions inventory requirement under section 172(c)(3) for the Ajo planning area for the PM_{10} NAAQS.

b. Permits for New and Modified Major Stationary Sources

CAA sections 172(c)(5) and 189(a)(1)(A) require that states submit SIP revisions that establish certain requirements for new or modified major stationary sources in nonattainment areas, including provisions to ensure that major new sources or major modifications of existing sources of nonattainment pollutants incorporate the highest level of control (referred to as the lowest achievable emission rate (LAER)), and that increases in emissions from such stationary sources are offset so as to provide for RFP towards attainment in the nonattainment area. The major source threshold for Moderate PM_{10} nonattainment areas is 100 tons per year of PM_{10}.[43]

The process for reviewing permit applications and issuing permits for new or modified stationary sources of air pollution is referred to as new source review (NSR). With respect to nonattainment pollutants in nonattainment areas, this process is referred to as nonattainment NSR (NNSR). Areas that are designated as attainment or unclassifiable for one or more NAAQS are required to submit SIP revisions that ensure that major new stationary sources or major modifications of existing stationary sources meet the federal requirements for PSD, including application of best available control technology for each applicable pollutant emitted in significant amounts, among other requirements.[44]

The ADEQ and the PDEQ share air permitting responsibilities in Pima County. ADEQ has an EPA-approved NNSR program for PM_{10}.[45] With respect to sources subject to PDEQ's jurisdiction, EPA-approved regulations include rules for the review of applications for new or modified stationary sources. The EPA has not approved PDEQ regulations specifically meeting the NNSR requirements of CAA sections 172(c)(5) and 189(a)(1)(A). However, the EPA interprets section 107(d)(3)(E)(v) of the CAA such that final approval of an NNSR program is not a prerequisite to approving a state's redesignation request. The EPA has determined in past redesignations that an NNSR program does not have to be approved prior to redesignation provided that the area demonstrates maintenance of the standards without part D NNSR requirements in effect.[46]

The demonstration of maintenance of the PM_{10} NAAQS in the Ajo PM_{10} Maintenance Plan relies on projections

[38] For other rulemaking actions applying the Clean Data Policy in the context of PM_{10}, see 77 FR 31268, May 25, 2012 (Paul Spur/Douglas, Arizona); 76 FR 10817, February 28, 2011 (Truckee Meadows, Nevada); 75 FR 13710, March 23, 2010 (Coso Junction, California); 73 FR 22307, April 25, 2008 (San Joaquin Valley, California). See also 40 CFR 51.1015.

[39] General Preamble, 13564.

[40] Calcagni memo, 6.

[41] The Seventh Circuit in *Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004) (upholding the EPA's redesignation of the St. Louis metropolitan area to attainment) is one such example.

[42] General Preamble, 13498, 13564.

[43] CAA section 302(j).

[44] PSD requirements control the growth of new source emissions in areas designated as attainment or unclassifiable for a NAAQS.

[45] 80 FR 67319 (November 2, 2015); 83 FR 19631 (May 4, 2018).

[46] See, generally, the Nichols memo; see also, the more detailed explanations in the following redesignation rulemakings: Detroit, Michigan (60 FR 12467–12468, March 7, 1996); Cleveland-Akron-Lorrain, Ohio (61 FR 20458, 20469–20470, May 7, 1996); Louisville, Kentucky (66 FR 53665, 53669, October 23, 2001); Grand Rapids, Michigan (61 FR 31831, 31836–31837, June 21, 1996); and San Joaquin Valley, California (73 FR 22307, 22313, April 25, 2008 and 73 FR 66759, 66766–66767, November 12, 2008).

of future emissions based on various growth factors. For the types of stationary sources that are subject to PDEQ jurisdiction, future emissions are projected based on employment growth projections and do not take credit for future control technology requirements, such as LAER, or for imposition of emissions offsets.[47] Thus, we find that the maintenance demonstration for the Ajo planning area does not rely on an NNSR program, and that the area need not have a fully-approved NNSR program prior to approval of the PM_{10} redesignation request for the area.

If we finalize the redesignation action as proposed herein, the requirements of the PSD program will apply with respect to PM_{10} (PSD already applies with respect to the other pollutants in the Ajo planning area).

The ADEQ has an EPA-approved PSD program under 40 CFR 51.166,[48] except for greenhouse gases (GHGs),[49] and the EPA has delegated the PDEQ authority to administer the federal PSD program under 40 CFR 52.21.[50] These programs will apply to PM_{10} emissions from new major sources and major modifications upon redesignation of the area to attainment. Thus, new major sources with significant PM_{10} emissions and major modifications of major PM_{10} sources, as defined under 40 CFR 51.166 and 52.21, will be required to obtain a PSD permit.

We conclude that the Arizona SIP adequately meets the requirements of section 172(c)(5) and 189(a)(1)(A) for purposes of redesignation of the Ajo planning area.

c. Control Requirements for PM_{10} Precursors

Section 189(e) of the CAA provides that control requirements for major stationary sources of direct PM_{10} also apply to PM_{10} precursors from those sources, except where the EPA determines that major stationary sources of such precursors do not contribute significantly to PM_{10} levels that exceed the standards in the area. The CAA does not explicitly address whether it would be appropriate to include a potential exemption from precursor controls for all source categories under certain circumstances. In implementing subpart 4, the EPA permitted states to determine that a precursor was ''insignificant'' where the state could show in its attainment plan that it would expeditiously attain without adoption of emission reduction measures aimed at that precursor. This approach was upheld in *Association of Irritated Residents* v. *EPA,* 423 F.3d 989 (9th Cir. 2005). A state may develop its attainment plan and adopt RACM that target only those precursors that are necessary to control for purposes of timely attainment.

Therefore, because the requirement of section 189(e) is primarily actionable in the context of addressing precursors in an attainment plan, a precursor exemption analysis under section 189(e) and the EPA's implementing regulations is not an applicable requirement that needs to be fully approved in the context of a redesignation under CAA section 107(d)(3)(E)(ii). As discussed earlier in this document, for areas that are attaining the standards, the EPA does not interpret attainment planning requirements of subpart 1 and subpart 4 to be applicable requirements for the purposes of redesignating the area to attainment.

As previously noted, the EPA determined in 2006 that the Ajo PM_{10} nonattainment area had attained the PM_{10} NAAQS. Therefore, no additional controls of any pollutant, including any PM_{10} precursor, are necessary to bring the area into attainment. In section IV.A of this document, we find that the area continues to attain the NAAQS. In section IV.C, the EPA is proposing to determine that the Ajo PM_{10} nonattainment area has attained the standards due to permanent and enforceable emission reductions. Further, as set forth in section IV.D.2, we find that the Ajo PM_{10} Maintenance Plan demonstrates continued maintenance of the PM_{10} standards through 2031. Finally, the Ajo PM_{10} Maintenance Plan demonstrates that historic violations of the PM_{10} NAAQS were the direct result of operations at facilities that are no longer in operation, there are no major sources of PM_{10} precursors in the Ajo PM_{10} nonattainment area, and emissions of PM_{10} precursors from other sources are sufficiently low that they are insignificant contributors to secondary particle formation in the Ajo PM_{10} nonattainment area. Taken together, these factors support our conclusion that PM_{10} precursors are adequately controlled.

d. Compliance With Section 110(a)(2)

Section 172(c)(7) requires the SIP to meet the applicable provisions of section 110(a)(2). As described in section IV.B.1 of this document, we conclude that the Arizona SIP meets the requirements of section 110(a)(2) applicable for purposes of this redesignation.

e. General and Transportation Conformity Requirements

Under section 176(c) of the CAA, states are required to revise their SIPs to establish criteria and procedures to ensure that federally supported or funded projects in nonattainment areas and former nonattainment areas subject to a maintenance plan (referred to as ''maintenance areas'') conform to the air quality planning goals in the applicable SIP. Section 176(c) further provides that state conformity provisions must be consistent with federal conformity regulations that the CAA requires the EPA to promulgate. The EPA's conformity regulations are codified at 40 CFR part 93, subpart A (referred to herein as ''transportation conformity'') and subpart B (referred to herein as ''general conformity''). Transportation conformity applies to transportation plans, programs, and projects developed, funded, and approved under title 23 U.S.C. or the Federal Transit Act, and general conformity applies to all other federally-supported or funded projects. SIP revisions intended to address the conformity requirements are referred to herein as ''conformity SIPs.'' In 2005, Congress amended section 176(c) of the CAA. Under the amended conformity statutory provisions, states are no longer required to submit conformity SIPs for general conformity, and the conformity SIP requirements for transportation conformity have been reduced to include only those relating to consultation, enforcement, and enforceability.[51]

We have not approved a transportation conformity SIP for the Ajo planning area. However, we consider it reasonable to interpret the conformity SIP requirements as not applying for purposes of a redesignation request under section 107(d) because the conformity SIP requirement continues to apply post-redesignation (because conformity applies in maintenance areas as well as nonattainment areas) and because the federal conformity rules (set forth in 40 CFR part 93, subpart A and subpart B) apply where state rules have not been approved.[52]

[47] Ajo PM_{10} Maintenance Plan, Appendix A.

[48] 83 FR 19631 (May 4, 2018).

[49] The ADEQ administers the requirements for GHGs under a delegation agreement with the EPA.

[50] 40 CFR 52.144.

[51] CAA section 176(c)(4)(E).

[52] See *Wall* v. *EPA,* 265 F.3d 426 (6th Cir. 2001), upholding this interpretation. See also, 60 FR 62748 (December 7, 1995).

C. The Area Must Show the Improvement in Air Quality Is Due to Permanent and Enforceable Emission Reductions

To approve a redesignation to attainment, section 107(d)(3)(E)(iii) of the CAA requires the EPA to determine that the improvement in air quality is due to emission reductions that are permanent and enforceable, and that the improvement results from the implementation of the applicable SIP, applicable federal air pollution control regulations, and other permanent and enforceable regulations. Under this criterion, a state must be able to reasonably attribute the improvement in air quality to permanent and enforceable emission reductions. Attainment resulting from temporary reductions in emission rates (*e.g.,* reduced production or shutdown due to temporary adverse economic conditions) or unusually favorable meteorology would not qualify as an air quality improvement due to permanent and enforceable emission reductions.[53]

The Ajo PM_{10} Maintenance Plan addresses the redesignation criterion in section 107(d)(3)(E)(iii) by presenting a detailed overview of the sources of PM_{10} emissions in the planning area, the emission control measures that have been implemented, the emission reductions associated with those measures, and an evaluation of the sequence of facility closures and implementation of control measures relative to changes in ambient PM_{10} concentrations measured in the planning area since 1987.[54] In short, the principal sources of PM_{10} emissions in the Ajo planning area were the operations and facilities associated with the Ajo New Cornelia mine and smelter, and the slag reprocessing facility located adjacent to the Ajo tailings piles.

Phelps Dodge ceased operations at the Ajo New Cornelia mine in 1984 and deactivated the smelter in 1985. In 1991, Phelps Dodge arranged for the capping of the Ajo New Cornelia tailings impoundment with 2–4'' diameter crushed rock. In 1996, the smelter and copper ore concentrator structures were effectively dismantled and the ADEQ terminated the facility's permit. With respect to the slag reprocessing facility, the operator closed the facility in 2015, and PDEQ terminated the facility's permit in 2016. Stabilization of the slag reprocessing worksite, including application of a slag dust cap on select process areas, was completed in 2015. In 2019, the Pima County Board of Supervisors adopted PCC Section 17.16.125 (''Inactive Mineral Tailings Impoundment and Slag Storage Area within the Ajo PM_{10} Planning Area'') to provide for continued maintenance and enforcement of the measures already implemented to control windblown dust from the tailings impoundment and the slag storage area.

Emissions from active operations of the mine, smelter, and slag reprocessing facility ceased with the closure of those facilities, and closure has been made permanent and enforceable by termination of the facilities permits. PCC Section 17.16.125 ensures that the measures already implemented to control windblown dust from the tailings impoundment and slag storage area are permanent and enforceable. In a separate rulemaking, we have proposed to approve PCC Section 17.16.125 as a revision to the Arizona SIP.[55] We will take final action on PCC Section 17.16.125 prior to or concurrent with final action on the redesignation request for the Ajo planning area for the PM_{10} NAAQS. If we take final action to approve PCC Section 17.16.125 as part of the Arizona SIP, the requirements contained therein will become permanent and enforceable for the purposes of CAA section 107(d)(3)(E)(iii). Continued implementation of the measures made permanent and enforceable through PCC Section 17.16.125 will help to ensure that the Ajo planning area maintains the PM_{10} NAAQS.

A sense of the effectiveness of the control measures to reduce PM_{10} emissions can be gained by comparing emissions and monitored air quality concentrations prior to and following the capping of the tailings impoundment in 1991 and prior to and following the stabilization of the slag processing area in 2015. Capping of the tailings impoundments led to a 90 percent reduction of windblown emissions from that source that has persisted through the present day.[56] Similarly, stabilization of the slag processing and storage area led to a reduction in emissions from that source of approximately 99 percent.[57]

With respect to the connection between the emission reductions and the improvement in air quality, we also conclude that the air quality improvement in the Ajo PM_{10} nonattainment area is not the result of a local economic downturn or unusual or extreme weather patterns. Our conclusion is based on the timing of the exceedances of the PM_{10} NAAQS, which occurred in the late 1980's, prior to the capping of the tailings impoundments in 1991; and in 2011 and 2013, prior to the closure and stabilization of the slag reprocessing facility in 2015.

Thus, we find that the improvement in air quality in the Ajo PM_{10} nonattainment area is the result of permanent and enforceable emission reductions from a combination of (1) facility closures and termination of permits, and (2) control measures approved by the EPA as part of the Arizona SIP. Therefore, we propose to find that the criterion for redesignation set forth at CAA section 107(d)(3)(E)(iii) is satisfied.

D. The Area Must Have a Fully Approved Maintenance Plan Under Clean Air Act Section 175A

Section 107(d)(3)(E)(iv) of the CAA requires that, to approve a redesignation to attainment, the EPA must fully approve a maintenance plan for the area as meeting the requirements of section 175A of the Act. Section 175A of the CAA sets forth the required elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under CAA section 175A, the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the EPA approves a redesignation to attainment. Eight years after redesignation, a state must submit a revised maintenance plan that demonstrates continued attainment for the subsequent 10-year period following the initial 10-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain such contingency provisions as the EPA deems necessary to promptly correct any violation of the NAAQS that occurs after redesignation of the area. The Calcagni memo provides further guidance on the content of a maintenance plan, explaining that a maintenance plan should include an attainment emissions inventory, maintenance demonstration, monitoring and verification of continued attainment, and a contingency plan. Based on our review and evaluation of the Plan, as discussed below, we are proposing to approve the Ajo PM_{10} Maintenance Plan as meeting the requirements of CAA section 175A.

1. Attainment Inventory

A maintenance plan for the PM_{10} NAAQS should include an inventory of direct PM_{10} emissions in the area to identify a level of emissions sufficient to

[53] Calcagni memo, 4.

[54] Ajo PM_{10} Maintenance Plan, Chapter 4.

[55] 85 FR 25379 (May 1, 2020).

[56] Ajo PM_{10} Maintenance Plan, Table 4–1.

[57] Id. at 27, Table 4–2.

attain the PM_{10} NAAQS.[58] The inventory should be consistent with the EPA's most recent guidance on emissions inventories for nonattainment areas available at the time and should represent emissions during the time period associated with the monitoring data showing attainment. The inventory must also be comprehensive, including emissions from stationary point sources, area sources, and mobile sources, and must be based on actual emissions during the appropriate season, if applicable.[59]

The specific PM_{10} emissions inventory requirements are set forth in Air Emissions Reporting Rule (40 CFR part 51, subpart A), which requires that emissions inventories report filterable and condensable components, as applicable.[60] The EPA has provided additional guidance for developing PM_{10} emissions inventories in ''PM_{10} Emissions Inventory Requirements,'' EPA–454/R–94–033 (September 1994) and ''Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations'' (July 2017) (''EPA 2017 EI Guidance'').

The Ajo PM_{10} Maintenance Plan's demonstration that the area attained the standards is based on monitoring data from 2015–2017, the three most recent years with complete air quality data prior to adoption and submittal of the redesignation request and maintenance plan. The ADEQ selected 2016 for the attainment year inventory, which is consistent with this time period. Emissions are also provided for a 2011 pre-base year and 2014 base year for informational purposes.

The emissions inventories in the Ajo PM_{10} Maintenance Plan include estimates from all relevant source categories, which the Plan divides among point, nonpoint, windblown, and mobile.[61] The ADEQ developed the emissions inventories based on the EPA's National Emissions Inventory (NEI) and the ADEQ's internal point source database. The year 2014 was selected as the base year because the 2014 NEIv1 was the most current, accurate, and comprehensive inventory available when the Plan was being developed. The 2016 inventory has been projected from the 2014 inventory. The Plan includes a description of facility types, emitting equipment, permitted emission limits, operating rates, and emission calculation methods.

The Ajo PM_{10} Maintenance Plan includes inventories for total primary PM_{10} for 2011, 2014, 2016, 2021, 2026, and 2031, and for NO_X, SO_2, VOC, and ammonia as PM_{10} precursors for 2014.[62] Appendix A to the Ajo PM_{10} Maintenance Plan contains additional details on each of the emissions inventories. The ADEQ determined, based on the fact that there are no major sources of NO_X, SO_2, VOC, or ammonia in the nonattainment area and the relatively low emissions in 2014 from other sources of these precursors in the nonattainment area, that sources of NO_X, SO_2, VOC, and ammonia are insignificant contributors to secondary particle formation in the Ajo PM_{10} nonattainment area.[63] Therefore, NO_X, SO_2, VOC, and ammonia emissions are not included in the PM_{10} emissions inventories in the Ajo PM_{10} Maintenance Plan. The Plan notes that there are no major sources of condensable PM in the area, so condensable PM is not reported in the emissions inventory.[64]

Table 2 presents a summary of actual PM_{10} emissions estimates for the 2014 base year, and projected emissions for the 2016 attainment year, for sources in the Ajo PM_{10} nonattainment area. Based on the estimates for the year 2016 in Table 2, windblown dust accounts for approximately 95 percent of total PM_{10} emissions in the Ajo nonattainment area. A majority of windblown emissions are from open areas, vacant land, and inactive properties previously associated with mining and smelting activities. Dust associated with construction and unpaved roads are the next largest source categories; together, they account for approximately four percent of total PM_{10} emissions in the Ajo nonattainment area. As discussed earlier, there are no major PM_{10} point sources in the Ajo nonattainment area.

TABLE 2—2014 AND 2016 PM_{10} EMISSIONS IN THE AJO PM_{10} NONATTAINMENT AREA

[Tons per year]

Category	Source	2014	2016
Point	Point sources	51.86	0.41
Nonpoint	Agriculture—Crops and livestock dust	0.11	0.11
	Commercial cooking	0.98	0.98
	Dust—Construction dust	42.80	43.05
	Dust—Paved road dust	4.58	4.60
	Dust—Unpaved road dust	28.20	28.37
	Fires	0.00	0.00
	Fuel combustion	3.71	3.73
	Industrial processes	0.58	0.58
	Miscellaneous non-industrial NEC	0.17	0.17
	Solvent—Industrial surface coating and solvent use	0.00	0.00
	Waste Disposal	4.20	4.22
Windblown	Dust—Windblown	1,592.73	1,592.73
Mobile	Mobile—Aircraft	0.00	0.00
	Mobile—Locomotives	0.00	0.00
	Mobile—Non-road equipment	1.09	1.09
	Mobile—On-road	0.29	0.30

[58] PM_{10} precursor emissions should also be included depending upon the contribution of secondarily-formed particulate matter to high ambient PM_{10} concentrations in the area. In this instance, an inventory of PM_{10} precursor emissions is not required because PM_{10} precursor controls were not relied upon to achieve attainment of the PM_{10} NAAQS in the Ajo planning area (see section IV.B.2.c of this document) nor are they relied upon to demonstrate maintenance of the NAAQS. While not required, the Ajo PM_{10} Maintenance Plan includes an inventory of PM_{10} precursor emissions in appendix A (''Ajo PM_{10} Emission Inventory Technical Support Document'').

[59] CAA section 172(c)(3).

[60] 40 CFR 51.15(a)(1)(vii).

[61] Ajo PM_{10} Maintenance plan, section 6.1 and Appendix A.

[62] Id., Table 6–1, and Appendix A Tables A–14 through A–18.

[63] Id., Appendix A, section A5.1.

[64] Id. Because approximately 95 percent of the Ajo PM_{10} emissions inventory is crustal material (which does not include condensable particulate matter), we find that not including the condensable fraction of PM_{10} in the PM_{10} inventories for the Ajo PM_{10} Maintenance Plan is acceptable.

TABLE 2—2014 AND 2016 PM_{10} EMISSIONS IN THE AJO PM_{10} NONATTAINMENT AREA—Continued

[Tons per year]

Category	Source	2014	2016
Total		1,731.29	1,680.35

Source: Ajo PM_{10} Maintenance Plan, Tables 6–1 and 6–2.

Based on our review of the emissions inventories in the Ajo PM_{10} Maintenance Plan, including the supporting information in Appendix A, we find that the inventory for year 2016 is comprehensive, that the methods and assumptions used by the ADEQ to develop the inventories are reasonable, and that the 2016 inventory reasonably estimates actual PM_{10} emissions in that year. Therefore, we are proposing to approve the 2016 emissions inventory as satisfying the requirements of section 172(c)(3) of the CAA. We also find that the 2016 emissions inventory is appropriate for use as the attainment inventory for the Ajo PM_{10} Maintenance Plan because the year 2016 is within the 2015–2017 period during which the area was attaining the PM_{10} standards.[65]

2. Maintenance Demonstration

Section 175A(a) of the CAA requires that the maintenance plan ''provide for the maintenance of the national primary ambient air quality standard for such air pollutant in the area concerned for at least 10 years after the redesignation.'' A state may generally demonstrate maintenance of the NAAQS by either showing that future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory, or by conducting modeling that shows that the future mix of sources and emission rates will not cause a violation of the NAAQS.[66]

The Ajo PM_{10} Maintenance Plan demonstrates that the Ajo planning area will maintain the PM_{10} NAAQS though 2031 by comparing the 2014 base year and 2016 attainment year inventories to projected emissions for 2021 (assumed first year of the maintenance period), 2026 (interim year), and 2031 (end of the maintenance period).[67] Using the 2014 emissions inventory as a baseline and growth factors described in appendix A of the Plan (see section A5), the ADEQ projected emissions inventories for 2021, 2026, and 2031. These projections were based primarily on Arizona's forecasts of population and on the EPA on-road emissions model (*i.e.,* MOVES2014a). Table 3 summarizes the ADEQ's 2016 attainment year PM_{10} emissions and projected PM_{10} emission levels for 2021, 2026, and 2031.

TABLE 3—ATTAINMENT YEAR (2016) AND PROJECTED (2021, 2026, AND 2031) PM_{10} EMISSIONS IN THE AJO PM_{10} NONATTAINMENT AREA

[Tons per year]

Category	2014	2016	2021	2026	2031
Point[a]	51.86	0.41	0.41	0.41	0.41
Nonpoint	85.33	85.82	91.17	95.98	100.56
Windblown	1,592.73	1,592.73	1,592.73	1,592.73	1,592.73
Mobile[b]	1.38	1.39	1.42	1.50	1.56
Total	1,731.29	1,680.35	1,685.73	1,690.61	1,695.26

[a] Includes activity-based emissions only. Windblown emissions from point sources are included in the windblown category.
[b] Re-entrained dust from paved and unpaved roads is included in the emissions estimates for nonpoint sources.
Source: Ajo PM_{10} Maintenance Plan, Table 6–3.

Despite expected growth in the area, the maintenance plan's projected PM_{10} emissions in Ajo through 2031 are within one percent of the 2016 attainment year inventory emissions and are lower than emissions in 2014, a year in which there were no recorded exceedances of the PM_{10} NAAQS. The decrease in PM_{10} emissions between 2014 and 2016 reflects the closure and stabilization of slag processing activities in the Ajo PM_{10} nonattainment area.

Given the slight increase in PM_{10} emissions over the 10-year maintenance period, the Ajo PM_{10} Maintenance Plan uses a simple rollback modeling approach to further support its conclusion that the Ajo planning area will continue to maintain the PM_{10} standards. The Plan's rollback modeling assumes that PM_{10} concentrations scale linearly with PM_{10} emissions by scaling the 2017 design concentration by the percentage increase in the emissions inventory over the maintenance period. The Ajo PM_{10} Maintenance Plan finds that the projected design concentrations for the Ajo planning area over the maintenance period are less than 70 percent of the NAAQS, within a margin of safety of the PM_{10} standards.

Normally in a rollback modeling approach, some portion of the observed concentration is assumed to be ''background'' and therefore not affected by emissions from local sources. The background can be estimated by concentrations from a relatively pristine nearby area. The ADEQ's procedure assumes that the entire PM_{10} concentration scales up with local emissions, whereas in reality the background portion would not scale up. The result is a conservatively high projection for future concentrations.

Based on our review, we find that the methods, growth factors, and assumptions used by the ADEQ to project emissions to 2021, 2026, and 2031 levels are reasonable. Given that the projections (summarized in Table 3) show future emissions through 2031 are within one percent of those in 2016 and below those in 2014 (both of which reflect attainment conditions), we find that the projections provide an adequate basis to demonstrate maintenance of the

[65] EPA 2018 p.m.$_{10}$ Design Value Report, ''pm10_designvalues_20162018_final_07_19_19.xlsx.''

[66] Calcagni memo, 9–11.

[67] Ajo PM_{10} Maintenance Plan, section 6.2, and Appendix A, section A6.

PM_{10} standards within the Ajo planning area through 2031. We further find that the State's rollback modeling provides additional support that the area will continue to maintain the standards through the end of the 10-year maintenance period.

Section 175A requires that maintenance plans provide for maintenance of the relevant NAAQS in the area for at least 10 years after redesignation. If this redesignation becomes effective in 2020, the projected 2031 inventory demonstrates that the Ajo area will maintain the PM_{10} NAAQS for more than 10 years beyond redesignation. Moreover, the projected emissions inventories for 2021 and 2026, *i.e.,* milestone years between the attainment inventory and the maintenance plan horizon year, sufficiently demonstrate that the Ajo planning area will maintain the standards throughout the period from redesignation through 2031. Thus, we conclude that the Ajo PM_{10} Maintenance Plan adequately demonstrates maintenance of the standards through 2031.

3. Verification of Continued Attainment

Once an area has been redesignated, the state should continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR part 58, to verify the attainment status of the area.[68] Data collected by the monitoring network are also needed to implement the contingency provisions of the maintenance plan.

As discussed in section IV.A of this proposal, PM_{10} is currently monitored by the ADEQ within the Ajo PM_{10} nonattainment area. In section 6.3 of the Ajo PM_{10} Maintenance Plan, the ADEQ commits to continue operating a PM_{10} air quality monitoring network in the Ajo planning area and to consult with EPA regarding any potential changes to the network. We find that the Ajo PM_{10} Maintenance Plan contains adequate provisions for continued ambient PM_{10} monitoring to verify continued attainment through the maintenance period.

The EPA also recommends that the state verify continued attainment through methods in addition to the ambient air monitoring program, *e.g.,* through periodic review of the factors used in development of the attainment inventory to show no significant change.[69] In the Ajo PM_{10} Maintenance Plan, the ADEQ commits to perform a comprehensive review of the factors and assumptions used to develop the attainment and projected inventories to determine whether significant changes have occurred. The ADEQ's review will be conducted for the 2026 interim projection year and may include the following elements: permit applications and source reports, population data, agricultural activity information, wildfire/prescribed burning data, and motor vehicle activity data.[70] In the Plan, the ADEQ also identifies the legal authority under which the ADEQ and the PDEQ collect the information necessary for the ADEQ to conduct the comprehensive review of the factors and assumptions used to develop the attainment and projected emissions inventories. We find that the ADEQ's commitment to verify continued attainment of the NAAQS through a comprehensive review of the factors and assumptions used to develop the emissions inventories in the Ajo PM_{10} Maintenance Plan is acceptable.

4. Contingency Provisions

Section 175A(d) of the CAA requires that maintenance plans contain contingency provisions, as the EPA deems necessary, to promptly correct any violations of the NAAQS that occur after redesignation of the area. Such provisions must include a requirement that the state will implement all measures with respect to the control of the air pollutant concerned that were contained in the SIP for the area before redesignation of the area as an attainment area. These contingency provisions are distinguished from contingency measures required for nonattainment areas under CAA section 172(c)(9) in that they are not required to be fully-adopted measures that will take effect without further action by the state for the maintenance plan to be approved. However, the contingency provisions of a maintenance plan are considered to be an enforceable part of the SIP and should ensure that contingency measures are adopted expeditiously once they are triggered by a specified event. The maintenance plan should clearly identify the measures to be adopted, include a schedule and procedure for adoption and implementation of the measures, and contain a specific timeline for action by the state. In addition, the state should identify the specific indicators or triggers that will be used to determine when the contingency measures need to be implemented.

The ADEQ has adopted a contingency plan to address possible future PM_{10} air quality problems in the Ajo planning area. The contingency provisions are included in section 6.5 of the Plan. Upon a monitored violation of the PM_{10} NAAQS at the ADEQ's Ajo PM_{10} monitoring site, the ADEQ commits to the following steps:

1. Within 60 days of the NAAQS violation trigger, the ADEQ will begin analyzing the cause(s) of the exceedance. The analysis will include review and validation of ambient air quality and meteorological data, evaluation to determine if the violation qualifies as an exceptional event per EPA's Exceptional Event Rule (EER),[71] and assessment of emissions sources contributing to elevated PM_{10} levels.

2. If the exceedance qualifies as an exceptional event, the ADEQ will prepare and submit to the EPA an exceptional event demonstration. If, during their evaluation, the ADEQ determines that new measures are needed to satisfy the requirements of the exceptional events rule, the ADEQ will adopt and implement new measures that are permanent and enforceable and meet the ''reasonable'' level of control described in the EER.

3. If the exceedance does not qualify as an exceptional event, the ADEQ will determine which source(s) contributed to the exceedance, identify existing control measures for the source(s), verify source(s) compliance with existing measures, and if necessary, develop, adopt and implement new permanent and enforceable measures or strengthen existing measures.

Under the contingency plan, if new measures are needed, the adoption process will begin within 12 months, and final adoption will be completed within 18 months, of the triggering event (*i.e.,* a monitored violation of the PM_{10} NAAQS at the Ajo monitoring site). The ADEQ would require compliance with new measures within six months of final adoption.

The Ajo PM_{10} Maintenance Plan includes a list of contingency measures, focusing on the principal source categories contributing to PM_{10} emissions in the area, that may be considered for implementation in the event the contingency plan is triggered.[72] Table 4 presents the ADEQ's potential PM_{10} contingency measures for the Ajo planning area.

[68] Calcagni memo, 11.

[69] Id.

[70] Ajo PM_{10} Maintenance Plan, 45–46.

[71] 81 FR 68216 (October 3, 2016).

[72] Ajo PM_{10} Maintenance Plan, 48.

TABLE 4—AJO PM_{10} MAINTENANCE PLAN CONTINGENCY MEASURES

Emissions category	Potential contingency measure
Paved Roads	Increase stabilization of unpaved shoulders.
	Increase stabilization of access points from unpaved roads.
Unpaved Roads	Increase stabilization of unpaved roads and shoulders.
	Post speed limits to decrease vehicle speeds.
	Restrict access to decrease average daily trips and vehicle miles traveled.
Unpaved Parking	Pave or stabilize unpaved parking areas.
Disturbed Open Areas and Lots	Stabilize disturbed open areas.
	Restrict access to minimize disturbance.
Material Handling and Storage	Review/revise dust control measures for material handling and storage.
Construction	Review/revise dust control measures for construction activities.

Source: Ajo PM_{10} Maintenance Plan, Table 6–5.

Upon review of the contingency plan summarized above, we find that the ADEQ has established a contingency plan for the Ajo planning area that clearly identifies specific contingency measures, contains tracking and triggering mechanisms to determine when contingency measures are needed, contains a description of the process of recommending and implementing contingency measures, and contains specific timelines for action. Thus, we conclude that the contingency provisions of the Ajo PM_{10} Maintenance Plan are adequate to ensure prompt correction of a violation and to satisfy the requirements of the CAA section 175A(d).

5. Transportation Conformity and Motor Vehicle Emissions Budgets

Section 176(c) of the CAA requires federal actions in nonattainment and maintenance areas to conform to the SIP's goals of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of the standards. Conformity to the SIP's goals means that such actions will not: (1) Cause or contribute to violations of the NAAQS, (2) worsen the severity of an existing violation, or (3) delay timely attainment of any NAAQS or any interim milestone.

Actions involving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funding or approval are subject to the EPA's transportation conformity rule, codified at 40 CFR part 93, subpart A. Under this rule, metropolitan planning organizations in nonattainment and maintenance areas coordinate with state and local air quality and transportation agencies, the EPA, FHWA, and FTA to demonstrate that an area's regional transportation plans and transportation improvement programs conform to the applicable SIP. This demonstration is typically done by showing that estimated emissions from existing and planned highway and transit systems are less than or equal to the motor vehicle emissions budgets (''budgets'') contained in all control strategy SIPs and maintenance plans.[73]

These control strategy SIPs and maintenance plans typically set budgets for criteria pollutants and/or their precursors to address pollution from cars and trucks. Budgets are generally established for specific years and specific pollutants or precursors and must reflect the motor vehicle control measures contained in the RFP plan and the attainment or maintenance demonstration. Under the Transportation Conformity Rule, budgets must be established for the last year of the maintenance plan for direct PM_{10} and PM_{10} precursors subject to transportation conformity analyses.[74] For motor vehicle emissions budgets to be approvable, they must meet, at a minimum, the EPA's adequacy criteria.[75]

The Transportation Conformity Rule allows areas to forgo establishment of budgets where the EPA finds through the adequacy or approval process that a control strategy SIP or maintenance plan demonstrates that the regional motor vehicle emissions for a particular pollutant or precursor are an insignificant contributor to the air quality problem in the area. The criteria for insignificance determinations can be found in 40 CFR 93.109(f). In order for a pollutant or precursor to be considered insignificant, the SIP would have to demonstrate that it would be unreasonable to expect that such an area would experience enough motor vehicle emissions growth in that pollutant/precursor for a NAAQS violation to occur. Insignificance determinations are based on a number of factors, including (1) the current state of air quality as determined by monitoring data for that NAAQS; (2) the absence of SIP motor vehicle control measures; (3) historical trends and future projections of the growth of motor vehicle emissions; and (4) the percentage of motor vehicle emissions in the context of the total SIP inventory. The EPA's rationale for providing for insignificance determinations is described in the July 1, 2004, revisions to the Transportation Conformity Rule.[76] Specifically, the rationale is explained on page 40061 under the subsection entitled ''XXIII. B. Areas With Insignificant Motor Vehicle Emissions.''

In chapter 7 of the Ajo PM_{10} Maintenance Plan, the ADEQ included a demonstration that on-road emissions of direct PM_{10} are insignificant for conformity purposes, and therefore the State did not submit any budgets. The EPA is proposing to approve the ADEQ's insignificance demonstration for the on-road motor vehicle contribution of PM_{10} to overall PM_{10} emissions in the maintenance plan.

The information provided by the ADEQ to the EPA as part of the Ajo PM_{10} Maintenance Plan addresses each of the factors listed in 40 CFR 93.109(f), and is summarized below. PM_{10} concentrations for the area have been decreasing over the past several years.[77] Furthermore, transportation-related emissions in 2031 are projected to account for less than three percent of total direct PM_{10} emissions from all sources in the Ajo planning area. Our detailed evaluation and conclusions are as follows:

(1) The Ajo Planning Area Is Attaining the PM_{10} NAAQS

The Ajo PM_{10} Maintenance Plan demonstrates that the area was attaining the PM_{10} standards during the 2015–2017 period upon which the Plan is based. Furthermore, as discussed in

[73] Control strategy SIPs refer to RFP and attainment demonstration SIPs. 40 CFR 93.101.

[74] Section 93.102(b)(2)(iii) of the conformity rule identifies VOC and NO_X as PM_{10} precursor pollutants that are presumed insignificant unless the SIP makes a finding that the precursor is significant.

[75] 40 CFR 93.118(e)(4).

[76] 69 FR 40004.

[77] Ajo PM_{10} Maintenance Plan, Figure 4–1.

section IV.A of this proposal, data from the most recent three-year period (2017–2019), as well as preliminary 2020 data, indicate that area continues to attain the PM_{10} standards.

(2) Motor Vehicle Control Measures Were Not Adopted for the Purpose of Bringing the Area Into Attainment

As discussed in more detail in section IV.C of this document, the control measures relied upon in the Ajo PM_{10} Maintenance Plan to bring the area into attainment are primarily associated with fugitive dust control measures applicable to the Ajo mine tailings and slag storage areas. The Ajo portion of the Arizona SIP does not rely on the control of on-road emissions to demonstrate attainment or maintenance of the PM_{10} NAAQS.

(3) The Percentage of Motor Vehicle Emissions in the Context of the Total SIP Inventory Is Low

As shown in Table 5, the percentage contribution of motor vehicle emissions to total emissions for PM_{10} is small. In the 2016 attainment year, emissions of PM_{10} from on-road motor vehicles contributed only 1.98 percent of the Ajo total PM_{10} emissions inventory. At the end of the 10-year maintenance period (2031), motor vehicle PM_{10} emissions are projected to contribute just 2.30 percent.

TABLE 5—TRANSPORTATION-RELATED EMISSIONS IN THE AJO PM_{10} NONATTAINMENT AREA

[Tons per year]

Emission sector	2014	2016	2021	2026	2031
On-road mobile	0.29	0.30	0.26	0.27	0.28
Re-entrained dust	32.78	32.97	35.03	36.88	38.63
Road construction	0	0	0	0	0
Total—Mobile	33.07	33.27	35.29	37.15	38.91
Total—All	1,731.29	1,680.35	1,685.37	1,690.61	1,695.26
Percent—Mobile	1.91%	1.98%	2.09%	2.20%	2.30%

Source: Ajo PM_{10} Maintenance Plan, Tables 6–3 and 7–1.

(4) Historical Trends and Future Projections Indicate Motor Vehicle PM_{10} Emissions Will Continue To Be a Small Fraction of Total Emissions

Finally, historical trends and future projections of the growth of motor vehicle PM_{10} emissions in the Ajo area suggest that motor vehicle-related PM_{10} emissions are not likely to increase and therefore, are not likely to cause or contribute to a future violation of the PM_{10} standards. The Ajo PM_{10} planning area is geographically small and has a relatively low population with very modest projected population growth through 2031.[78] According to the US Census Bureau, the population in Ajo peaked at approximately 7,000 in the 1960s, declining to approximately 3,300 in 2010. The State attributes the reduction to waning mining activities and the shutdown of the Ajo copper smelter in 1985. Since that time, the Ajo area has experienced little growth compared to other parts of Pima County. The population is projected to increase 17 percent between 2016 and 2031, to approximately 3,900 inhabitants.

The main traffic corridor through Ajo is State Route 85, which connects the Mexican border area with Interstate 8. While traffic between the U.S. and Mexico passes through Ajo along this corridor, it is less than the traffic along the two major border crossings in the Yuma and Nogales areas.[79] Traffic data from the ADOT shows that vehicle miles traveled has not increased substantially over the past decade, and emissions from mobile sources are projected to remain approximately constant and less than 2.5 percent of total PM_{10} emissions in Ajo through 2031, as shown in Table 5.

In summary, given the small population, historically declining or modest population growth, and historical and projected traffic information, motor vehicle emissions are not expected to increase in the Ajo area to the point where a violation of the PM_{10} NAAQS would occur.

As part of our review of the ADEQ's insignificance demonstration, we announced receipt of the Ajo PM_{10} Maintenance Plan and posted an announcement of availability on the EPA Office of Transportation and Air Quality's transportation conformity website.[80] We requested public comments by June 24, 2019. We did not receive any comments.

After evaluating the information provided by the ADEQ and weighing the factors for the insignificance determination outlined in 40 CFR 93.109(f), the EPA is proposing to find that the Ajo PM_{10} Maintenance Plan adequately demonstrates that the PM_{10} contributions from motor vehicle emissions to the PM_{10} air quality problem in the Ajo nonattainment area are insignificant.

If the EPA's insignificance finding is finalized, the Pima Association of Governments would no longer be required to perform regional emissions analyses for PM_{10} as part of future PM_{10} conformity determinations for the PM_{10} NAAQS for the Ajo planning area. The EPA's insignificance finding should, however, be noted in the transportation conformity documentation that is prepared for this area. Areas with insignificant regional motor vehicle emissions for a pollutant or precursor are still required to make a conformity determination that satisfies other relevant conformity requirements such as financial constraint, timely implementation of transportation control measures, and project level conformity.

V. Proposed Deletion of the Total Suspended Particulate Designation for Ajo

A. General Considerations

In section I.B of this document, we noted that the ADEQ included in its transmittal letter for the Ajo PM_{10} Maintenance Plan a request to the EPA to delete the TSP nonattainment designation for the Ajo planning area. Consistent with section 107(d)(4)(B) of the CAA, we have considered the continued necessity for retaining the Ajo TSP area designation, and as discussed below, we have determined that the TSP designation for Ajo is no

[78] Ajo PM_{10} Maintenance Plan, section 1.6.3.

[79] US Department of Transportation, Bureau of Transportation Statistics, 2018 border crossing data, available at *https://explore.dot.gov/t/BTS/views/BTSBorderCrossingAnnualData/BorderCrossingTableDashboard?:embed=y&:showShareOptions=true&:display_count=no&:showVizHome=no.*

[80] *https://www.epa.gov/state-and-local-transportation/adequacy-review-state-implementation-plan-sip-submissions-conformity.*

longer necessary. As a result, we are proposing to delete the designation from the TSP table in 40 CFR 81.303.

To evaluate whether the TSP area designation should be retained or can be deleted, we have relied upon the final rule implementing the PM_{10} NAAQS,[81] a policy memorandum on TSP redesignations,[82] and our proposed and final rules establishing maximum allowable increases in concentrations (also known as ''increments'') for PM_{10}.[83]

Based on the above references, we consider the relevant considerations for evaluating the necessity of retaining the TSP area designations to depend upon the status of a given area with respect to TSP and PM_{10}. For areas that are nonattainment for TSP but attainment for PM_{10}, we generally find that the TSP designations are no longer necessary and can be deleted when the EPA (1) approves a state's revised PSD program containing the PM_{10} increments, (2) promulgates the PM_{10} increments into a state's SIP where the state chooses not to adopt the increments on its own, or (3) approves a state's request for delegation of PSD responsibility under 40 CFR 52.21(u).[84]

For areas that are nonattainment for TSP and nonattainment for PM_{10}, an additional consideration is whether deletion of the TSP designation would automatically relax any emission limitations, control measures, or programs approved into the SIP. If such a relaxation would occur automatically with deletion of the TSP area designation, then we will not delete the designation until we are satisfied that the resulting SIP relaxation would not interfere with any applicable requirement concerning attainment, RFP, or maintenance of the NAAQS or any other requirement of the CAA in the affected areas.[85]

In the case of the Ajo planning area, we believe that the considerations for both types of areas described above are relevant because although Ajo is nonattainment for PM_{10}, we are proposing to redesignate the area to attainment for PM_{10} in this action. Thus, we must take into account both the potential for relaxation that would be inconsistent with continued maintenance of the PM_{10} NAAQS as well as protection of the PM_{10} increments (as applies in areas designated attainment or unclassifiable).

B. Deletion of Total Suspended Particulate Nonattainment Area Designation for Ajo

With respect to protection of the PM_{10} increments, the TSP nonattainment designations are no longer necessary in Ajo because the EPA's PSD pre-construction permit program promulgated at 40 CFR 52.21 applies to those sources under the PDEQ's jurisdiction under a delegation agreement with the EPA.[86] We recognize that the ADEQ retains jurisdiction over certain types of sources in Pima County but note that we have approved the ADEQ's NSR regulations as satisfying the related PSD requirements.

To ensure that deletion of the TSP nonattainment designation for Ajo would not result in any automatic relaxations in SIP emission limitations, control measures, or programs that would interfere with attainment, RFP, or maintenance of the NAAQS (including PM_{10}) or any other requirement of the Act, we reviewed the following portions of the Pima County portion of the Arizona SIP:

- Pima County air pollution control regulations: Chapter III (''Universal Control Standards''), particularly, Regulation 31 (''Design or Work Practice Control Standards'')—Rule 315 (''Roads and Streets''), Rule 316 (''Particulate Materials''), and Rule 318 (''Vacant Lots and Open Spaces''); Regulation 32 (''Emissions-Discharge Opacity Limiting Standards'')—Rule 321 (''Standards and Applicability''); Regulation 34 (''Ambient-Air Standard'')—Rule 343 (''Visibility Limiting Standard''); Regulation 37 (''Nonattainment/Attainment Areas'')—Rule 372 (''Ajo Area''); and Regulation 38 (''Nonattainment-Area Standard'').
- Pima County air pollution control regulations: Chapter IV (''Performance Standards for New Major Sources''), particularly, Regulation 41 (''Designation of Attainment/Nonattainment Areas'')—Rule 412 (''Ajo Area'') and Regulation 42 (''Standards for Nonattainment Areas'')—Rule 422 (''TSP Clean-Air Plan'').

We have focused our review on the Pima County portion of the Arizona SIP, rather than on state rules in the SIP, because essentially all the types of stationary and area sources that remain in the Ajo planning area fall under the PDEQ's rather than the ADEQ's jurisdiction. Based on our review of the items listed above, we find that none are contingent upon continuation of the TSP nonattainment designation and thus deletion of the TSP designation would not automatically relax any standard.

In summary, because upon redesignation the PSD PM_{10} increments will apply in the Ajo planning area and because deletion of the TSP nonattainment designation for Ajo would not automatically relax any emission limitations or control measures in the Arizona SIP, we find that the TSP nonattainment designation is no longer necessary and can be deleted. Based on the above discussion and evaluation, we are therefore proposing to delete the TSP nonattainment area designation for Ajo from the ''Arizona-TSP'' table in 40 CFR 81.303.

VI. Proposed Action and Request for Public Comment

Under CAA section 110(k)(3), and for the reasons set forth above, the EPA is proposing to approve the Ajo PM_{10} Maintenance Plan submitted by the ADEQ on May 10, 2019, as a revision to the Arizona SIP. In so doing, we are proposing to approve the attainment inventory as meeting the requirements of CAA section 172(c)(3), the maintenance demonstration and contingency provisions as meeting all of the applicable requirements for maintenance plans and related contingency provisions in CAA section 175A, and the demonstration that the PM_{10} contributions from motor vehicle emissions to the PM_{10} problem in the Ajo planning area are insignificant.

In addition, under CAA section 107(d)(3)(D), we are proposing to approve ADEQ's request to redesignate the Ajo planning area from nonattainment to attainment for the PM_{10} NAAQS. We are doing so based on our conclusion that the area has met, or will meet as part of this action, all the criteria for redesignation under CAA section 107(d)(3)(E). More specifically, we propose to find the following: That the Ajo planning area has attained the PM_{10} NAAQS based on the most recent three-year period (2017–2019) of quality-assured, certified, and complete PM_{10} data; that relevant portions of the Arizona SIP are, or will be as part of this action, fully approved; that the improvement in air quality is due to permanent and enforceable reductions in emissions; that Arizona has met all requirements applicable to the Ajo planning area with respect to section 110 and part D of the CAA if we finalize our approval of the attainment inventory in the Ajo PM_{10} Maintenance

[81] 52 FR 24634 (July 1, 1987).

[82] Memorandum dated May 20, 1992, from Joseph W. Paisie, Acting Chief, SO_2/Particulate Matter Programs Branch, EPA Office of Air Quality Planning and Standards, to Chief, Air Branch, Regions I–X, entitled ''TSP Redesignation Request.''

[83] See the proposed rule at 54 FR 41218 (October 5, 1989), and the final rule at 58 FR 31622 (June 3, 1993).

[84] 58 FR 31622, 31635 (June 3, 1993).

[85] CAA section 110(l).

[86] 40 CFR 52.144.

Plan, as proposed herein; and that the Ajo planning area will have a fully approved maintenance plan meeting the requirements of CAA section 175A if we finalize our approval of it, also as proposed herein.

Lastly, the EPA is proposing to delete the area designation for Ajo for the revoked NAAQS for TSP because the designation is no longer necessary.

We are soliciting comments on these proposed actions. We will accept comments from the public for 30 days following publication of this proposal in the **Federal Register** and will consider any relevant comments before taking final action.

VII. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographic area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. Redesignation to attainment does not in and of itself create any new requirements, but rather, results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, 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, these proposed actions merely propose to approve a state plan and redesignation request as meeting federal requirements and do not impose additional requirements beyond those imposed by state law. For these reasons, the proposed actions:

- Are 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);
- Are not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);
- Do 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);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are 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
- Do not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practicable, appropriate, and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, there are no areas of Indian country within the Ajo planning area, and the state plan for which the EPA is proposing approval does not apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this proposed action 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), because redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of NAAQS in tribal lands.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

Dated: May 27, 2020.

John Busterud,

Regional Administrator, Region IX.

[FR Doc. 2020–11930 Filed 6–3–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[EPA–R06–UST–2018–0702; FRL–10008–90–Region 6]

Louisiana: Final Approval of State Underground Storage Tank Program Revisions and Incorporation by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to the State of Louisiana Underground Storage Tank (UST) program submitted by the State. This action is based on EPA's determination that these revisions satisfy all requirements needed for program approval. This action also proposes to codify EPA's approval of Louisiana's State program and to incorporate by reference those provisions of the State regulations that we have determined meet the requirements for approval. The provisions will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions.

DATES: Send written comments by July 6, 2020.

ADDRESSES: Submit any comments, identified by EPA–R06–UST–2018–0702, by one of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the on-line instructions for submitting comments.

2. *Email: lincoln.audray@epa.gov.*

Instructions: Direct your comments to Docket ID No. EPA–R06–UST–2018–0702. EPA's policy is that all comments received will be included in the public docket without change and may be available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://*

www.regulations.gov, or email. The Federal *https://www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment. If the EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

The index to the docket for this action is available electronically at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Audray Lincoln, (214) 665–2239, *lincoln.audray@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. We encourage the public to submit comments via *https://www.regulations.gov,* as there will be a delay in processing mail and no courier or hand deliveries will be accepted. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, the EPA is approving the State's SIP submittal as a direct rule without prior proposal because the Agency views this as noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action no further activity is contemplated. If the EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. For additional information, see the direct final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

List of Subjects in 40 CFR Part 282

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous substances, Incorporation by reference, Insurance, Intergovernmental relations, Oil pollution, Penalties, Petroleum, Reporting and recordkeeping requirements, Surety bonds, Water pollution control, Water supply.

Authority: This rule is issued under the authority of Sections 2002(a), 9004, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

Dated: April 30, 2020.

Kenley McQueen,

Regional Administrator, EPA Region 6.

[FR Doc. 2020–09943 Filed 6–3–20; 8:45 am]

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Notices

Federal Register
Vol. 85, No. 108
Thursday, June 4, 2020

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2010–0023]

Expansion of FSIS Shiga Toxin-Producing Escherichia coli (STEC) Testing to Additional Raw Beef Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing plans to expand its routine verification testing for six Shiga toxin-producing *Escherichia coli* (non-O157 STEC; O26, O45, O103, O111, O121, or O145) that are adulterants, in addition to the adulterant *Escherichia coli* (*E. coli*) O157:H7, to ground beef, bench trim, and raw ground beef components other than raw beef manufacturing trimmings (*i.e.,* head meat, cheek meat, weasand (esophagus) meat, product from advanced meat recovery (AMR) systems, partially defatted chopped beef and partially defatted beef fatty tissue, low temperature rendered lean finely textured beef, and heart meat)(hereafter ''other raw ground beef components'') for samples collected at official establishments. STEC includes non-O157 STEC; O26, O45, O103, O111, O121, or O145, that are adulterants, and *E. coli* O157:H7. Currently, FSIS tests only its beef manufacturing trimmings samples for these six non-O157 STEC and *E. coli* O157:H7; all other aforementioned raw beef products are presently tested for *E. coli* O157:H7 only. FSIS also intends to test for these non-O157 STEC in ground beef samples that it collects at retail stores and in applicable samples it collects of imported raw beef products. FSIS is requesting comments on the proposed sampling and testing of ground beef, bench trim, and other raw ground beef components. FSIS will announce the date it will implement the new testing in a subsequent **Federal Register** notice.

Additionally, FSIS is responding to comments on the November 19, 2014, **Federal Register** notice titled ''Shiga Toxin-Producing *Escherichia coli* (STEC) in Certain Raw Beef Products.'' FSIS is also making available its updated analysis of the estimated costs and benefits associated with the implementation of its non-O157 STEC testing on raw beef manufacturing trimmings and the costs and benefits associated with the expansion of its non-O157 STEC testing to ground beef, bench trim, and other raw ground beef components (*https://www.fsis.usda.gov/wps/wcm/connect/c37a7129-639c-41fa-ab75-be6dddcd1c44/placeholder-link?MOD=AJPERES&useDefaultText=0&useDefaultDesc=0*).

DATES: Submit comments on or before August 3, 2020.

ADDRESSES: FSIS invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Room 6065, Washington, DC 20250–3700.
- *Hand- or Courier-Delivered Submittals:* Deliver to 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2010–0023. 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.*

Docket: For access to background documents or comments received, call (202)720–5627 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Rachel Edelstein, Acting Assistant Administrator, Office of Policy and Program Development by telephone at (202) 720–0399.

SUPPLEMENTARY INFORMATION:

Background

On September 20, 2011, FSIS announced in the **Federal Register**, its determination that raw, non-intact beef products and raw, intact beef products that are intended for use in raw, non-intact beef products contaminated with non-O157 STEC (O26, O45, O103, O111, O121, or O145) are adulterated under the Federal Meat Inspection Act (21 U.S.C. 601(m)(1)) because they bear or contain a deleterious substance that may be injurious to health (76 FR 58157). In support of this determination, the Agency cited evidence of these non-O157 STEC organisms' high pathogenicity, low infectious dose, transmissibility from person to person, and thermal resistance high enough to survive ordinary cooking (76 FR 58157, 58158–58159). FSIS also stated that raw, non-intact beef products and raw, intact beef products that are intended for use in raw, non-intact beef products, contaminated with non-O157 STEC are adulterated because they are unhealthful and unwholesome (21 U.S.C. 601(m)(3)) (76 FR 58157, 58159). FSIS also included information on when the Agency considers an isolate to be ''confirmed positive for non-O157 STEC,'' which is when the isolate contains a *stx gene,* an *eae gene,* and one of the target O-groups (O26, O45, O103, O111, O121, or O145) and when the isolate is biochemically confirmed to be *E. coli.*

In the 2011 **Federal Register** notice, FSIS included a costs and benefits estimate for non-O157 STEC testing in raw beef manufacturing trimmings (76 FR 58157, 58162–58164). The Agency asked for comments on this costs and benefits estimate (76 FR 58157, 58164).

FSIS implemented a verification testing program for the six non-O157 STEC in raw beef manufacturing trimmings on June 4, 2012 (77 FR 9888). Beef manufacturing trimmings include beef parts of any size, including primal cuts, subprimal cuts, and smaller pieces of trimmings from subprimal cuts, that the producing slaughter establishment intends for raw, non-intact use (FSIS Directive 10,010.1, *Sampling*

Verification Activities for Shiga Toxin-Producing Escherichia coli (STEC) in Raw Beef Products https://www.fsis.usda.gov/wps/wcm/connect/c100dd64-e2e7-408a-8b27-ebb378959071/10010.1.pdf?MOD=AJPERES). FSIS did not implement verification testing for non-O157 STEC to ground beef, bench trim, and other raw ground beef components at that time, because the Agency needed to establish additional laboratory capacity to test these products and the Agency wanted to evaluate data gathered from sampling raw beef manufacturing trimmings before expanding its verification testing to include other products (76 FR 58157, 58160).

On May 31, 2012, the Agency announced in the **Federal Register** (77 FR 31975) that it would update and revise the costs and benefits estimate accompanying the September 20, 2011, determination, respond to comments received on the costs and benefits estimate, and assess the economic effects of testing raw beef manufacturing trimmings, ground beef, bench trim, and other raw ground beef components for non-O157 STEC. FSIS also announced that, when the updated costs and benefits estimate was complete, the Agency would announce its availability, request comments on it, assess the comments, and make any necessary changes to the costs and benefits estimate before finalizing it and expanding FSIS non-O157 STEC testing to include other products in addition to beef manufacturing trimmings.

On November 19, 2014, FSIS announced in the **Federal Register** that it had updated the costs and benefits estimate in the 2014 cost benefit analysis (CBA) associated with the implementation of its non-O157 STEC testing on raw beef manufacturing trimmings (79 FR 68843). In the 2014 CBA, FSIS also reported the costs and benefits associated with the potential expansion of its non-O157 STEC testing to other raw beef products. The estimated annual cost for testing beef manufacturing trimmings for non-O157 STEC was $1.37 million ($0.48 million to the Agency and $0.89 million to the industry) in 2013 dollars. The expansion of non-O157 STEC testing to all other raw beef products was estimated to cost $1.0 million ($0.9 million to the Agency and $0.1 million to the industry) in 2013 dollars.[1] FSIS also responded to comments that it had received on the previous, September 20, 2011, costs and benefits estimate.

Summary of the Updated Costs and Benefits Analysis

This notice announces updates to the CBA FSIS published on November 19, 2014. In this revision to the 2014 CBA, FSIS made the following changes:

1. The false-positive rate for industry's screening test was updated and an estimate of product loss value was included as a cost to the industry, in response to industry comments.

2. Agency cost was updated to reflect the change in FSIS' laboratory method for STEC testing; the new method screens enriched samples for both *E. coli* O157:H7 and non-O157 STEC at the same time, which reduces the Agency's testing costs.

3. Agency cost for conducting for-cause Food Safety Assessments (FSAs) was updated using data from the Agency's analysis of the new FSA methodology.[2]

4. We quantified the benefit from prevented outbreak-related recalls, in response to comments, using survey data from the Grocery Manufacturers Association (whose name changed to Consumer Brands Association in January 2020).

When including all of the aforementioned updates, the estimated annual cost for testing beef manufacturing trimmings for non-O157 STEC is $42.2 million ($0.1 million to the Agency, and $42.1 million to the industry). The estimated cost of expanding non-O157 STEC testing to all other raw beef products is $6.4 million ($0.5 million to the Agency and $5.9 million to the industry). Most of the increase in estimated costs above the cost estimates in the 2014 CBA is from the inclusion of the lost value of products to the industry. When establishments do not do confirmation testing, there is a loss of value from disposed of beef products after they have screened positive because some of these are false positives.

The estimated benefits of the new testing are reduced illnesses and deaths, reduced outbreak-related recalls, and improved business practices. Through recall investigations, FSIS and industry are able to determine process failures to help establishments take corrective actions to prevent future contamination and investigation can serve as the basis for education that will benefit the entire industry as well as regulatory organizations. The Agency estimated the benefit from reduced outbreak-related recalls to be at least $51.6 million per year. There are also benefits from reduced illnesses and improved industry practices, which were not quantified. Therefore, the total benefit of FSIS testing for non-O157 STEC outweighs the total cost.

Expanding FSIS Non-O157 STEC Testing to Ground Beef, Bench Trim, and Other Raw Ground Beef Components

FSIS intends to expand its non-O157 STEC verification testing to ground beef, bench trim, and other raw ground beef components. Slaughter establishments are in the best position to prevent non-O157 STEC contamination because the introduction of the contaminant to the exterior surface of beef products can occur during the slaughter and dressing operation. Processing establishments that receive product for grinding also have an important role in addressing non-O157 STEC. Hazard Analysis and Critical Control Point (HACCP) regulations require establishments to conduct a hazard analysis to determine the food safety hazards that are reasonably likely to occur in their production processes and to identify the preventive measures an establishment can apply to control those hazards in the production of particular products (see 9 CFR 417.2(a)). Processing establishments can control or reduce STEC to below detectable levels by using preventive measures, including validated antimicrobial interventions. Processing establishments can also establish as a preventive measure purchase specification that requires suppliers to provide source materials with no detectable STEC. Processing establishments can then verify that these control measures are working as intended through their own product testing (*see* 67 FR 62326).

Exposure to non-O157 STEC is linked to serious, life-threatening human illnesses. On March 28, 2019, FSIS was notified of an outbreak of *E. coli* O103 illnesses.[3] One hundred and ninety-six (196) case-patients in ten (10) states were linked to this outbreak. Twenty-eight (28) case-patients were hospitalized. Case-patient and traceback information indicated raw ground beef as the likely source of this outbreak and prompted two recalls (Recall #047–2019

[1] The 2014 CBA is available at: *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register/federal-register-notices.*

[2] In June 2015, FSIS changed the methodology for conducting FSAs. For details, see FSIS Directive 5100.4. Enforcement, Investigations and Analysis Officer (EIAO) Public Health Risk Evaluation (PHRE) Methodology Implementation, 5/22/2015, available at *https://www.fsis.usda.gov/wps/wcm/connect/6c30c8b0-ab6a-4a3c-bd87-fbce9bd71001/5100.4.pdf?MOD=AJPERES.*

[3] More information on this outbreak is available at *https://www.cdc.gov/ecoli/2019/o103-04-19/index.html.*

and Recall #048–2019). Additionally, on August 16, 2018, FSIS was notified of an outbreak of *E. coli* O26 illnesses.[4] Eighteen (18) case-patients in four (4) states were linked to this outbreak. Six (6) people were hospitalized, and one (1) died. Case-patient and traceback information for this outbreak also indicated raw ground beef as the likely source, prompting two recalls (Recall #072–2018 and Recall #081–2018). Because of these recent outbreaks, illnesses and a death, FSIS is moving ahead with its plans to expand its non-O157 STEC sampling to ground beef, bench trim, and other raw ground beef components.

Product sampling and testing is one of several activities establishments conduct to verify the effectiveness of their HACCP systems. Since the initiation of FSIS's non-O157 STEC testing program, many grinders and suppliers of raw ground beef components have instituted programs to routinely test their raw beef products for both *E. coli* O157:H7 and for non-O157 STEC.

Before a foreign country can export meat products to the United States, it must demonstrate that its meat inspection system is equivalent to the system FSIS has established under the FMIA and its implementing regulations. After FSIS expands its STEC verification sampling, FSIS will require foreign countries to test the same products for non-O157 STEC and verify that the establishments address STEC as a hazard through an establishments hazard analysis and HACCP plans. If a country chooses to take a different approach, then the country would need to submit an Individual Sanitary Measure (ISM) equivalence determination.

Sampling Beef Manufacturing Trimmings, Ground Beef, Bench Trim, and Other Raw Ground Beef Components

To sample beef manufacturing trimmings and bench trim, FSIS inspection program personnel (IPP) use the N60 technique to collect 60 pieces of meat from across a production lot (*see* FSIS Directive 10,010.1, *https://www.fsis.usda.gov/wps/wcm/connect/c100dd64-e2e7-408a-8b27-ebb378959071/10010.1.pdf?MOD=AJPERES*). To sample other raw ground beef components, FSIS IPP randomly select one component type that the establishment produces and aseptically collect a grab sample from one or more components from a production lot consisting of many boxes (typically 100 boxes in very large establishments) (see FSIS Directive 10,010.1). The sampling protocol used for other raw ground beef components, specifically collecting samples from a limited number of units from a given production lot, may reduce the chance of getting a positive since pathogens are not homogeneously distributed throughout a production lot.

FSIS is aware that some establishments are collecting samples of beef manufacturing trimmings and other raw ground beef components using a sponge or cloth device that is either attached to a conveyor belt that comes into direct, continuous contact with product, or that is used by establishment employees to rub products in boxes or combos. More surface area is sampled using these techniques which theoretically may yield results that better represent the production lot as compared to the sampling methods currently used by FSIS for sampling beef manufacturing trimmings and other raw ground beef components. FSIS is evaluating alternatives to FSIS's current sampling procedures for beef manufacturing trimmings, bench trim, and other raw ground beef components; the Agency is looking for alternatives that provide samples that are more representative of production lots and that are less time intensive and more user-friendly for IPP to use. If FSIS makes changes to its sampling methodology for beef manufacturing trimmings, bench trim and/or other raw ground beef components, it will issue updated sampling instructions to field personnel.

Recent Changes to FSIS's Laboratory Method

On February 4, 2019, FSIS began using a new laboratory method for the initial screening of regulatory samples for STEC.[5] The instructions for using this method are found in Chapter 5C of the Microbiology Laboratory Guidebook (MLG) and associated appendices.[6] This updated laboratory method allows FSIS to utilize a single, combined workflow to screen samples for the presence of *E. coli* O157:H7 and the six non-O157 STEC that FSIS considers adulterants (O26, O45, O103, O111, O121, or O145). Merging the screening for these seven STEC adulterants into a single laboratory workflow saves time, money, and resources for the Agency without sacrificing sensitivity and specificity.

Planned Changes in Scheduling Samples

As FSIS announced with its proposed *Salmonella* performance standards for ground beef and beef manufacturing trimmings (84 FR 57688, 57690), FSIS's goal is to collect and analyze at least 48 samples per year for each establishment producing greater than 50,000 pounds per day of ground beef or beef manufacturing trimmings by increasing the sample collection frequency from a maximum of four times per month to once per week for these product classes. To achieve this goal, FSIS plans to change how it assigns STEC samples and thus *Salmonella* samples (as all raw beef samples currently are analyzed for STEC and *Salmonella*) in higher-volume beef establishments producing ground beef and/or beef manufacturing trimmings by increasing the sample collection frequency to once per week or four samples per month for these product classes. FSIS intends to implement this change by reallocating resources from lower-volume beef establishments (*i.e.,* those producing 50,000 pounds or less per day) in a manner that is resource—neutral. The Agency requests comments on the proposed change in sampling frequency.

Response to Comments

FSIS received three comment letters in response to the 2014 **Federal Register** notice on the CBA associated with testing raw beef manufacturing trimmings for non-O157 STEC and the potential costs and benefits of testing raw ground beef, bench trim, and all other raw ground beef components for non-O157 STEC. Specifically, FSIS received comments from a beef-producing company, a testing provider, and an industry organization. The three comment letters FSIS received on the notice did not support the expansion of non-O157 STEC testing by the Agency. Commenters stated that testing just for *E. coli* O157:H7, rather than for both *E. coli* O157:H7 and non-O157 STEC, was adequate. A summary of the comments received and responses to the comments is below.

Quantify Benefits and Recalls

Comment: Both the company and the industry organization questioned why FSIS did not quantify the benefits of its non-O157 STEC testing. These commenters also questioned the use in the CBA of two non-O157 STEC-related recalls (Recall #045–2013 and Recall

[4] More information on this outbreak is available at *https://www.cdc.gov/ecoli/2018/o26-09-18/index.html.*

[5] *See https://www.fsis.usda.gov/wps/portal/fsis/newsroom/meetings/newsletters/constituent-updates/archive/2019/ConstUpdate020119.*

[6] The FSIS MLG can be found at: *https://www.fsis.usda.gov/wps/portal/fsis/topics/science/laboratories-and-procedures/guidebooks-and-methods/microbiology-laboratory-guidebook/microbiology-laboratory-guidebook.*

#010–2014) as evidence of public-health benefits because they were not outbreak-related.

Response: FSIS has now quantified the estimated benefit from prevented outbreak-related recalls in the CBA associated with this **Federal Register** notice, using survey data from the Grocery Manufacturers Association [7] (whose name changed to Consumer Brands Association in January 2020), and Agency recall data. The Agency estimated the benefit from reduced outbreak-related recalls to be at least $51.6 million per year. There are also benefits from reduced illnesses and improved industry practices, which are not quantified. Therefore, the total benefit of FSIS testing for non-O157 STEC outweighs the total cost.

The recalls of products contaminated with non-O157 STEC exemplify the preventive approach FSIS takes with respect to product contamination events, as the recalled products could have potentially led to illnesses and outbreaks. While the historical frequency of outbreaks attributable to non-O157 STEC may be lower than that for outbreaks attributable to *E. coli* O157:H7, clinical methods are being developed to better detect and identify non-O157 STEC illnesses (discussed later). In testing beef manufacturing trimmings for STEC, FSIS has found more positive non-O157 STEC than O157 STEC. FSIS conducts verification sampling and testing and other inspection activities to ensure establishments have appropriate controls and verification procedures in place to prevent such illnesses. Since FSIS started its non-O157 STEC verification testing, there have been 19 Class-I recalls associated with raw beef products contaminated with these STEC.[8] Four of these recalls were associated with a ground beef outbreak. Two of the recalls were associated with the O103 serogroup and the other two with the O26 serogroup. The other 15 recalls were conducted based on positive non-O157 STEC results obtained through testing by FSIS, establishments, or various states; these recalls occurred before any attributed illnesses were reported.[9]

On February 8, 2013, FSIS implemented a new policy that requires official establishments and importers of record to maintain control of products produced from livestock that are sampled and tested by FSIS for adulterants and not allow such products to enter commerce until negative test results have been received. This policy, often referred to as FSIS's ''hold and test'' policy, has reduced the number of recalls conducted due to FSIS raw ground beef verification samples that test positive for STEC. This policy applies to non-intact raw beef product or intact raw beef product intended for non-intact use that is sampled and tested by FSIS for STEC (77 FR 73401; Dec. 10, 2012).

False-Positive Rate

Comment: A major concern of both the company and the industry organization that commented on the proposal was the high false-positive rate for non-O157 STEC screening tests used by industry. The company stated that it was concerned about the rate of false positives obtained using available non-O157 STEC screening tests because of the decisions that are made immediately after and on the basis of the initial screening test results. According to the commenters, industry may hold lots of product with screen-positive test results for non-O157 STEC while waiting for confirmation of the results.

Industry may also conduct product traceback in response to non-O157 STEC screen-positive test results, take action during high-event periods based on non-O157 STEC screen-positive test results, and may have difficulty filling orders on time because of screen-positive test results that limit the availability of raw beef. Also, the commenters were concerned about FSIS conducting additional FSAs in response to industry's non-O157 STEC screen-positive test results. The same commenters stated that screen-positive test results may result in loss of product value. Therefore, the commenters stated, the Agency underestimated the costs of the false-positive rate on industry in the CBA for the proposal.

Response: The Agency's 2018 data show, before the February 2019 change in technology, that 90 percent of the FSIS non-O157 STEC presumptive positive test results are confirmed positive.[10] A presumptive positive result in FSIS testing means the sample has first been determined to be a non-O157 STEC potential positive (equivalent to an industry screen-positive non-O157 STEC test result) and then an FSIS microbiologist identifies an isolate from the enriched sample. Note that FSIS confirmed only 7 percent of the Agency's non-O157 STEC potential positive test results before the February 2019 change in technology. FSIS's revised cost estimate, using a range of false-positive rates equivalent to the Agency's 2018 range of false positive rates of STEC potential positive test results of 81 to 100 percent,[11] [12] showed that the lost product value from industry's testing of raw beef products would be high—about $47.0 million. However, there are more sensitive screening tests available to industry that have lower false-positive rates for non-O157 STEC, and industry may choose the test that has the desired cost and benefit result.[13] (FSIS expects that, over time, the cost of both STEC screening and confirmatory tests will decrease as the industry conducts more tests and as the test kits improve. Since implementing STEC testing, FSIS has taken steps to improve the effectiveness of its microbiological testing program for *E. coli* O157:H7 and non-O157 STEC, including implementing the new laboratory method mentioned above. Also, FSIS does not conduct FSAs at establishments based solely on positive industry test results.

Morbidity and Mortality Weekly Report

Comment: In reference to the Centers for Disease Control and Prevention (CDC) Foodborne Diseases Active Surveillance Network (FoodNet) program Morbidity and Mortality Weekly Report (MMWR) (*http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6418a4.htm*), the company and industry organization asked if the report would affect FSIS's proposed expansion of non-O157 STEC testing.

Response: At this time, the information in the report does not change the Agency's plans to move forward with expanding non-O157 STEC testing. According to the summary

[7] Grocery Manufacturers Association. 2011. *Capturing Recall Costs: Measuring and Recovering the Losses.* Retrieved from *https://www.gma.maxx.matrixdev.net/forms/store/ProductFormPublic/capturing-recall-costs.*

[8] The list of recalls is available at: *http://www.fsis.usda.gov/wps/portal/fsis/topics/recalls-and-public-health-alerts/current-recalls-and-alerts/current-recalls-and-alerts.*

[9] The list of recalls is available at: *http://www.fsis.usda.gov/wps/portal/fsis/topics/recalls-and-public-health-alerts/current-recalls-and-alerts/current-recalls-and-alerts.*

[10] Data are from the Office of Public Health Science (OPHS), FSIS.

[11] Since we assumed that the industry would not change to FSIS's new laboratory method in the near future, FSIS used the most recent false positive rates of the Agency's laboratory method before February 2019 to estimate industry costs.

[12] Data are from the Office of Public Health Science (OPHS), FSIS for 2018. The false positive rates of the potential screening are as follows: 93 percent for beef manufacturing trimming, 100 percent for bench trim, 94 percent for other raw ground beef components, and 81 percent for ground beef.

[13] Examples of test kits can be found on the FSIS website: *https://www.fsis.usda.gov/wps/wcm/connect/f97532f4-9c28-4ecc-9aee-0e1e6cde1a89/validated-test-kit.pdf?MOD=AJPERES.*

of the most recent MMWR,[14] compared with the 2015–2018 average annual STEC incidence (infections), the 2018 incidence of STEC was higher when compared to the 2015–2017 rates. Various factors contribute to the increase in reported illnesses. This includes the use of updated clinical laboratory methods. Further, the illnesses reported by the FoodNet program are not specific to FSIS-regulated products; reported data encompasses all reported illnesses, regardless of food source.

E. coli O157:H7 as Indicator of Non-O157 STEC and Collection of Data by FSIS

Comment: The industry organization asserted that *E. coli* O157:H7 can serve as an indicator organism for non-O157 STEC. The industry organization also commented that *E. coli* O157:H7 is a logical indicator organism for non-O157 STEC, if one uses the definition of an indicator organism presented in a research paper by Saini and others. This research paper states, ''the term 'indicator' implies that common causes affect the levels of both indicator microorganisms and pathogens and that these causes can be identified and controlled. The use of measured levels of an indicator organism within statistical process control (SPC) is based on the basic premise that the process can be improved over time, by identifying a cause of higher-than-expected indicator organism levels and taking an action that would result in a decrease of levels of the indicator organism, which in turn could also decrease levels and incidence of pathogens on the product.'' [15] The commenter also stated that, given the history of non-O157 STEC outbreaks and the industry's success in reducing *E. coli* O157:H7 prevalence in beef products, *E. coli* O157:H7 is likely the best microorganism to target in reducing risk when consuming beef products because the number of confirmed illnesses within the U.S. has been attributed more to *E. coli* O157:H7 than to non-O157 STEC.

Additionally, the industry organization stated that FSIS has collected data on non-O157 STEC through testing since 2012. The commenter stated that the data should be reviewed to ascertain the costs and benefits of expanded testing for the six non-O157 STEC adulterants to include raw ground beef and other components used in raw ground beef in addition to raw beef manufacturing trimmings.

Response: FSIS has reviewed its STEC verification sampling results obtained since 2012; positive samples for *E. coli* O157:H7 and non-O157 STEC have been observed. While FSIS screening and confirmation methods used collectively permit detection of both *E. coli* O157:H7 and non-O157 STEC in an isolate from a sample, our data indicates that an isolate from a sample is rarely positive for both *E. coli* O157:H7 and non-O157 STEC. Therefore, FSIS verification sample results do not support using *E. coli* O157:H7 as an indicator organism for non-O157 STEC. Rather, the results indicate a need for FSIS to conduct additional verification testing of products for non-O157 STEC.

Analysis of FSIS raw beef manufacturing trimmings STEC verification sample results indicate that positive samples are not occurring in clusters, and are distributed among various states and regions of the U.S. Specifically, between June 2012 and December 2018, raw beef manufacturing trimming sample positives for *E. coli* O157:H7 were from 47 individual establishments in 25 States, while raw beef manufacturing trimming sample positives for non-O157 STEC were from 87 individual establishments in 34 States.

FSIS began verification testing of raw beef manufacturing trimmings (MT60 sampling project) for non-O157 STEC (in addition to *E. coli* O157:H7) in June 2012. Aggregate data by calendar year are publicly available on FSIS's website. In calendar year (CY) 2012, 17 of 32 STEC positive beef manufacturing trimmings samples were positive for non-O157 STEC (see *http://www.fsis.usda.gov/wps/portal/fsis/topics/data-collection-and-reports/microbiology/ec/stec-annual-report/stec-annual-report-2012,* Table 2, Trim Verification [MT60] data). Similarly, in CY 2013, 16 of 25 STEC positive beef manufacturing trimmings samples were positive for non-O157 STEC (see *http://www.fsis.usda.gov/wps/portal/fsis/topics/data-collection-and-reports/microbiology/ec/stec-annual-report/stec-annual-report-2013,* Table 2, Trim Verification data). Non-O157 STEC were found in both samples identified as just ''beef'' and in beef products identified as ''veal.'' Forty-eight (48) of 69 (70 percent) and 23 of 39 (58 percent) of STEC positive samples of raw beef manufacturing trimmings (MT60 sampling project), raw ground beef follow-up samples (MT44 sampling project) and follow-up samples from originating slaughter suppliers (MT52 sampling project) collected in CY 2012 and CY 2013, respectively were positive for non-O157 STEC. From CY 2014–CY 2018 (see *https://www.fsis.usda.gov/wps/portal/fsis/topics/data-collection-and-reports/microbiology/ec/positive-results-current-cy/2015-ecoli-positives*), 105 beef manufacturing trimmings (MT60) samples were positive for non-O157 STEC, and 32 samples were positive for *E. coli* O157:H7.

The Agency has incorporated data from Agency testing in the updated CBA, including an updated false positive rate and Agency testing costs.

Antimicrobial Use and Multiple Interventions

Comment: The industry organization commented that according to three studies funded by the North American Meat Institute, current antimicrobial compounds used by the meat industry to destroy *E. coli* O157:H7 are effective against non-O157 STEC.

Response: FSIS considers controls for *E. coli* O157:H7 to be effective against non-O157 STEC when implemented appropriately. However, FSIS testing finds both *E. coli* O157:H7 and non-O157 STEC positive results in its verification testing programs. As stated above, FSIS laboratories rarely find positives for *E. coli* O157:H7 and non-O157 STEC in the same sample. With the sporadic nature of STEC contamination, FSIS believes these results support the need for the Agency to conduct verification testing for non-O157 STEC in additional raw beef products.

Products To Sample

Comment: The company and industry organization commented that FSIS should not sample and test raw ground beef and bench trim for non-O157 STEC. While conceding that verification sampling of raw beef manufacturing trimmings yields data that provides insights into the slaughter process, these commenters stated that verification sampling of raw ground beef products is not useful. According to these commenters, FSIS most often takes samples of raw ground beef product that is a blend of raw ground beef components from multiple suppliers; therefore, the commenters stated it is not possible to know which component was contaminated or to provide feedback of any value to the source establishments.

The company and the industry organization also stated that FSIS may question beef manufacturing trimmings and other raw ground beef component suppliers when downstream

[14] *https://www.cdc.gov/mmwr/volumes/68/wr/mm6816a2.htm?s_cid=mm6816a2_w.*

[15] Saini PK, Marks HK, Dreyfuss MS, Evans P, Cook Jr LV, and Dessai U. 2011. Indicator organisms in meat and poultry slaughter operations; their potential use in process control and the role of emerging technologies. J. Food Prot. 74: 1387–1394.

establishments that grind raw beef components from multiple suppliers produce product that tests positive for non-O157 STEC.

Response: The Agency agrees that FSIS verification sampling and testing of product from slaughter establishments for non-O157 STEC provides useful information on the establishment's process control. The Agency also recognizes that traceback of ground beef made using raw beef components from multiple suppliers to a single slaughter establishment is more difficult than traceback of product made with raw beef components from a single supplier. Moreover, FSIS notes that the 2018 and 2019 outbreaks involved non-O157 STEC from ground beef. Thus, the Agency intends to expand non-O157 STEC sampling and testing to include ground beef, bench trim, and other raw ground beef components, which comprise the other 75 percent of the samples analyzed annually for *E. coli* O157:H7. This will help FSIS verify that certain products (such as bench trim) are not adulterated before they are ground, and that the resulting ground beef is not adulterated.

Food Safety Assessment Estimate

Comment: With expanded non-O157 STEC testing, the industry organization commented that FSAs based on FSIS non-O157 STEC positive test results alone will unnecessarily increase FSIS and industry expenses. The industry organization noted that FSIS estimated the cost of an FSA to FSIS at $1,400 in 2014 but in September 2011 estimated that the Agency's FSA cost was $14,000.

Response: The $14,000 estimate for FSAs in 2011 resulted from high assumptions regarding the resources needed to conduct FSAs related to non-O157 STECs (76 FR 58157) before 2014. For example, it used to take an Enforcement, Investigation, and Analysis Officer (EIAO) over 30 days to complete the in-plant portion of the investigation. The Agency modified the assumptions and the cost estimates for the 2014 CBA based on the new FSA methodology, using the Public Health Risk Evaluation to determine whether an FSA is necessary, which reduced the total number of FSAs. With the new methodology, an EIAO can complete the in-plant portion of the FSA in 5 to 7 days, instead of an average of 38 days, leading to a significant reduction in FSA cost to FSIS. Data collected for FY 2016 suggest that the average STEC-related FSA under the new methodology costs the Agency about $4,800.[16] FSIS has updated the CBA using this new number.

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Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS will also announce and provide a link to it through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

[16] Based on OCFO (Office of Chief Financial Officer) preliminary analysis of average cost per FSA under new FSA methodology, FY 2016.

Done in Washington, DC.

Paul Kiecker,

Administrator.

[FR Doc. 2020–12073 Filed 6–3–20; 8:45 am]

BILLING CODE 3410–DM–P

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, June 3, 2020, 12:00 p.m.–1:00 p.m. ET.

PLACE: Teleconference.

MATTERS TO BE CONSIDERED: The U.S. Agency for Global Media's (USAGM) Board of Governors (Board) may conduct a telephonic meeting closed to the public at the time listed above pursuant to 5 U.S.C. 552b(c)(9)(B) in order to protect and prevent disclosure of a discussion which would be likely to significantly frustrate implementation of a proposed Agency action. The Board also determined that shorter than usual notice for a meeting was required by official Agency business and delayed availability of required information. The meeting is being called pursuant to Section 2.15 of the USAGM's Board by-laws. In accordance with the Government in the Sunshine Act and USAGM policies, any such meeting will be recorded and a transcript of the proceedings, subject to the redaction of information protected by 5 U.S.C. 552b(c)(6), will be made available to the public. The publicly-releasable transcript will be available for download at *www.usagm.gov* within 21 days of the date of the meeting. Information regarding member votes to close the meeting and expected attendees can also be found on the Agency's public website.

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Oanh Tran at (202) 920–2004.

Chelsea Milko,

Special Assistant to the CEO Office.

[FR Doc. 2020–12281 Filed 6–2–20; 4:15 pm]

BILLING CODE 8610–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Missouri Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Missouri Advisory Committee (Committee) will hold a meeting on Thursday, June 11, 2020 at 11:00 a.m. for the purpose of discussing the proposal for the study on Covid–19 and voting preparations.

DATES: The meeting will be held on Thursday, June 11, 2020 at 11:00 a.m. (Central).

Public call information: Dial: 800–367–2403, Conference ID: 8086086.

FOR FURTHER INFORMATION CONTACT: David Barreras, DFO, at *dbarreras@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following call-in number: 800–367–2403, conference ID: 8086086. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 230 S Dearborn Street, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324 or emailed to David Barreras at *dbarreras@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Missouri Advisory Committee link (*https://facadatabase.gov/committee/committee.aspx?cid=258&aid=17*). Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Discussion of preparations for pending briefings
Next Steps
Public Comment
Adjournment

Dated: May 29, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–12023 Filed 6–3–20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the New Mexico Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the New Mexico Advisory Committee (Committee) will hold a series of briefings via teleconference on Tuesday, June 30 and Wednesday, July 1, 2020 from 2:00 p.m.–4:00 p.m. Mountain Time for the purpose of the gathering testimony on wage theft and subminimum wage issues in New Mexico.

DATES: The briefings will be held on:

- Tuesday, June 30, 2020, from 2:00 p.m.–4:00 p.m. Mountain Time.
- Wednesday July 1, 2020, from 2:00 p.m.–4:00 p.m. Mountain Time.

Public Call Information: Dial: 800–353–6461, Conference ID: 5636009.

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer (DFO), at *bpeery@usccr.gov* or (202) 701–1376.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion. This meeting is available to the public through the above listed toll free number. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit Office, U.S. Commission on Civil Rights, 300 N. Los Angeles St., Suite 2010, Los Angeles, CA 90012. They may also be emailed to Brooke Peery at *bpeery@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available at: *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzlGAAQ.*

Please click on the ''Meeting Details'' and ''Documents'' links. Persons interested in the work of this Committee are also directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit office at the above email or street address.

Agenda

I. Welcome & Introductions
II. Panel Testimony
III. Question & Answer
IV. Public Comment
V. Adjournment

Dated: May 29, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–12024 Filed 6–3–20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the South Carolina Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the South Carolina Advisory Committee (Committee) will hold a meeting on via web-conference on Friday, June 26, 2020, at 11:00 a.m.–12:30 p.m. (EST) the purpose of the meeting is to hear from advocates about subminimal wages for people with disabilities in South Carolina.

DATES: The meeting will be held on Friday, June 26, 2020 at 11:00 a.m.–12:30 p.m. (EST).

Public Call Information: (audio only) Dial: 800–367–2403, conference ID: 6333697.

Web Access Information: (visual only) The online portion of the meeting may be accessed through the following link: *https://cc.readytalk.com/r/vu9o8ekyo01&eom.*

FOR FURTHER INFORMATION CONTACT: Barbara Delaviez at *bdelaviez@usccr.gov* or (202) 539–8246.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference operator will ask callers to identify themselves, the organizations they are affiliated with (if any), and an email address prior to placing callers into the conference call. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Carolyn Allen at *callen@usccr.gov* in the Regional Program Unit Office/Advisory Committee Management Unit. Persons who desire additional information may contact the Regional Program Unit Office at (202) 539–8246.

Records generated from this meeting may be inspected and reproduced at the Regional Program Unit, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, South Carolina Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Program Unit at the above email or phone number.

Agenda

1. Roll Call
2. Discussion with Advocates
3. Next Steps
4. Open Session
5. Adjourn

Dated: May 29, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–12027 Filed 6–3–20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the North Carolina Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the North Carolina Advisory Committee to the Commission will convene by conference call, on Thursday, June, 25, 2020 at 11:00 a.m.–12:30 p.m. (EST). The purpose of the meeting is to discuss its civil rights project on legal financial obligations.

DATES: Thursday, June 25, 2020 at 11:00 a.m.–12:30 p.m. (EST).

Call-In Information: Dial: 888–394–8218 and conference call ID: 215510.

FOR FURTHER INFORMATION CONTACT: Mallory Trachtenberg at *mtrachtenberg@usccr.gov* or by phone at 202–809–9618.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the telephone number and conference ID listed above. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call-in numbers: 888–394–8218 and conference call ID: 215510.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Mallory Trachtenberg at *mtrachtenberg@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at 202–809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at *https://www.facadatabase.gov/FACA/apex/FACAPublicCommittee?id=a10t0000001gzldAAA;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Midwestern Regional Office at the above phone number or email.

Agenda

I. Welcome and Roll Call

II. Announcements and Updates

III. Approval of Minutes From the Last Meeting

IV. Briefing: Civil Rights Project on Legal Financial Obligations

V. Future Plans and Actions

VI. Public Comment

VII. Adjournment

Dated: May 29, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–12026 Filed 6–3–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–05–2020]

Foreign-Trade Zone (FTZ) 158—Jackson, Mississippi; Authorization of Production Activity, Traxys Cometals USA, LLC (Manganese and Aluminum Alloying Agents), Burnsville, Mississippi

On January 30, 2020, Traxys Cometals USA, LLC submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 158, in Burnsville, Mississippi.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (85 FR 6499–6500, February 5, 2020). On May 29, 2020, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: May 29, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–12065 Filed 6–3–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–07–2020]

Foreign-Trade Zone (FTZ) 52—Hauppauge, New York; Authorization of Limited Production Activity, Regent Tek Industries, Inc. (Road Marking Material), Shirley, New York

On January 31, 2020, Regent Tek Industries, Inc., submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 52, in Shirley, New York.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (85 FR 7919, February 12, 2020). On June 1, 2020, the applicant was notified of the FTZ Board's decision that further review is warranted before the FTZ Board could consider unrestricted FTZ authority for the titanium dioxide (TiO2) input. The FTZ Board authorized the production activity described in the notification on a limited basis, subject to the FTZ Act and the Board's regulations, including Section 400.14, and further subject to the following restrictions:

(1) A five-year limit on authorization for admission of the TiO2 input in nonprivileged foreign (NPF) status (19 CFR 146.42); and,

(2) during the five-year authorization period set out in the first restriction, an annual limit of 1.1 million pounds on admission of the TiO2 input in NPF status.

Dated: June 1, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–12064 Filed 6–3–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2099]

Approval of Subzone Status; Seadrill Americas Inc. New Iberia, Louisiana

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for '' . . . the establishment. . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the Port of South Louisiana, grantee of Foreign-Trade Zone 124, has made application to the Board for the establishment of a subzone at the facility of Seadrill Americas Inc., located in New Iberia, Louisiana (FTZ Docket B–4–2020, docketed January 30, 2020);

Whereas, notice inviting public comment has been given in the **Federal Register** (85 FR 6142, February 4, 2020) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, Therefore, the Board hereby approves subzone status at the facility of Seadrill Americas Inc., located in New Iberia, Louisiana (Subzone 124V), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: May 27, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2020–12066 Filed 6–3–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Renewing Order Temporarily Denying Export Privileges

Mahan Airways, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp. Way, Tehran, Iran;

Pejman Mahmood Kosarayanifard, a/k/a Kosarian Fard, P.O. Box 52404, Dubai, United Arab Emirates;

Mahmoud Amini, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates, and P.O. Box 52404, Dubai, United Arab Emirates, and Mohamed Abdulla Alqaz Building, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates;

Kerman Aviation, a/k/a GIE Kerman Aviation, 42 Avenue Montaigne 75008, Paris, France;

Sirjanco Trading LLC, P.O. Box 8709, Dubai, United Arab Emirates;

Mahan Air General Trading LLC, 19th Floor Al Moosa Tower One, Sheik Zayed Road, Dubai 40594, United Arab Emirates;

Mehdi Bahrami, Mahan Airways—Istanbul Office, Cumhuriye Cad. Sibil Apt No: 101 D:6, 34374 Emadad, Sisli Istanbul, Turkey;

Al Naser Airlines, a/k/a al-Naser Airlines, a/k/a Al Naser Wings Airline, a/k/a Alnaser Airlines and Air Freight Ltd., Home 46, Al-Karrada, Babil Region, District 929, St 21) Beside Al Jadirya Private Hospital, Baghdad, Iraq, and Al Amirat Street, Section 309, St. 3/H.20) Al Mansour) Baghdad, Iraq, and P.O. Box 28360, Dubai, United Arab Emirates, and P.O. Box 911399, Amman 11191, Jordan;

Ali Abdullah Alhay, a/k/a Ali Alhay, a/k/a Ali Abdullah Ahmed Alhay, Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq, and Anak Street, Qatif, Saudi Arabia 61177;

Bahar Safwa General Trading, PO Box 113212) Citadel Tower, Floor-5, Office #504, Business Bay, Dubai, United Arab Emirates, and PO Box 8709, Citadel Tower, Business Bay, Dubai, United Arab Emirates;

Sky Blue Bird Group, a/k/a Sky Blue Bird Aviation, a/k/a Sky Blue Bird Ltd, a/k/a Sky Blue Bird FZC, P.O. Box 16111, Ras Al Khaimah Trade Zone, United Arab Emirates;

Issam Shammout, a/k/a Muhammad Isam Muhammad) Anwar Nur Shammout, a/k/a

Issam Anwar, Philips Building, 4th Floor, Al Fardous Street, Damascus, Syria, and Al Kolaa, Beirut, Lebanon 151515, and 17–18 Margaret Street, 4th Floor, London, W1W 8RP, United Kingdom, and Cumhuriyet Mah. Kavakli San St. Fulya, Cad. Hazar Sok. No.14/A Silivri, Istanbul, Turkey.

Pursuant to § 766.24 of the Export Administration Regulations, 15 CFR parts 730–774 (2020) (''EAR'' or ''the Regulations''), I hereby grant the request of the Office of Export Enforcement (''OEE'') to renew the temporary denial order issued in this matter on December 2, 2019. I find that renewal of this order, as modified, is necessary in the public interest to prevent an imminent violation of the Regulations.[1]

I. Procedural History

On March 17, 2008, Darryl W. Jackson, the then-Assistant Secretary of Commerce for Export Enforcement (''Assistant Secretary''), signed an order denying Mahan Airways' export privileges for a period of 180 days on the ground that issuance of the order was necessary in the public interest to prevent an imminent violation of the Regulations. The order also named as denied persons Blue Airways, of Yerevan, Armenia (''Blue Airways of Armenia''), as well as the ''Balli Group Respondents,'' namely, Balli Group PLC, Balli Aviation, Balli Holdings, Vahid Alaghband, Hassan Alaghband, Blue Sky One Ltd., Blue Sky Two Ltd., Blue Sky Three Ltd., Blue Sky Four Ltd., Blue Sky Five Ltd., and Blue Sky Six Ltd., all of the United Kingdom. The order was issued *ex parte* pursuant to § 766.24(a) of the Regulations, and went into effect on March 21, 2008, the date it was published in the **Federal Register**.

This temporary denial order (''TDO'') was renewed in accordance with § 766.24(d) of the Regulations.[2] Subsequent renewals also have issued pursuant to § 766.24(d), including most recently on December 2, 2019.[3] Some of the renewal orders and the modification orders that have issued between renewals have added certain parties as respondents or as related persons, or effected the removal of certain parties.[4]

The September 11, 2009 renewal order continued the denial order as to Mahan Airways, but not as to the Balli Group Respondents or Blue Airways of Armenia.[5] As part of the February 25, 2011 renewal order, Pejman Mahmood Kosarayanifard (a/k/a Kosarian Fard), Mahmoud Amini, and Gatewick LLC (a/k/a Gatewick Freight and Cargo Services, a/k/a Gatewick Aviation Services) were added as related persons to prevent evasion of the TDO.[6] A modification order issued on July 1, 2011, adding Zarand Aviation as a respondent in order to prevent an imminent violation.[7]

As part of the August 24, 2011 renewal, Kerman Aviation, Sirjanco Trading LLC, and Ali Eslamian were added as related persons. Mahan Air General Trading LLC, Equipco (UK) Ltd., and Skyco (UK) Ltd. were added as related persons by a modification order issued on April 9, 2012. Mehdi Bahrami was added as a related person as part of the February 4, 2013 renewal order.

On May 21, 2015, a modification order issued adding Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading as respondents. As detailed in that order and discussed further *infra,* these respondents were added to the TDO based upon evidence that they were acting together to, *inter alia,* obtain aircraft subject to the Regulations for export or reexport to Mahan in violation of the Regulations and the TDO. Sky Blue Bird Group and its chief executive officer, Issam Shammout, were added as related persons as part of the July 13, 2015 renewal order.[8] On November 16, 2017, a modification order issued to remove Ali Eslamian, Equipco (UK) Ltd., and Skyco (UK) Ltd. as related persons

[1] The Regulations, currently codified at 15 CFR parts 730–774 (2020), originally issued pursuant to the Export Administration Act (50 U.S.C. 4601–4623 (Supp. III 2015) (''EAA''), which lapsed on August 21, 2001. The President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by successive Presidential Notices, continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2012)) (''IEEPA''). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (''ECRA''). While Section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all orders, rules, regulations, and other forms of administrative action that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. Moreover, Section 1761(a)(5) of ECRA authorizes the issuance of temporary denial orders.

[2] Section 766.24(d) provides that BIS may seek renewal of a temporary denial order for additional 180-day renewal periods, if it believes that renewal is necessary in the public interest to prevent an imminent violation. Renewal requests are to be made in writing no later than 20 days before the scheduled expiration date of a temporary denial order. Renewal requests may include discussion of any additional or changed circumstances, and may seek appropriate modifications to the order, including the addition of parties as respondents or related persons, or the removal of parties previously added as respondents or related persons. BIS is not required to seek renewal as to all parties, and a removal of a party can be effected if, without more, BIS does not seek renewal as to that party. Any party included or added to a temporary denial order as a respondent may oppose a renewal request as set forth in § 766.24(d). Parties included or added as related persons can at any time appeal their inclusion as a related person, but cannot challenge the underlying temporary denial order, either as initially issued or subsequently renewed, and cannot oppose a renewal request. *See also* note 4, *infra.*

[3] The December 2, 2019 renewal order was effective upon issuance and published in the **Federal Register** on December 6, 2019 (84 FR 66873). Prior renewal orders issued on September 17, 2008, March 16, 2009, September 11, 2009, March 9, 2010, September 3, 2010, February 25, 2011, August 24, 2011, February 15, 2012, August 9, 2012, February 4, 2013, July 31, 2013, January 24, 2014, July 22, 2014, January 16, 2015, July 13, 2015, January 7, 2016, July 7, 2016, December 30, 2016, June 27, 2017, December 20, 2017, June 14, 2018, December 11, 2018, and June 5, 2019, respectively. The August 24, 2011 renewal followed the issuance of a modification order that issued on July 1, 2011, to add Zarand Aviation as a respondent. The July 13, 2015 renewal followed a modification order that issued May 21, 2015, and added Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading as respondents. Each of the renewal orders and each of the modification orders referenced in this footnote or elsewhere in this order has been published in the **Federal Register**.

[4] Pursuant to §§ 766.23 and 766.24(c) of the Regulations, any person, firm, corporation, or business organization related to a denied person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may be added as a ''related person'' to a temporary denial order to prevent evasion of the order.

[5] Balli Group PLC and Balli Aviation settled proposed BIS administrative charges as part of a settlement agreement that was approved by a settlement order issued on February 5, 2010. The sanctions imposed pursuant to that settlement and order included, *inter alia,* a $15 million civil penalty and a requirement to conduct five external audits and submit related audit reports. The Balli Group Respondents also settled related charges with the Department of Justice and the Treasury Department's Office of Foreign Assets Control.

[6] *See* note 4, *supra,* concerning the addition of related persons to a temporary denial order. Kosarian Fard and Mahmoud Amini remain parties to the TDO. On August 13, 2014, BIS and Gatewick resolved administrative charges against Gatewick, including a charge for acting contrary to the terms of a BIS denial order (15 CFR 764.2(k)). In addition to the payment of a civil penalty, the settlement includes a seven-year denial order. The first two years of the denial period were active, with the remaining five years suspended conditioned upon Gatewick's full and timely payment of the civil penalty and its compliance with the Regulations during the seven-year denial order period. This denial order, in effect, superseded the TDO as to Gatewick, which was not included as part of the January 16, 2015 renewal order. The Gatewick LLC Final Order was published in the **Federal Register** on August 20, 2014. *See* 79 FR 49283 (Aug. 20, 2014).

[7] Zarand Aviation's export privileges remained denied until July 22, 2014, when it was not included as part of the renewal order issued on that date.

[8] The U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') designated Sky Blue Bird and Issam Shammout as Specially Designated Global Terrorists (''SDGTs'') on May 21, 2015, pursuant to Executive Order 13224, for ''providing support to Iran's Mahan Air.'' *See* 80 FR 30762 (May 29, 2015).

following a request by OEE for their removal.[9]

The December 11, 2018 renewal order continued the denial of the export privileges of Mahan Airways, Pejman Mahmood Kosarayanifard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Mahan Air General Trading LLC, Mehdi Bahrami, Al Naser Airlines, Ali Abdullah Alhay, Bahar Safwa General Trading, Sky Blue Bird Group, and Issam Shammout.

On May 6, 2020, BIS, through OEE, submitted a written request for renewal of the TDO that issued on December 2, 2019. The written request was made more than 20 days before the TDO's scheduled expiration. Notice of the renewal request was provided to Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading in accordance with §§ 766.5 and 766.24(d) of the Regulations. No opposition to the renewal of the TDO has been received. Furthermore, no appeal of the related person determinations made as part of the September 3, 2010, February 25, 2011, August 24, 2011, April 9, 2012, February 4, 2013, and July 13, 2015 renewal or modification orders has been made by Kosarian Fard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Mahan Air General Trading LLC, Mehdi Bahrami, Sky Blue Bird Group, or Issam Shammout.[10]

II. Renewal of the TDO

A. Legal Standard

Pursuant to § 766.24, BIS may issue or renew an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an ''imminent violation'' of the Regulations. 15 CFR 766.24(b)(1) and (d). ''A violation may be 'imminent' either in time or degree of likelihood.'' 15 CFR 766.24(b)(3). BIS may show ''either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.'' *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge ''is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent [.]'' *Id.* A ''lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.'' *Id.*

B. The TDO and BIS's Request for Renewal

OEE's request for renewal is based upon the facts underlying the issuance of the initial TDO, and the renewal and modification orders subsequently issued in this matter, including the May 21, 2015 modification order and the renewal order issued on December 2, 2019, and the evidence developed over the course of this investigation, which indicate a blatant disregard of U.S. export controls and the TDO. The initial TDO was issued as a result of evidence that showed that Mahan Airways and other parties engaged in conduct prohibited by the EAR by knowingly re-exporting to Iran three U.S.-origin aircraft, specifically Boeing 747s (''Aircraft 1–3''), items subject to the EAR and classified under Export Control Classification Number (''ECCN'') 9A991.b, without the required U.S. Government authorization. Further evidence submitted by BIS indicated that Mahan Airways was involved in the attempted re-export of three additional U.S.-origin Boeing 747s (''Aircraft 4–6'') to Iran.

As discussed in the September 17, 2008 renewal order, evidence presented by BIS indicated that Aircraft 1–3 continued to be flown on Mahan Airways' routes after issuance of the TDO, in violation of the Regulations and the TDO itself.[11] It also showed that Aircraft 1–3 had been flown in further violation of the Regulations and the TDO on the routes of Iran Air, an Iranian Government airline. Moreover, as discussed in the March 16, 2009, September 11, 2009 and March 9, 2010 renewal orders, Mahan Airways registered Aircraft 1–3 in Iran, obtained Iranian tail numbers for them (EP–MNA, EP–MNB, and EP–MNE, respectively), and continued to operate at least two of them in violation of the Regulations and the TDO,[12] while also committing an additional knowing and willful violation when it negotiated for and acquired an additional U.S.-origin aircraft. The additional acquired aircraft was an MD–82 aircraft, which subsequently was painted in Mahan Airways' livery and flown on multiple Mahan Airways' routes under tail number TC–TUA.

The March 9, 2010 renewal order also noted that a court in the United Kingdom (''U.K.'') had found Mahan Airways in contempt of court on February 1, 2010, for failing to comply with that court's December 21, 2009 and January 12, 2010 orders compelling Mahan Airways to remove the Boeing 747s from Iran and ground them in the Netherlands. Mahan Airways and the Balli Group Respondents had been litigating before the U.K. court concerning ownership and control of Aircraft 1–3. In a letter to the U.K. court dated January 12, 2010, Mahan Airways' Chairman indicated, *inter alia,* that Mahan Airways opposes U.S. Government actions against Iran, that it continued to operate the aircraft on its routes in and out of Tehran (and had 158,000 ''forward bookings'' for these aircraft), and that it wished to continue to do so and would pay damages if required by that court, rather than ground the aircraft.

The September 3, 2010 renewal order discussed the fact that Mahan Airways' violations of the TDO extended beyond operating U.S.-origin aircraft and attempting to acquire additional U.S.-origin aircraft. In February 2009, while subject to the TDO, Mahan Airways participated in the export of computer motherboards, items subject to the Regulations and designated as EAR99, from the United States to Iran, via the United Arab Emirates (''UAE''), in violation of both the TDO and the Regulations, by transporting and/or forwarding the computer motherboards from the UAE to Iran. Mahan Airways' violations were facilitated by Gatewick LLC, which not only participated in the transaction, but also has stated to BIS that it acted as Mahan Airways' sole booking agent for cargo and freight forwarding services in the UAE.

Moreover, in a January 24, 2011 filing in the U.K. court, Mahan Airways asserted that Aircraft 1–3 were not being used, but stated in pertinent part that the aircraft were being maintained in Iran especially ''in an airworthy

[9] The November 16, 2017 modification was published in the **Federal Register** on December 4, 2017. *See* 82 FR 57203 (Dec. 4, 2017). On September 28, 2017, BIS and Ali Eslamian resolved an administrative charge for acting contrary to the terms of the denial order (15 CFR 764.2(k)) that was based upon Eslamian's violation of the TDO after his addition to the TDO on August 24, 2011. Equipco (UK) Ltd. and Skyco (UK) Ltd., two companies owned and operated by Eslamian, also were parties to the settlement agreement and were added to the settlement order as related persons. In addition to other sanctions, the settlement provides that Eslamian, Equipco, and Skyco shall be subject to a conditionally-suspended denial order for a period of four years from the date of the settlement order.

[10] A party named or added as a related person may not oppose the issuance or renewal of the underlying temporary denial order, but may file an appeal of the related person determination in accordance with § 766.23(c). *See* also note 2, *supra.*

[11] Engaging in conduct prohibited by a denial order violates the Regulations. 15 CFR 764.2(a) and (k).

[12] The third Boeing 747 appeared to have undergone significant service maintenance and may not have been operational at the time of the March 9, 2010 renewal order.

condition'' and that, depending on the outcome of its U.K. court appeal, the aircraft ''could immediately go back into service . . . on international routes into and out of Iran.'' Mahan Airways' January 24, 2011 submission to U.K. Court of Appeal, at p. 25, ¶¶ 108, 110. This clearly stated intent, both on its own and in conjunction with Mahan Airways' prior misconduct and statements, demonstrated the need to renew the TDO in order to prevent imminent future violations. Two of these three 747s subsequently were removed from Iran and are no longer in Mahan Airways' possession. The third of these 747s remained in Iran under Mahan's control. Pursuant to Executive Order 13224, it was designated a Specially Designated Global Terrorist (''SDGT'') by the U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') on September 19, 2012.[13] Furthermore, as discussed in the February 4, 2013 Order, open source information indicated that this 747, painted in the livery and logo of Mahan Airways, had been flown between Iran and Syria, and was suspected of ferrying weapons and/or other equipment to the Syrian Government from Iran's Islamic Revolutionary Guard Corps.

In addition, as first detailed in the July 1, 2011 and August 24, 2011 orders, and discussed in subsequent renewal orders in this matter, Mahan Airways also continued to evade U.S. export control laws by operating two Airbus A310 aircraft, bearing Mahan Airways' livery and logo, on flights into and out of Iran.[14] At the time of the July 1, 2011 and August 24, 2011 orders, these Airbus A310s were registered in France, with tail numbers F–OJHH and F–OJHI, respectively.[15] The August 2012 renewal order also found that Mahan Airways had acquired another Airbus A310 aircraft subject to the Regulations, with MSN 499 and Iranian tail number EP–VIP, in violation of the Regulations.[16] On September 19, 2012, all three Airbus A310 aircraft (tail numbers F–OJHH, F–OJHI, and EP–VIP) were designated as SDGTs.[17]

The February 4, 2013 renewal order laid out further evidence of continued and additional efforts by Mahan Airways and other persons acting in concert with Mahan, including Kral Aviation and another Turkish company, to procure U.S.-origin engines—two GE CF6–50C2 engines, with MSNs 517621 and 517738, respectively—and other aircraft parts in violation of the TDO and the Regulations.[18] The February 4, 2013 order also added Mehdi Bahrami as a related person in accordance with § 766.23 of the Regulations. Bahrami, a Mahan Vice-President and the head of Mahan's Istanbul Office, also was involved in Mahan's acquisition of the original three Boeing 747s (Aircraft 1–3) that resulted in the original TDO, and has had a business relationship with Mahan dating back to 1997.

The July 31, 2013 renewal order detailed additional evidence obtained by OEE showing efforts by Mahan Airways to obtain another GE CF6–50C2 aircraft engine (MSN 528350) from the United States via Turkey. Multiple Mahan employees, including Mehdi Bahrami, were involved in or aware of matters related to the engine's arrival in Turkey from the United States, plans to visually inspect the engine, and prepare it for shipment from Turkey.

Mahan Airways sought to obtain this U.S.-origin engine through Pioneer Logistics Havacilik Turizm Yonetim Danismanlik (''Pioneer Logistics''), an aircraft parts supplier located in Turkey, and its director/operator, Gulnihal Yegane, a Turkish national who previously had conducted Mahan related business with Mehdi Bahrami and Ali Eslamian. Moreover, as referenced in the July 31, 2013 renewal order, a sworn affidavit by Kosol Surinanda, also known as Kosol Surinandha, Managing Director of Mahan's General Sales Agent in Thailand, stated that the shares of Pioneer Logistics for which he was the listed owner were ''actually the property of and owned by Mahan.'' He further stated that he held ''legal title to the shares until otherwise required by Mahan'' but would ''exercise the rights granted to [him] exactly and only as instructed by Mahan and [his] vote and/or decisions [would] only and exclusively reflect the wills and demands of Mahan[.]'' [19]

The January 24, 2014 renewal order outlined OEE's continued investigation of Mahan Airways' activities and detailed an attempt by Mahan, which OEE thwarted, to obtain, via an Indonesian aircraft parts supplier, two U.S.-origin Honeywell ALF–502R–5 aircraft engines (MSNs LF5660 and LF5325), items subject to the Regulations, from a U.S. company located in Texas. An invoice of the Indonesian aircraft parts supplier dated March 27, 2013, listed Mahan Airways as the purchaser of the engines and included a Mahan ship-to address. OEE also obtained a Mahan air waybill dated March 12, 2013, listing numerous U.S.-origin aircraft parts subject to the Regulations—including, among other items, a vertical navigation gyroscope, a transmitter, and a power control unit—being transported by Mahan from Turkey to Iran in violation of the TDO.

The July 22, 2014 renewal order discussed open source evidence from the March–June 2014 time period regarding two BAE regional jets, items subject to the Regulations, that were painted in the livery and logo of Mahan Airways and operating under Iranian tail numbers EP–MOI and EP–MOK, respectively.[20] In addition, aviation

[13] *See http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/pages/20120919.aspx.*

[14] The Airbus A310s are powered with U.S.-origin engines. The engines are subject to the Regulations and classified under Export Control Classification (''ECCN'') 9A991.d. The Airbus A310s contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the Regulations. They are classified under ECCN 9A991.b. The export or reexport of these aircraft to Iran requires U.S. Government authorization pursuant to §§ 742.8 and 746.7 of the Regulations.

[15] OEE subsequently presented evidence that after the August 24, 2011 renewal, Mahan Airways worked along with Kerman Aviation and others to de-register the two Airbus A310 aircraft in France and to register both aircraft in Iran (with, respectively, Iranian tail numbers EP–MHH and EP–MHI). It was determined subsequent to the February 15, 2012 renewal order that the registration switch for these A310s was cancelled and that Mahan Airways then continued to fly the aircraft under the original French tail numbers (F–OJHH and F–OJHI, respectively). Both aircraft apparently remain in Mahan Airways' possession.

[16] *See* note 14, *supra.*

[17] *See http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/pages/20120919.aspx.* Mahan Airways was previously designated by OFAC as a SDGT on October 18, 2011. 77 FR 64427 (October 18, 2011).

[18] Kral Aviation was referenced in the February 4, 2013 renewal order as ''Turkish Company No. 1.'' Kral Aviation purchased a GE CF6–50C2 aircraft engine (MSN 517621) from the United States in July 2012, on behalf of Mahan Airways. OEE was able to prevent this engine from reaching Mahan by issuing a redelivery order to the freight forwarder in accordance with § 758.8 of the Regulations. OEE also issued Kral Aviation a redelivery order for the second CF6–50C2 engine (MSN 517738) on July 30, 2012. The owner of the second engine subsequently cancelled the item's sale to Kral Aviation. In September 2012, OEE was alerted by a U.S. exporter that another Turkish company (''Turkish Company No. 2'') was attempting to purchase aircraft spare parts intended for re-export by Turkish Company No. 2 to Mahan Airways. *See* February 4, 2013 renewal order.

On December 31, 2013, Kral Aviation was added to BIS's Entity List, Supplement No. 4 to part 744 of the Regulations. *See* 78 FR 75458 (Dec. 12, 2013). Companies and individuals are added to the Entity List for engaging in activities contrary to the national security or foreign policy interests of the United States. *See* 15 CFR 744.11.

[19] Pioneer Logistics, Gulnihal Yegane, and Kosol Surinanda also were added to the Entity List on December 12, 2013. *See* 78 FR 75458 (Dec. 12, 2013).

[20] The BAE regional jets are powered with U.S.-origin engines. The engines are subject to the EAR and classified under ECCN 9A991.d. These aircraft contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR. They are classified under ECCN 9A991.b. The export or reexport of these aircraft to Iran requires U.S.

industry resources indicated that these aircraft were obtained by Mahan Airways in late November 2013 and June 2014, from Ukrainian Mediterranean Airline, a Ukrainian airline that was added to BIS's Entity List (Supplement No. 4 to part 744 of the Regulations) on August 15, 2011, for acting contrary to the national security and foreign policy interests of the United States.[21] Open source information indicated that at least EP–MOI remained active in Mahan's fleet, and that the aircraft was being operated on multiple flights in July 2014.

The January 16, 2015 renewal order detailed evidence of additional attempts by Mahan Airways to acquire items subject the Regulations in further violation of the TDO. Specifically, in March 2014, OEE became aware of an inertial reference unit bearing serial number 1231 (''the IRU'') that had been sent to the United States for repair. The IRU is a U.S.-origin item, subject to the Regulations, classified under ECCN 7A103, and controlled for missile technology reasons. Upon closer inspection, it was determined that IRU came from or had been installed on an Airbus A340 aircraft bearing MSN 056. Further investigation revealed that as of approximately February 2014, this aircraft was registered under Iranian tail number EP–MMB and had been painted in the livery and logo of Mahan Airways.

The January 16, 2015 renewal order also described related efforts by the Departments of Justice and Treasury to further thwart Mahan's illicit procurement efforts. Specifically, on August 14, 2014, the United States Attorney's Office for the District of Maryland filed a civil forfeiture complaint for the IRU pursuant to 22 U.S.C. 401(b) that resulted in the court issuing an Order of Forfeiture on December 2, 2014. EP–MMB remains listed as active in Mahan Airways' fleet and has been used on flights into and out of Iran as recently as December 19, 2017.

Additionally, on August 29, 2014, OFAC blocked the property and interests in property of Asian Aviation Logistics of Thailand, a Mahan Airways affiliate or front company, pursuant to Executive Order 13224. In doing so, OFAC described Mahan Airways' use of Asian Aviation Logistics to evade sanctions by making payments on behalf of Mahan for the purchase of engines and other equipment.[22]

The May 21, 2015 modification order detailed the acquisition of two aircraft, specifically an Airbus A340 bearing MSN 164 and an Airbus A321 bearing MSN 550, that were purchased by Al Naser Airlines in late 2014/early 2015 and were under the possession, control, and/or ownership of Mahan Airways.[23] The sales agreements for these two aircraft were signed by Ali Abdullah Alhay for Al Naser Airlines.[24] Payment information reveals that multiple electronic funds transfers (''EFT'') were made by Ali Abdullah Alhay and Bahar Safwa General Trading in order to acquire MSNs 164 and 550. The May 21, 2015 modification order also laid out evidence showing the respondents' attempts to obtain other controlled aircraft, including aircraft physically located in the United States in similarly-patterned transactions during the same recent time period. Transactional documents involving two Airbus A320s bearing MSNs 82 and 99, respectively, again showed Ali Abdullah Alhay signing sales agreements for Al Naser Airlines.[25] A review of the payment information for these aircraft similarly revealed EFTs from Ali Abdullah Alhay and Bahar Safwa General Trading that follow the pattern described for MSNs 164 and 550, *supra.* MSNs 82 and 99 were detained by OEE Special Agents prior to their planned export from the United States.

The July 13, 2015 renewal order outlined evidence showing that Al Naser Airlines' attempts to acquire aircraft on behalf of Mahan Airways extended beyond MSNs 164 and 550 to include a total of nine aircraft.[26] Four of the aircraft, all of which are subject to the Regulations and were obtained by Mahan from Al Naser Airlines, had been issued the following Iranian tail numbers: EP–MMD (MSN 164), EP–MMG (MSN 383), EP–MMH (MSN 391) and EP–MMR (MSN 416), respectively.[27] Publicly available flight tracking information provided evidence that at the time of the July 13, 2015 renewal, both EP–MMH and EP–MMR were being actively flown on routes into and out of Iran in violation of the Regulations.[28] The January 7, 2016 renewal order discussed evidence that Mahan Airways had begun actively flying EP–MMD on international routes into and out of Iran. Additionally, the January 7, 2016 order described publicly available aviation database and flight tracking information indicating that

Government authorization pursuant to §§ 742.8 and 746.7 of the Regulations.

[21] *See* 76 FR 50407 (Aug. 15, 2011). The July 22, 2014 renewal order also referenced two Airbus A320 aircraft painted in the livery and logo of Mahan Airways and operating under Iranian tail numbers EP–MMK and EP–MML, respectively. OEE's investigation also showed that Mahan obtained these aircraft in November 2013, from Khors Air Company, another Ukrainian airline that, like Ukrainian Mediterranean Airlines, was added to BIS's Entity List on August 15, 2011. Open source evidence indicates the two Airbus A320 aircraft may have been transferred by Mahan Airways to another Iranian airline in October 2014, and issued Iranian tail numbers EP–APE and EP–APF, respectively.

[22] *See http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20140829.aspx. See* 79 FR 55073 (Sep. 15, 2014). OFAC also blocked the property and property interests of Pioneer Logistics of Turkey on August 29, 2014. *Id.* Mahan Airways' use of Pioneer Logistics in an effort to evade the TDO and the Regulations was discussed in a prior renewal order, as summarized, *supra,* at 14. BIS added both Asian Aviation Logistics and Pioneer Logistics to the Entity List on December 12, 2013. *See* 78 FR 75458 (Dec. 12, 2013).

[23] Both of these aircraft are powered by U.S.-origin engines that are subject to the Regulations and classified under ECCN 9A991.d. Both aircraft contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR regardless of their location. The aircraft are classified under ECCN 9A991.b. The export or re-export of these aircraft to Iran requires U.S. Government authorization pursuant to §§ 742.8 and 746.7 of the Regulations.

[24] The evidence obtained by OEE showed Ali Abdullah Alhay as a 25% owner of Al Naser Airlines.

[25] Both aircraft were physically located in the United States and therefore are subject to the Regulations pursuant to § 734.3(a)(1). Moreover, these Airbus A320s are powered by U.S.-origin engines that are subject to the Regulations and classified under Export Control Classification Number ECCN 9A991.d. The Airbus A320s contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR regardless of their location. The aircraft are classified under ECCN 9A991.b. The export or re-export of these aircraft to Iran requires U.S. Government authorization pursuant to §§ 742.8 and 746.7 of the Regulations.

[26] This evidence included a press release dated May 9, 2015, that appeared on Mahan Airways' website and stated that Mahan ''added 9 modern aircraft to its air fleet [,]'' and that the newly acquired aircraft included eight Airbus A340s and one Airbus A321. *See http://www.mahan.aero/en/mahan-air/press-room/44.* The press release was subsequently removed from Mahan Airways' website. Publicly available aviation databases similarly showed that Mahan had obtained nine additional aircraft from Al Naser Airlines in May 2015, including MSNs 164 and 550. As also discussed in the July 13, 2015 renewal order, Sky Blue Bird Group, via Issam Shammout, was actively involved in Al Naser Airlines' acquisition of MSNs 164 and 550, and the attempted acquisition of MSNs 82 and 99 (which were detained by OEE).

[27] The Airbus A340s are powered by U.S.-origin engines that are subject to the Regulations and classified under ECCN 9A991.d. The Airbus A340s contain controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result are subject to the EAR regardless of their location. The aircraft are classified under ECCN 9A991.b. The export or re-export of these aircraft to Iran requires U.S. Government authorization pursuant to §§ 742.8 and 746.7 of the Regulations.

[28] There is some publicly available information indicating that the aircraft Mahan Airways is flying under Iranian tail number EP–MMR is now MSN 615, rather than MSN 416. Both aircraft are Airbus A340 aircraft that Mahan acquired from Al Naser Airlines in violation of the Regulations. Moreover, both aircraft were designated as SDGTs by OFAC on May 21, 2015, pursuant to Executive Order 13224. *See* 80 FR 30762 (May 29, 2015).

Mahan Airways continued efforts to acquire Iranian tail numbers and press into active service under Mahan's livery and logo at least two more of the Airbus A340 aircraft it had obtained from or through Al Naser Airlines: EP–MME (MSN 371) and EP–MMF (MSN 376), respectively.

The July 7, 2016 renewal order described Mahan Airways' acquisition of a BAE Avro RJ–85 aircraft (MSN 2392) in violation of the Regulations and its subsequent registration under Iranian tail number EP–MOR.[29] This information was corroborated by publicly available information on the website of Iran's civil aviation authority. The July 7, 2016 order also outlined Mahan's continued operation of EP–MMF in violation of the Regulations on routes from Tehran, Iran to Beijing, China and Shanghai, China, respectively.

The December 30, 2016 renewal order outlined Mahan's continued operation of multiple Airbus aircraft, including EP–MMD (MSN 164), EP–MMF (MSN 376), and EP–MMH (MSN 391), which were acquired from or through Al Naser Airlines, as previously detailed in pertinent part in the July 13, 2015 and January 7, 2016 renewal orders. Publicly available flight tracking information showed that the aircraft were operated on flights into and out of Iran, including from/to Beijing, China, Kuala Lumpur, Malaysia, and Istanbul, Turkey.[30]

The June 27, 2017 renewal order included similar evidence regarding Mahan Airways' operation of multiple Airbus aircraft subject to the Regulations, including, but not limited to, aircraft procured from or through Al Naser Airlines, on flights into and out of Iran, including from/to Moscow, Russia, Shanghai, China and Kabul, Afghanistan. The June 27, 2017 order also detailed evidence concerning a suspected planned or attempted diversion to Mahan of an Airbus A340 subject to the Regulations that had first been mentioned in OEE's December 13, 2016 renewal request.

The December 20, 2017 renewal order presented evidence that a Mahan employee attempted to initiate negotiations with a U.S. company for the purchase of an aircraft subject to the Regulations and classified under ECCN 9A610. Moreover, the order highlighted Al Naser Airlines' acquisition, via lease, of at least possession and/or control of a Boeing 737 (MSN 25361), bearing tail number YR–SEB, and an Airbus A320 (MSN 357), bearing tail number YR–SEA, from a Romanian company in violation of the TDO and the Regulations.[31] Open source information indicates that after the December 20, 2017 renewal order publicly exposed Al Naser's acquisition of these two aircraft (MSNs 25361 and 357), the leases were subsequently cancelled and the aircraft returned to their owner.

The December 20, 2017 renewal order also included evidence indicating that Mahan Airways was continuing to operate a number of aircraft subject to the Regulations, including aircraft originally procured from or through Al Naser Airlines, on flights into and out of Iran, including from/to Lahore, Pakistan, Shanghai, China, Ankara, Turkey, Kabul, Afghanistan, and Baghdad, Iraq.

The June 14, 2018 renewal order outlined evidence that Mahan began actively operating EP–MMT, an Airbus A340 aircraft (MSN 292) acquired in 2017 and previously registered in Kazakhstan under tail number UP–A4003, on international flights into and out of Iran.[32] It also discussed evidence that Mahan continued to operate a number of aircraft subject to the Regulations, including, but not limited to, EP–MME, EP–MMF, and EP–MMH, on international flights into and out of Iran, including from/to Beijing, China.

The June 14, 2018 renewal order also noted OFAC's May 24, 2018 designation of Otik Aviation, a/k/a Otik Havacilik Sanayi Ve Ticaret Limited Sirketi, of Turkey, as an SDGT pursuant to Executive Order 13224, for providing material support to Mahan, as well as OFAC's designation as SDGTs of an additional twelve aircraft in which Mahan has an interest.[33] The June 14, 2018 order also cited the April 2018 arrest and arraignment of a U.S. citizen on a three-count criminal information filed in the United States District Court for the District of New Jersey involving the unlicensed exports of U.S.-origin aircraft parts valued at over $2 million to Iran, including to Mahan Airways.

The December 11, 2018 renewal order detailed publicly available information showing that Mahan Airways had continued operating a number of aircraft subject to the EAR, including, but not limited to, EP–MMB, EP–MME, EP–MMF, and EP–MMQ, on international flights into and out of Iran from/to Istanbul, Turkey, Guangzhou, China, Bangkok, Thailand, and Dubai, UAE.[34] It also discussed that OEE's continued investigation of Mahan Airways and its affiliates and agents had resulted in an October 2018 guilty plea by Arzu Sagsoz, a Turkish national, in the U.S. District Court for the District of Columbia, stemming from her involvement in a conspiracy to export a U.S.-origin aircraft engine, valued at approximately $810,000, to Mahan.

The December 11, 2018 order also noted OFAC's September 14, 2018 designation of Mahan-related entities as SDGTs pursuant to Executive Order 13224, namely, My Aviation Company Limited, of Thailand, and Mahan Travel and Tourism SDN BHD, a/k/a Mahan Travel a/k/a Mihan Travel & Tourism

[29] The BAE Avro RJ–85 is powered by U.S.-origin engines that are subject to the Regulations and classified under ECCN 9A991.d. The BAE Avro RJ–85 contains controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result is subject to the EAR regardless of its location. The aircraft is classified under ECCN 9A991.b, and its export or re-export to Iran requires U.S. Government authorization pursuant to §§ 742.8 and 746.7 of the Regulations.

[30] Specifically, on December 22, 2016, EP–MMD (MSN 164) flew from Dubai, UAE to Tehran, Iran. Between December 20 and December 22, 2016, EP–MMF (MSN 376) flew on routes from Tehran, Iran to Beijing, China and Istanbul, Turkey, respectively. Between December 26 and December 28, 2016, EP–MMH (MSN 391) flew on routes from Tehran, Iran to Kuala Lumpur, Malaysia.

[31] The Airbus A320 is powered with U.S.-origin engines, which are subject to the EAR and classified under Export Control Classification (''ECCN'') 9A991.d. The engines are valued at more than 10 percent of the total value of the aircraft, which consequently is subject to the EAR. The aircraft is classified under ECCN 9A991.b, and its export or reexport to Iran would require U.S. Government authorization pursuant to §§ 742.8 and 746.7 of the Regulations.

[32] The Airbus A340 is powered by U.S.-origin engines that are subject to the Regulations and classified under ECCN 9A991.d. The Airbus A340 contains controlled U.S.-origin items valued at more than 10 percent of the total value of the aircraft and as a result is subject to the Regulations regardless of its location. The aircraft is classified under ECCN 9A991.b. The export or re-export of this aircraft to Iran requires U.S. Government authorization pursuant to §§ 742.8 and 746.7 of the Regulations. On June 4, 2018, EP–MMT (MSN 292) flew from Bangkok, Thailand to Tehran, Iran.

[33] *See* 83 FR 27828 (June 14, 2018). OFAC's related press release stated in part that ''[o]ver the last several years, Otik Aviation has procured and delivered millions of dollars in aviation-related spare and replacement parts for Mahan Air, some of which are procured from the United States and the European Union. As recently as 2017, Otik Aviation continued to provide Mahan Air with replacement parts worth well over $100,000 per shipment, such as aircraft brakes.'' The twelve additional Mahan-related aircraft that were designated are: EP–MMA (MSN 20), EP–MMB (MSN 56), EP–MMC (MSN 282), EP–MMJ (MSN 526), EP–MMV (MSN 2079), EP–MNF (MSN 547), EP–MOD (MSN 3162), EP–MOM (MSN 3165), EP–MOP (MSN 2257), EP–MOQ (MSN 2261), EP–MOR (MSN 2392), and EP–MOS (MSN 2347). *See https://home.treasury.gov/news/press-releases/sm0395. See also https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20180524.aspx.*

[34] Flight tracking information showed that on December 10, 2018, EP–MMB (MSN 56) flew from Istanbul, Turkey to Tehran, Iran, and EP–MME (MSN 371) flew from Guangzhou, China to Tehran, Iran. Additionally, on December 6, 2018, EP–MMF (MSN 376) flew from Bangkok, Thailand to Tehran, Iran, and on December 9, 2018, EP–MMQ (MSN 449) flew on routes between Dubai, United Arab Emirates and Tehran, Iran.

SDN BHD, of Malaysia.[35] As general sales agents for Mahan Airways, these companies sold cargo space aboard Mahan Airways' flights, including on flights to Iran, and provided other services to or for benefit of Mahan Airways and its operations.[36]

The June 5, 2019 renewal order highlighted Mahan's continued violation of the TDO and the Regulations. An end-use check conducted by BIS in Malaysia in March 2019 uncovered evidence that, on approximately ten occasions, Mahan had caused, aided and/or abetted the unlicensed export of U.S.-origin items subject to the Regulations from the United States to Iran via Malaysia. The items included helicopter shafts, transmitters, and other aircraft parts, some of which are listed on the Commerce Control List and controlled on anti-terrorism grounds. The June 5, 2019 order also detailed publicly available flight tracking information showing that Mahan continues to unlawfully operate a number of aircraft subject to the EAR on flights into and out of Iran, including on routes to and from Damascus Syria.[37]

The June 5, 2019 order also described actions taken by both BIS and OFAC to thwart efforts by entities connected to or acting on behalf of Mahan Airways to violate U.S. export controls and sanctions related to Iran. On May 14, 2019, BIS added Manohar Nair, Basha Asmath Shaikh, and two co-located companies that they operate, Emirates Hermes General Trading and Presto Freight International, LLC, to the Entity List pursuant to § 744.11 of the Regulations, including for engaging in activities to procure U.S.-origin items on Mahan's behalf.[38] On January 24, 2019, OFAC designated as SDGTs Flight Travel LLC, which is Mahan's general service agent in Yerevan, Armenia, and Qeshm Fars Air, an Iranian airline which operates two U.S.-origin Boeing 747s [39] and is owned or controlled by Mahan, and also linked to the Islamic Revolutionary Guard Corps-Qods Force (IRGC–QF).[40]

The December 2, 2019 renewal order noted that OEE's on-going investigation revealed that U.S.-origin passenger flight and database management software subject to the Regulations was provided to a company in Turkey and subsequently used to facilitate and service Mahan's operations into and out of Turkey in further violation of the Regulations.

Additionally, open source information, including flight tracking data and news articles published in October 2019, showed that Mahan Airways was now operating a U.S.-origin Boeing 747 on routes between Iranian airports in Tehran, Kish Island, and Mashhad. This aircraft, bearing Iranian tail number EP–MNB, appears to be one of the three aircraft that Mahan illegally acquired via Blue Airways of Armenia and U.K.-based Balli Group that resulted in the issuance of the original TDO.[41] *See supra* at 10–12.

Evidence was also described in the December 2, 2019 renewal order showing that on or about November 11, 2019, Mahan caused, aided and/or abetted the unlicensed export of a U.S.-origin atomic absorption spectrometer, an item subject to the Regulations, from the United States to Iran via the UAE. Finally, publicly-available flight tracking information showed that Mahan continued to unlawfully operate a number of aircraft subject to the EAR on flights into and out of Iran, including on routes to and from Guangzhou, China, Istanbul, Turkey, and Kuala Lumpur, Malaysia.[42]

OEE's May 6, 2020 renewal request and on-going investigation further demonstrate the nature of Mahan Airway's prior actions and its continued actions in violation of the TDO and the Regulations, both directly and through its widespread network of procurement agents, front companies, and intermediaries.

Subsequent to the December 2, 2019 renewal, Ali Abdullah Alhay and Issam Shammout, parties added to the TDO in May and July 2015, respectively, were each indicted on 17 counts in the United States District Court for the District of Columbia. Alhay and Shammout were charged with, among other violations, conspiring to export aircraft and parts to Mahan in violation of export control laws and the embargo on Iran beginning around August 2012 through May 2015. Mahan Airways also continues to violate the TDO by operating a number of aircraft subject to the Regulations, including, but not limited to, EP–MMD, EP–MMF, and EP–MMI, aircraft originally acquired from Al Naser Airlines, on international flights into and out of Iran from/to Bangkok, Thailand, Dubai, UAE, and Shanghai, China. These flights have continued since the renewal request was submitted, including May 8–10, 2020.[43]

Finally, OEE is continuing its efforts to disrupt Mahan's acquisition of aircraft and parts subject to the Regulations as well as its role in transporting or forwarding items subject to the Regulations from destinations including, but not limited to, Malaysia to Iran.

C. Findings

Under the applicable standard set forth in § 766.24 of the Regulations and my review of the entire record, I find that the evidence presented by BIS convincingly demonstrates that the denied persons have acted in violation of the Regulations and the TDO; that such violations have been significant, deliberate and covert; and that given the foregoing and the nature of the matters under investigation, there is a likelihood of imminent violations. Therefore, renewal of the TDO is necessary in the

[35] *See* 83 FR 34301 (July 19, 2018) (designation of Mahan Travel and Tourism SDN BHD on July 9, 2018), and 83 FR 53359 (Oct. 22, 2018) (designation of My Aviation Company Limited and updating of entry for Mahan Travel and Tourism SDN BHD on September 14, 2018).

[36] OFAC's press release concerning its designation of My Aviation Company Limited on September 14, 2018, states in part that [t]his Thailand-based company has disregarded numerous U.S. warnings, issued publicly and delivered bilaterally to the Thai government, to sever ties with Mahan Air.'' My Aviation provides cargo services to Mahan Airways, including freight booking, and works with local freight forwarding entities to ship cargo on regularly-scheduled Mahan Airways' flights to Tehran, Iran. My Aviation has also provided Mahan Airways with passenger booking services. *See https://home.treasury.gov/news/press-releases/sm484.*

[37] Specifically, on May 26, 2019, EP–MMJ (MSN 526) flew from Damascus, Syria to Tehran, Iran. In addition, on May 24, 2019, EP–MNF (MSN 547) flew on routes between Moscow, Russia and Tehran, and on May 23, 2019, EP–MMF (MSN 376) flew from Dubai, UAE to Tehran.

[38] *See* 84 FR 21233 (May 14, 2019).

[39] These 747s are registered in Iran with tail numbers EP–FAA and EP–FAB, respectively.

[40] OFAC's press release concerning these designations states that Qeshm Fars Air was being designated for ''being owned or controlled by Mahan Air, as well as for assisting in, sponsoring, or providing financial, material or technological support for, or financial or other services to or in support of, the IRGC–QF,'' and that Flight Travel LLC was being designated for ''acting for or on behalf of Mahan Air.'' It further states, *inter alia,* that ''Mahan Air employees fill Qeshm Fars Air management positions, and Mahan Air provides technical and operational support for Qeshm Fars Air, facilitating the airline's illicit operations.'' *See https://home.treasury.gov/news/press-releases/sm590. See also https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20190124.aspx.*

[41] The same open sources indicate this aircraft continues to operate on flights within Iran to include a May 11, 2020 flight from Tehran, Iran to Kerman, Iran.

[42] Publicly-available flight tracking information shows that on November 23, 2019, EP–MME (MSN 371) flew from Guangzhou, China to Tehran, Iran, and on November 21, 2019, EP–MMF (MSN 376) flew on routes between Istanbul, Turkey and Tehran, Iran. Additionally, on November 20, 2019, EP–MMQ (MSN 449) flew from Kuala Lumpur, Malaysia, to Tehran, Iran.

[43] Publicly available flight tracking information shows that on May 8, 2020, EP–MMD (MSN 164) flew on routes between Bangkok, Thailand and Tehran, Iran, and on May 10, 2020, EP–MMF (MSN 376) flew on routes between Dubai, UAE and Tehran. In addition, on May 9, 2020, EP–MMI (MSN 416) flew on routes between Shanghai, China and Tehran.

public interest to prevent imminent violation of the Regulations and to give notice to companies and individuals in the United States and abroad that they should continue to avoid dealing with Mahan Airways and Al Naser Airlines and the other denied persons, in connection with export and reexport transactions involving items subject to the Regulations and in connection with any other activity subject to the Regulations.

IV. Order

It is therefore ordered: First, that MAHAN AIRWAYS, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp. Way, Tehran, Iran; PEJMAN MAHMOOD KOSARAYANIFARD A/K/A KOSARIAN FARD, P.O. Box 52404, Dubai, United Arab Emirates; MAHMOUD AMINI, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates, and P.O. Box 52404, Dubai, United Arab Emirates, and Mohamed Abdulla Alqaz Building, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates; KERMAN AVIATION A/K/A GIE KERMAN AVIATION, 42 Avenue Montaigne 75008, Paris, France; SIRJANCO TRADING LLC, P.O. Box 8709, Dubai, United Arab Emirates; MAHAN AIR GENERAL TRADING LLC, 19th Floor Al Moosa Tower One, Sheik Zayed Road, Dubai 40594, United Arab Emirates; MEHDI BAHRAMI, Mahan Airways-Istanbul Office, Cumhuriye Cad. Sibil Apt No: 101 D:6, 34374 Emadad, Sisli Istanbul, Turkey; AL NASER AIRLINES A/K/A AL–NASER AIRLINES A/K/A AL NASER WINGS AIRLINE A/K/A ALNASER AIRLINES AND AIR FREIGHT LTD., Home 46, Al-Karrada, Babil Region, District 929, St. 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq, and Al Amirat Street, Section 309, St. 3/H.20, Al Mansour, Baghdad, Iraq, and P.O. Box 28360, Dubai, United Arab Emirates, and P.O. Box 911399, Amman 11191, Jordan; ALI ABDULLAH ALHAY A/K/A ALI ALHAY A/K/A ALI ABDULLAH AHMED ALHAY, Home 46, Al-Karrada, Babil Region, District 929, St. 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq, and Anak Street, Qatif, Saudi Arabia 61177; BAHAR SAFWA GENERAL TRADING, P.O. Box 113212, Citadel Tower, Floor-5, Office #504, Business Bay, Dubai, United Arab Emirates, and P.O. Box 8709, Citadel Tower, Business Bay, Dubai, United Arab Emirates; SKY BLUE BIRD GROUP A/K/A SKY BLUE BIRD AVIATION A/K/A SKY BLUE BIRD LTD A/K/A SKY BLUE BIRD FZC, P.O. Box 16111, Ras Al Khaimah Trade Zone, United Arab Emirates; and ISSAM SHAMMOUT A/K/A MUHAMMAD ISAM MUHAMMAD ANWAR NUR SHAMMOUT A/K/A ISSAM ANWAR, Philips Building, 4th Floor, Al Fardous Street, Damascus, Syria, and Al Kolaa, Beirut, Lebanon 151515, and 17–18 Margaret Street, 4th Floor, London, W1W 8RP, United Kingdom, and Cumhuriyet Mah. Kavakli San St. Fulya, Cad. Hazar Sok. No.14/A Silivri, Istanbul, Turkey, and when acting for or on their behalf, any successors or assigns, agents, or employees (each a ''Denied Person'' and collectively the ''Denied Persons'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Export Administration Regulations (''EAR''), or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or engaging in any other activity subject to the EAR; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or from any other activity subject to the EAR.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a Denied Person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the EAR that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in § 766.23 of the EAR, any other person, firm, corporation, or business organization related to a Denied Person by ownership, control, position of responsibility, affiliation in the conduct of trade or business may also be made subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

In accordance with the provisions of § 766.24(e) of the EAR, Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and/or Bahar Safwa General Trading may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022. In accordance with the provisions of §§ 766.23(c)(2) and 766.24(e)(3) of the EAR, Pejman Mahmood Kosarayanifard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Mahan Air General Trading LLC, Mehdi Bahrami, Sky Blue Bird Group, and/or Issam Shammout may, at any time, appeal their inclusion as a related person by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of § 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. A renewal request may be opposed by Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and/or Bahar Safwa General Trading as provided in § 766.24(d), by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be provided to Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa

General Trading and each related person, and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for 180 days.

Dated: May 29, 2020.

P. Lee Smith,

Performing the Non-Exclusive Functions and Duties of the Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2020–12016 Filed 6–3–20; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–878, C–580–879, A–580–881, C–580–882]

Initiation of Antidumping Duty and Countervailing Duty Changed Circumstances Reviews: Certain Cold-Rolled Steel Flat Products and Certain Corrosion-Resistant Steel Products From the Republic of Korea

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from KG Dongbu Steel Co., Ltd. (KG Dongbu Steel), and pursuant to the Tariff Act of 1930, as amended (the Act), and, the Department of Commerce (Commerce) is initiating changed circumstances reviews (CCRs) of the antidumping duty (AD) and countervailing duty (CVD) orders on certain cold-rolled steel flat products (cold-rolled steel) and certain corrosion-resistant steel products (CORE) from the Republic of Korea (Korea). These reviews will determine whether KG Dongbu Steel is the successor-in-interest to Dongbu Steel Co., Ltd. (Dongbu Steel) and Dongbu Incheon Steel Co., Ltd. (Dongbu Incheon).

DATES: Applicable June 4, 2020.

FOR FURTHER INFORMATION CONTACT: Joshua A. DeMoss, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3362.

SUPPLEMENTARY INFORMATION:

Background

On May 24, 2019, Commerce published in the **Federal Register** the final results of the AD and CVD administrative reviews of cold-rolled steel from Korea, where Dongbu Steel and Dongbu Incheon were non-examined companies.[1] As a result of these administrative reviews, Commerce assigned a cash deposit rate of 11.60 percent to Dongbu Steel and Dongbu Incheon for the AD administrative review, based on the non-selected respondent rate (*i.e.,* the weighted-average of the respondent's calculated weighted-average dumping margins),[2] and a subsidy rate of 0.56 percent for the CVD administrative review based on the all-others subsidy rate.[3]

Similarly, on March 17, 2020, Commerce published in the **Federal Register** the final results of the AD and CVD administrative reviews of CORE.[4] In the final results of the AD administrative review, Commerce assigned a cash deposit rate of 2.43 percent to Dongbu Steel and Dongbu Incheon based on the non-selected respondent rate.[5] For the CVD administrative review, Commerce assigned a subsidy rate of 7.16 percent to Dongbu Steel and Dongbu Incheon as mandatory respondents.[6]

On April 13, 2020, KG Dongbu Steel informed Commerce that, on March 2, 2020, Dongbu Steel publicly announced its merger with its wholly owned subsidiary, Dongbu Incheon.[7] KG Dongbu Steel stated that, as of March 27, 2020, the newly merged Dongbu Steel officially changed its name to KG Dongbu Steel, therefore becoming the successor-in-interest to Dongbu Steel and Dongbu Incheon, Dongbu Steel's wholly-owned subsidiary.[8] KG Dongbu Steel requests that Commerce conduct CCRs and find that KG Dongbu Steel is the successor-in-interest to Dongbu Steel and Dongbu Incheon, and that it be subject to Dongbu Steel's and Dongbu Incheon's AD margins and CVD subsidy rates for both cold-rolled steel and CORE. We did not receive comments from other interested parties concerning these requests.

[1] *See Certain Cold Rolled Steel Flat Products From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2016–2017,* 84 FR 24083 (May 24, 2019) (*Cold-Rolled Steel AD Final*); *see also Certain Cold-Rolled Steel Flat Products From the Republic of Korea: Final Results of Countervailing Duty Administrative Review, 2016,* 84 FR 24087 (May 24, 2019). On July 5, 2019, Commerce amended the final results of the CVD administrative review of cold-rolled steel from Korea. *See Countervailing Duty Order on Certain Cold-Rolled Steel Flat Products From the Republic of Korea: Amended Final Results of the First Countervailing Duty Administrative Review,* 84 FR 32123 (July 5, 2019) (*Cold-Rolled Steel CVD Amended Final*).

[2] *See Cold-Rolled Steel AD Final.*

[3] *See Cold-Rolled Steel CVD Amended Final.*

[4] *See Corrosion-Resistant Steel Products From the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017–2018,* 85 FR 15114 (March 17, 2020) (*CORE AD Final*); *see also Certain Corrosion-Resistant Steel Products From the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2017,* 85 FR 15112 (March 17, 2020) (*CORE CVD Final*).

[5] *See CORE AD Final.*

[6] *See CORE CVD Final.*

[7] *See* KG Dongbu Steel's Letter, ''Request for Changed Circumstances Review: Change of Name for Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd.,'' dated April 13, 2020.

[8] *Id.* at 2–3.

Scopes of the Orders

Certain Cold-Rolled Steel Flat Products

The products covered by this order are certain cold-rolled (cold-reduced), flat-rolled steel products, whether or not annealed, painted, varnished, or coated with plastics or other non-metallic substances. The products covered do not include those that are clad, plated, or coated with metal. The products covered include coils that have a width or other lateral measurement (width) of 12.7 mm or greater, regardless of form of coil (*e.g.,* in successively superimposed layers, spirally oscillating, *etc.*). The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness of 4.75 mm or more and a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges). For purposes of the width and thickness requirements referenced above:

(1) where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above, and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of these Orders are products in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 2.50 percent of manganese, or

- 3.30 percent of silicon, or
- 1.50 percent of copper, or
- 1.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 2.00 percent of nickel, or
- 0.30 percent of tungsten (also called wolfram), or
- 0.80 percent of molybdenum, or
- 0.10 percent of niobium (also called columbium), or
- 0.30 percent of vanadium, or
- 0.30 percent of zirconium

Unless specifically excluded, products are included in this scope regardless of levels of boron and titanium.

For example, specifically included in this scope are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, motor lamination steels, Advanced High Strength Steels (AHSS), and Ultra High Strength Steels (UHSS). IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium and/or niobium added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. Motor lamination steels contain micro-alloying levels of elements such as silicon and aluminum. AHSS and UHSS are considered high tensile strength and high elongation steels, although AHSS and UHSS are covered whether or not they are high tensile strength or high elongation steels.

Subject merchandise includes cold-rolled steel that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of these Orders if performed in the country of manufacture of the cold-rolled steel.

All products that meet the written physical description, and in which the chemistry quantities do not exceed any one of the noted element levels listed above, are within the scope of these Orders unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of these Orders:

- Ball bearing steels; [9]
- Tool steels; [10]
- Silico-manganese steel; [11]
- Grain-oriented electrical steels (GOES) as defined in the final determination of the U.S. Department of Commerce in *Grain-Oriented Electrical Steel from Germany, Japan, and Poland*.[12]
- Non-Oriented Electrical Steels (NOES), as defined in the antidumping orders issued by the U.S. Department of Commerce in *Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan*.[13]

The products subject to these Orders are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7209.15.0000, 7209.16.0030, 7209.16.0060, 7209.16.0070, 7209.16.0091, 7209.17.0030, 7209.17.0060, 7209.17.0070, 7209.17.0091, 7209.18.1530, 7209.18.1560, 7209.18.2510, 7209.18.2520, 7209.18.2580, 7209.18.6020, 7209.18.6090, 7209.25.0000, 7209.26.0000, 7209.27.0000, 7209.28.0000, 7209.90.0000, 7210.70.3000, 7211.23.1500, 7211.23.2000, 7211.23.3000, 7211.23.4500, 7211.23.6030, 7211.23.6060, 7211.23.6090, 7211.29.2030, 7211.29.2090, 7211.29.4500, 7211.29.6030, 7211.29.6080, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7225.50.6000, 7225.50.8080, 7225.99.0090, 7226.92.5000, 7226.92.7050, and 7226.92.8050.

The products subject to these Orders may also enter under the following HTSUS numbers: 7210.90.9000, 7212.50.0000, 7215.10.0010, 7215.10.0080, 7215.50.0016, 7215.50.0018, 7215.50.0020, 7215.50.0061, 7215.50.0063, 7215.50.0065, 7215.50.0090, 7215.90.5000, 7217.10.1000, 7217.10.2000, 7217.10.3000, 7217.10.7000, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.19.0000, 7226.19.1000, 7226.19.9000, 7226.99.0180, 7228.50.5015, 7228.50.5040, 7228.50.5070, 7228.60.8000, and 7229.90.1000.

The HTSUS subheadings above are provided for convenience and U.S. Customs purposes only. The written description of the scope of these Orders is dispositive.

Certain Corrosion-Resistant Steel Products

The products covered by this order are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. The products covered include coils that have a width of 12.7 mm or greater, regardless of form of coil (*e.g.,* in successively superimposed layers, spirally oscillating, *etc.*). The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products covered also

[9] Ball bearing steels are defined as steels which contain, in addition to iron, each of the following elements by weight in the amount specified: (i) Not less than 0.95 nor more than 1.13 percent of carbon; (ii) not less than 0.22 nor more than 0.48 percent of manganese; (iii) none, or not more than 0.03 percent of sulfur; (iv) none, or not more than 0.03 percent of phosphorus; (v) not less than 0.18 nor more than 0.37 percent of silicon; (vi) not less than 1.25 nor more than 1.65 percent of chromium; (vii) none, or not more than 0.28 percent of nickel; (viii) none, or not more than 0.38 percent of copper; and (ix) none, or not more than 0.09 percent of molybdenum.

[10] Tool steels are defined as steels which contain the following combinations of elements in the quantity by weight respectively indicated: (i) More than 1.2 percent carbon and more than 10.5 percent chromium; or (ii) not less than 0.3 percent carbon and 1.25 percent or more but less than 10.5 percent chromium; or (iii) not less than 0.85 percent carbon and 1 percent to 1.8 percent, inclusive, manganese; or (iv) 0.9 percent to 1.2 percent, inclusive, chromium and 0.9 percent to 1.4 percent, inclusive, molybdenum; or (v) not less than 0.5 percent carbon and not less than 3.5 percent molybdenum; or (vi) not less than 0.5 percent carbon and not less than 5.5 percent tungsten.

[11] Silico-manganese steel is defined as steels containing by weight: (i) Not more than 0.7 percent of carbon; (ii) 0.5 percent or more but not more than 1.9 percent of manganese, and (iii) 0.6 percent or more but not more than 2.3 percent of silicon.

[12] *See Grain-Oriented Electrical Steel from Germany, Japan, and Poland: Final Determinations of Sales at Less Than Fair Value and Certain Final Affirmative Determination of Critical Circumstances,* 79 FR 42501, 42503 (July 22, 2014). This determination defines grain-oriented electrical steel as ''a flat-rolled alloy steel product containing by weight at least 0.6 percent but not more than 6 percent of silicon, not more than 0.08 percent of carbon, not more than 1.0 percent of aluminum, and no other element in an amount that would give the steel the characteristics of another alloy steel, in coils or in straight lengths.''

[13] *See Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan: Antidumping Duty Orders,* 79 FR 71741, 71741–42 (December 3, 2014). The orders define NOES as ''cold-rolled, flat-rolled, alloy steel products, whether or not in coils, regardless of width, having an actual thickness of 0.20 mm or more, in which the core loss is substantially equal in any direction of magnetization in the plane of the material. The term 'substantially equal' means that the cross grain direction of core loss is no more than 1.5 times the straight grain direction (*i.e.,* the rolling direction) of core loss. NOES has a magnetic permeability that does not exceed 1.65 Tesla when tested at a field of 800 A/m (equivalent to 10 Oersteds) along (*i.e.,* parallel to) the rolling direction of the sheet (*i.e.,* B800 value). NOES contains by weight more than 1.00 percent of silicon but less than 3.5 percent of silicon, not more than 0.08 percent of carbon, and not more than 1.5 percent of aluminum. NOES has a surface oxide coating, to which an insulation coating may be applied.''

include products not in coils (*e.g.,* in straight lengths) of a thickness of 4.75 mm or more and a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges). For purposes of the width and thickness requirements referenced above:

(1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above, and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of these Orders are products in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 2.50 percent of manganese, or
- 3.30 percent of silicon, or
- 1.50 percent of copper, or
- 1.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 2.00 percent of nickel, or
- 0.30 percent of tungsten (also called wolfram), or
- 0.80 percent of molybdenum, or
- 0.10 percent of niobium (also called columbium), or
- 0.30 percent of vanadium, or
- 0.30 percent of zirconium

Unless specifically excluded, products are included in this scope regardless of levels of boron and titanium.

For example, specifically included in this scope are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (''IF'')) steels and high strength low alloy (''HSLA'') steels. If steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium and/or niobium added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum.

Furthermore, this scope also includes Advanced High Strength Steels (''AHSS'') and Ultra High Strength Steels (''UHSS''), both of which are considered high tensile strength and high elongation steels.

Subject merchandise also includes corrosion-resistant steel that has been further processed in a third country, including but not limited to annealing, tempering painting, varnishing, trimming, cutting, punching and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of these Orders if performed in the country of manufacture of the in-scope corrosion resistant steel.

All products that meet the written physical description, and in which the chemistry quantities do not exceed any one of the noted element levels listed above, are within the scope of these Orders unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of these Orders: Flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (''terne plate''), or both chromium and chromium oxides (''tin free steel''), whether or not painted, varnished or coated with plastics or other non-metallic substances in addition to the metallic coating; Clad products in straight lengths of 4.7625 mm or more in composite thickness and of a width which exceeds 150 mm and measures at least twice the thickness; and Certain clad stainless flat-rolled products, which are three-layered corrosion-resistant flat-rolled steel products less than 4.75 mm in composite thickness that consist of a flat-rolled steel product clad on both sides with stainless steel in a 20%–60%–20% ratio.

The products subject to these Orders are currently classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') under item numbers: 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0091, 7210.49.0095, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, and 7212.60.0000.

The products subject to these Orders may also enter under the following HTSUS item numbers: 7210.90.1000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.91.0000, 7225.92.0000, 7225.99.0090, 7226.99.0110, 7226.99.0130, 7226.99.0180, 7228.60.6000, 7228.60.8000, and 7229.90.1000.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of these Orders is dispositive.

Initiation of AD and CVD CCRs

Pursuant to section 751(b)(1)(A) of the Act and 19 CFR 351.216(d), Commerce will conduct a CCR upon receipt of a request from an interested party for a review of an AD or CVD order which shows changed circumstances sufficient to warrant a review of the order. In the past, Commerce has used CCRs to address the applicability of cash deposit rates after there have been changes in the name or structure of a respondent, such as a merger or spinoff (successor-in-interest or successorship determinations).[14] The information submitted by KG Dongbu Steel supporting its claim that it is the successor-in-interest to Dongbu Steel and Dongbu Incheon demonstrates changed circumstances sufficient to warrant such a review.[15] Therefore, in accordance with 751(b)(1)(A) of the Act and 19 CFR 351.216(d) and (e), we are initiating CCRs based on the information contained in KG Dongbu Steel's submission.

Commerce will issue questionnaires requesting additional information for the reviews, and will publish in the **Federal Register** a notice of the preliminary results, in accordance with 19 CFR 351.221(b)(2) and (4), and 19 CFR 351.221(c)(3)(i). The notice will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed based on those results. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results. In accordance with 19 CFR 351.216(e), Commerce intends to issue the final results no later than 270 days after the date on which the reviews are initiated. Note that Commerce has modified certain of its requirements for serving documents containing business proprietary

[14] *See, e.g., Diamond Sawblades and Parts Thereof from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 82 FR 51605, 51606 (November 7, 2017), unchanged in *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review*, 82 FR 60177 (December 19, 2017).

[15] *See* 19 CFR 351.216(d).

information until July 17, 2020, unless extended.[16]

Notification to Interested Parties

This notice is published in accordance with sections 751(b)(1) and 777(i)(1) of the Act, and 19 CFR 351.216(b), 351.221(b), and 351.221(c)(3).

Dated: May 28, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–12078 Filed 6–3–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–028]

Hydrofluorocarbon Blends From the People's Republic of China: Final Scope Ruling on Unpatented R–421A; Affirmative Final Determination of Circumvention of the Antidumping Duty Order for Unpatented R–421A

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that imports of unpatented R–421A from the People's Republic of China (China) are circumventing the antidumping duty (AD) order on HFC blends from China.

DATES: Applicable June 4, 2020.

FOR FURTHER INFORMATION CONTACT: Manuel Rey or Benjamin Luberda, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5518 or (202) 482–2185, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 2020, Commerce published the *Preliminary Determination* [1] of circumvention of the AD order on HFC blends from China with respect to unpatented R–421A which is imported from China and further processed into HFC blends subject to the *Order.* [2] We invited parties to comment on the *Preliminary Determination,* and received case and rebuttal briefs from the HFC Coalition (the petitioners), BMP,[3] and Choice Refrigerants (Choice).

A summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by the parties for this final determination are discussed in the Issues and Decision Memorandum.[4] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov.frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Commerce conducted this anti-circumvention inquiry in accordance with section 781(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products subject to the *Order* are HFC blends. HFC blends covered by the scope are R–404A, R–407A, R–407C, R–410A, and R–507A.[5] HFC blends covered by the scope of the *Order* are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings 3824.78.0020 and 3824.78.0050. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

Merchandise Subject to the Anti-Circumvention Inquiry

This anti-circumvention inquiry covers imports of unpatented R–421A, a blend of HFC components R–125 (also known as Pentafluoroethane) and R–134a (also known as 1,1,1,2-Tetrafluoroethane), from China that are further processed in the United States to create an HFC blend that would be subject to the *Order.* [6]

Final Scope Ruling and Final Determination

In the *Preliminary Determination* we determined, pursuant to 19 CFR 351.225(k), that because the scope only covers five HFC blends, and unpatented R–421A is not one of the five blends, that consequently, unpatented R–421A is not covered by the scope of the *Order* within the meaning of 19 CFR 351.225(k). Accordingly, because unpatented R–421A is not specifically excluded from the *Order,* a circumvention analysis and determination is warranted for the unpatented R–421A blends, under 19 CFR 351.225(g). Our final determination remains unchanged from the *Preliminary Determination.*

In the *Preliminary Determination,* we determined that imports of unpatented R–421A from China are circumventing the *Order.* Specifically, we determined that imports of unpatented R–421A from China are being finished and sold in the United States pursuant to the statutory and regulatory criteria laid out in section 781(a) of the Act and 19 CFR 351.225(g). We based our *Preliminary Determination* upon record evidence submitted by the petitioners, BMP and Choice. For a complete discussion of the evidence which led to our preliminary determination, *see* the *Preliminary Determination* and accompanying Preliminary Decision Memorandum.

All issues raised in the case and rebuttal briefs by parties to this inquiry are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix I. Our final determination remains unchanged from the *Preliminary Determination.* Accordingly, we determine, pursuant to section 781(a) of the Act and 19 CFR 351.225(g), that imports of unpatented R–421A from China are circumventing the *Order.*

Continuation of Suspension of Liquidation

As a result of this determination, and consistent with 19 CFR 351.225(l)(3), we intend to direct CBP to continue to suspend liquidation and to require a cash deposit of estimated antidumping duties at the applicable rate on unliquidated entries of merchandise

[16] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 29615 (May 18, 2020).

[1] *See Hydrofluorocarbon Blends from the People's Republic of China: Scope Ruling on Unpatented R–421A; Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order for Unpatented R–421A; and Extension of Time Limit for Final Determination,* 85 FR 12511 (March 3, 2020) (*Preliminary Determination*).

[2] *See Hydrofluorocarbon Blends from the People's Republic of China: Antidumping Duty Order,* 81 FR 55436 (August 19, 2016) (*Order*).

[3] LM Supply Inc., Cool Master USA, LLC, and their affiliated blenders, BMP USA Inc. and IGas Inc. (collectively, BMP).

[4] *See* Memorandum, ''Final Decision Memorandum for Scope Ruling and Anti-Circumvention Inquiry of the Antidumping Duty Order on Hydrofluorocarbon Blends from the People's Republic of China; Unpatented R–421A,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[5] For a complete description of the scope of the order, *see* Issues and Decision Memorandum.

[6] The scope of the order explicitly excludes Choice® R–421A (also referred to as ''patented R–421A''). The scope also only covers five HFC blends; R–421A is not one of the covered blends. Patented R–421A is a blend of 58 percent R–125, and 42 percent R–134a, with a lubricant added to it. The patent holder for R–421A is Choice.

subject to this inquiry that are entered, or withdrawn from warehouse, for consumption on or after June 18, 2019, the date of initiation of this anti-circumvention inquiry.[7]

Patented Choice® R–421A produced in China is not subject to this inquiry. Therefore, cash deposits are not required for such merchandise. However, as a result of this anti-circumvention proceeding, unpatented R–421A produced in China is subject to the AD order on HFC blends from China. Accordingly, in order to prevent evasion, if an importer imports patented Choice® R–421A from China, in order not to be subject to cash deposit requirements, the importer and exporter are required to meet the certification and documentation requirements described in Appendix II. Exporters of patented Choice® R–421A produced in China must prepare and maintain an Exporter Certification and documentation supporting the Exporter Certification (*see* Appendix IV). In addition, importers of such patented Choice® R–421A must prepare and maintain an Importer Certification (*see* Appendix III) as well as documentation supporting the Importer Certification. In addition to the Importer Certification, the importer must also maintain a copy of the Exporter Certification (*see* Appendix IV) and relevant supporting documentation from its exporter of patented Choice® R–421A.

Notification to CBP of Covered Merchandise Referral

In our *Notice of Initiation,* we stated that, as part of this anti-circumvention inquiry, we would also address a covered merchandise referral from U.S. Customs and Border Protection (CBP).[8] In the *Covered Merchandise Referral,* we stated that, based upon allegations by Choice, CBP requested that Commerce issue a determination as to whether certain merchandise imported by LM Supply, Inc. (LM Supply) is subject to the AD order on HFCs from China. Specifically, CBP asked Commerce to clarify: (1) If the scope exclusion for Choice® R–421A is limited to only merchandise that is licensed by the rights holder or does it apply to any HFC blends that satisfy the terms of the patents, and (2) if the scope exclusion is limited to only that merchandise that also carries the trademarks indicated in the scope exclusion.

Therefore, we intend to inform CBP of our findings in this inquiry: (1) That the scope only covers five HFCs blends (*i.e.,* R–404A, R–407A, R–407C, R–410A, and R–507A) and that unpatented R–421A is not one of those five blends; (2) based upon Commerce's anti-circumvention proceeding, unpatented R–421A, is circumventing the order on HFC blends from China, retroactive to June 18, 2019; and (3) that the exclusion for patented Choice® R–421A (applicable on or after June 18, 2019) is limited to only that merchandise which carries the trademarks indicated in the scope exclusion, and which is licensed by the rights holder, and for which the exporter and importer have prepared certifications, as explained in Appendix II of this notice.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 781(a) of the Act, and 19 CFR 351.225(g).

Dated: May 28, 2020.

Joseph Laroski,

Deputy Assistant Secretary for Policy and Negotiations.

APPENDIX I

List of Topics Discussed in the Issues and Decision Memorandum

APPENDIX II

Certification Requirements

In order to import R–421A from China and declare it as patented and eligible for the exclusion specified in the scope for Choice® R–421A, and hence free of AD duties, the importer and the exporter must complete and maintain certifications, along with proof that the goods are properly patented, and identifying the license agreement authorizing the production of the goods being entered. The importer is required to complete and maintain the importer certification attached hereto as Appendix III, and all supporting documentation. Where the importer uses a broker to facilitate the entry process, it should obtain the entry summary number from the broker. Agents of the importer, such as brokers, however, are not permitted to make this certification on behalf of the importer.

The exporter is required to complete and maintain the exporter certification, attached as Appendix IV, and is further required to provide the importer a copy of that certification and all supporting documentation.

For shipments and/or entries on or after June 18, 2019 through June 26, 2020, for which certifications are required, importers and exporters should complete the required certification, as soon as practicable but not later than 30 days after the publication of this notice in the **Federal Register.** Accordingly, where appropriate, the relevant bullet in the certification should be edited to reflect that the certification was completed within the time frame specified above. For example, the bullet in the importer certification that reads: ''This certification was completed at or prior to the time of Entry Summary,'' could be edited as follows: ''The imports referenced herein entered before June 27, 2020. This certification was completed on mm/dd/yyyy, within 30 days of the **Federal Register** notice publication of the final determination of circumvention.'' Similarly, the bullet in the exporter certification that reads, ''This certification was completed at or prior to the time of shipment,'' could be edited as follows: ''The shipments/products referenced herein shipped before June 27, 2020. This certification was completed on mm/dd/yyyy, within 30 days of the **Federal Register** notice publication of the final determination of circumvention.'' For such entries/shipments, importers and exporters each have the option to complete a blanket certification covering multiple entries/shipments, individual certifications for each entry/shipment, or a combination thereof.

For shipments and/or entries on or after June 27, 2020, for which certifications are required, importers should complete the required certification at, or prior to, the date of entry summary and exporters should complete the required certification and provide it to the importer at, or prior to, the date of shipment.

The importer and exporter are also required to maintain sufficient documentation supporting their certifications. The importer will not be required to submit the certifications or supporting documentation to U.S. Customs

[7] *See Hydrofluorocarbon Blends from the People's Republic of China: Initiation of Anti-Circumvention Inquiry of Antidumping Duty Order; Unpatented R–421A,* 84 FR 28281 (June 18, 2019) (*Notice of Initiation*).

[8] *See Hydrofluorocarbon Blends from the People's Republic of China: Notice of Covered Merchandise Referral,* 83 FR 9277 (March 5, 2018) (*Covered Merchandise Referral*).

and Border Protection (CBP) as part of the entry process at this time. However, the importer and the exporter will be required to present the certifications and supporting documentation, to Commerce and/or CBP, as applicable, upon request by the respective agency. Additionally, the claims made in the certifications and any supporting documentation are subject to verification by Commerce and/or CBP. The importer and exporter are required to maintain the certifications (the importer must retain both certifications) and supporting documentation for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in United States courts regarding such entries.

In the situation where no certification is provided for an entry of R–421A, and the AD China HFC blends order potentially applies to that entry, Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the AD rate for the exporter, or if none exists, at the rate for the China-wide entity (216.37 percent).

APPENDIX III

Importer Certification

I hereby certify that:

(A) My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF IMPORTING COMPANY}, located at {ADDRESS of IMPORTING COMPANY};

(B) I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of the hydrofluorocarbon (HFC) blend Choice® R–421A produced in China that entered under the entry summary number(s) identified below, and which are covered by this certification. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the importation of the product (*e.g.,* the name of the exporter) in its records.

(C) The HFC blend Choice® R–421A covered by this certification was exported by {NAME OF EXPORTING COMPANY}, located at {ADDRESS OF EXPORTING COMPANY}.

If the importer is acting on behalf of the first U.S. customer, complete this paragraph:

(D) The HFC blend Choice® R–421A covered by this certification was imported by {NAME OF IMPORTING COMPANY} on behalf of {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}.

(E) The HFC blend Choice® R–421A covered by this certification was shipped to {NAME OF PARTY TO WHOM MERCHANDISE WAS FIRST SHIPPED IN THE UNITED STATES}, located at {ADDRESS OF SHIPMENT}.

(F) I have personal knowledge of the facts regarding the production of the imported products covered by this certification. ''Personal knowledge'' includes facts obtained from another party, (*e.g.,* correspondence received by the importer (or exporter) from the producer regarding the source of the inputs used to produce the imported products).

(G) The HFC blend Choice® R–421A covered by this certification was produced by {NAME OF PRODUCING COMPANY}, located at {ADDRESS OF PRODUCING COMPANY}; *for each additional company, repeat:* {NAME OF PRODUCING COMPANY}, located at {ADDRESS OF PRODUCING COMPANY}.

(H) This certification applies to the following entries:

{*Repeat this block as many times as necessary*}
Producer:
Entry Summary #:
Entry Summary Line Item #:
Invoice #:
Invoice Line Item #:

(I) I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, product data sheets, chemical testing specifications, productions records, invoices, license agreements, *etc.*) for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries;

(J) I understand that {NAME OF IMPORTING COMPANY} is required to, upon request, provide proof that the imported goods are properly patented, and identify the license agreement authorizing the production of the goods being entered;

(K) I understand that {NAME OF IMPORTING COMPANY}is required to provide this certification and supporting records, upon request, to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce);

(L) I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of the exporter's certification (attesting to the production and/or export of the imported merchandise identified above), and any supporting records provided by the exporter to the importer, for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in United States courts regarding such entries.

(M) I understand that {NAME OF IMPORTING COMPANY}is required to maintain, and upon request, provide a copy of the exporter's certification and any supporting records provided by the exporter to the importer, to CBP and/or Commerce;

(N) I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce;

(O) I understand that failure to maintain the required certifications, and/or failure to substantiate the claims made herein, and/or failure to allow CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all entries to which this certification applies are within the scope if the antidumping duty (AD) order on HFC blends from China. I understand that such a finding will result in:

(i) Suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) The requirement that the importer post applicable AD cash deposits equal to the rates as determined by Commerce; and

(iii) the revocation of {NAME OF IMPORTING COMPANY}'s privilege to certify future imports of HFC blend R–421A are patented Choice® R–421A.

(P) I understand that agents of the importer, such as brokers, are not permitted to make this certification;

(Q) This certification was completed at or prior to the time of Entry Summary; and

(R) I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature
NAME OF COMPANY OFFICIAL
TITLE
DATE

APPENDIX IV

Exporter Certification

I hereby certify that:

(A) My name is {COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF EXPORTING COMPANY}, located at {ADDRESS OF EXPORTING COMPANY};

(B) I am a producer of HFC blend Choice® R–421A and am under a license agreement with RMS of Georgia, LLC to produce Choice® R–421A.

(C) I have direct personal knowledge of the facts regarding the production and exportation of the hydrofluorocarbon (HFC) blend Choice® R–421A identified below. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own books and records. For example, an exporter should have direct personal knowledge of the producer's identity and location.

(D) The HFC blends, and the individual components thereof, covered this certification were produced by {NAME OF PRODUCING COMPANY}, located at {ADDRESS OF PRODUCING COMPANY}; *for each additional company, repeat:* {NAME OF PRODUCING COMPANY}, located at {ADDRESS OF PRODUCING COMPANY}.

(E) This certification applies to the following sales:

{*Repeat this block as many times as necessary*}
Producer
Invoice No.
Invoice Line Item No.

(F) The HFC blend Choice® R–421A covered by this certification was sold to {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}.

(G) The HFC blend Choice® R–421A covered by this certification was shipped to {NAME OF PARTY TO WHOM MERCHANDISE WAS SHIPPED}, located at {ADDRESS OF SHIPMENT}.

(H) I understand that {NAME OF EXPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, license agreement, or documents obtained by the certifying party, for example, product data

sheets, chemical testing specifications, productions records, invoices, *etc.*) for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries;

(I) I understand that {NAME OF EXPORTING COMPANY} must provide this Exporter Certification to the U.S. importer by the time of shipment;

(J) I understand that {NAME OF EXPORTING COMPANY} is required to provide a copy of this certification and supporting records, upon request, to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce);

(K) I understand that the claims made herein, and the substantiating documentation are subject to verification by CBP and/or Commerce;

(L) I understand that failure to maintain the required certifications, and/or failure to substantiate the claims made herein, and/or failure to allow CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all sales to which this certification applies are within the scope of the antidumping duty (AD) order on HFC blends from China. I understand that such finding will result in:

(i) Suspension of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) The requirement that the importer post applicable AD cash deposits equal to the rates as determined by Commerce; and

(iii) the revocation of {NAME OF EXPORTING COMPANY}'s privilege to certify future shipments of HFC blend R–421A are patented Choice® R–421A;

(M) This certification was completed at or prior to the time of shipment; and

(N) I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature

NAME OF COMPANY OFFICIAL

TITLE

DATE

[FR Doc. 2020–12004 Filed 6–3–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–826]

Monosodium Glutamate From the Republic of Indonesia: Final Results of the First Full Five-Year Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) finds that the revocation of the antidumping duty (AD) order on monosodium glutamate (MSG) from Indonesia would likely lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable June 4, 2020.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5255.

SUPPLEMENTARY INFORMATION:

Background

On February 26, 2020, Commerce published the *Preliminary Results* of the sunset review,[1] finding that dumping was likely to continue or recur if the *Order*[2] were revoked and determined that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping for all exporters and producers at a weighted average margin of dumping up to 6.19 percent.[3] We invited interested parties to comment on the *Preliminary Results.* We received a case brief from respondent, CJ Companies, on April 22, 2020.[4] We received a rebuttal brief from Ajinomoto Health & Nutrition North America (petitioner) on April 27, 2020.[5]

Scope of the Order

The product covered by this order is MSG, whether or not blended or in solution with other products. Specifically, MSG that has been blended or is in solution with other product(s) is included in this scope when the resulting mix contains 15 percent or more of MSG by dry weight. Products with which MSG may be blended include, but are not limited to, salts, sugars, starches, maltodextrins, and various seasonings. A full description of the scope of the *Order* is contained in the accompanying Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised for the final results of this sunset review are addressed in the Issues and Decision Memorandum, dated concurrently with this final notice, which is hereby adopted by this notice. The issues discussed in the Issues and Decision Memorandum are described in the Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Review

We determine that revocation of the *Order* on MSG from Indonesia would be likely to lead to a continuation or recurrence of dumping at a weighted average margin of dumping of up to 6.19 percent for all exporters and producers of subject merchandise.

Administrative Protective Orders

This notice also serves as the only reminder to each party subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing the final results of this sunset review, in accordance with sections 751(c)(5)(A), 752(c), and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.218(f)(3).

[1] *See Monosodium Glutamate from the Republic of Indonesia: Preliminary Results of the First Full Sunset Review of the Antidumping Duty Order,* 85 FR 12517 (March 3, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See Monosodium Glutamate from the People's Republic of China, and the Republic of Indonesia: Antidumping Duty Orders; and Monosodium Glutamate from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value (Order),* 79 FR 70505 (November 26, 2014) (*Order*).

[3] *See Preliminary Results.*

[4] *See* CJ Companies' Letter, ''Monosodium Glutamate (''MSG'') from Indonesia; First Sunset Review; CJ {Companies'} Case Brief,'' dated April 22, 2020.

[5] *See* Petitioner's Letter, ''Monosodium Glutamate from Indonesia, First Sunset Review: Rebuttal to Case Brief of PT. Cheil Jedang Indonesia and CJ America, Inc.,'' dated April 27, 2020.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the First Full Sunset Review of the Antidumping Duty Order on Monosodium Glutamate from the People's Republic of Indonesia,'' dated concurrently with this notice (Issues and Decision Memorandum).

Dated: May 28, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2020–12003 Filed 6–3–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA216]

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its Fishery Data Collection and Research Committee (FDCRC), Pelagic and International Standing Committee, Executive and Budget Standing Committee, and 182nd Council meetings to take actions on fishery management issues in the Western Pacific Region.

DATES: The meetings will be held June 22 through 25, 2020. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meetings will be held by web conference via WebEx. Instructions for connecting to the web conference and providing oral public comments will be posted on the Council website at *www.wpcouncil.org.* For assistance with the web conference connection, contact the Council office at (808) 522–8220.

The following venues will be the host sites for the meetings: Hilton Guam Resort & Spa, Chuchuko Room, 202 Hilton Rd., Tumon Bay, Guam; Hyatt Regency Saipan, Royal Palm Ave., Micro Beach Rd., Saipan, Commonwealth of the Northern Mariana Islands (CNMI); and Department of Port Administration, Airport Conference Room, Pago Pago Int'l Airport, Tafuna Village, American Samoa.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: All times shown are in Hawaii Standard Time. The FDCRC meeting will be held between 11 a.m. to 1 p.m. on June 22, 2020. The Pelagic and International Standing Committee will be held between 1 p.m. and 3 p.m. on June 22, 2020. The Executive and Budget Standing Committee meeting will be held between 3 p.m. and 5 p.m. on June 22, 2020. The 182nd Council meeting will be held between 11 a.m. and 5 p.m. on June 23 to 25, 2020.

Please note that the evolving public health situation regarding COVID–19 may affect the conduct of the June Council and its associated meetings. At the time this notice was submitted for publication, the Council anticipated convening the meeting by web conference with host site locations in Guam, CNMI and American Samoa. Council staff will monitor COVID–19 developments and will determine the extent to which in-person public participation at host sites will be allowable consistent with applicable local or federal guidelines. If public participation will be limited to web conference only or on a first-come-first-serve basis consistent with applicable guidelines, the Council will post notice on its website at *www.wpcouncil.org.*

Agenda items noted as ''Final Action'' refer to actions that result in Council transmittal of a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the MSA. In addition to the agenda items listed here, the Council and its advisory bodies will hear recommendations from Council advisors. An opportunity to submit public comment will be provided throughout the agendas. The order in which agenda items are addressed may change and will be announced in advance at the Council meeting. The meetings will run as late as necessary to complete scheduled business.

Background documents for the 182nd Council meeting will be available at *www.wpcouncil.org.* Written public comments on final action items at the 182nd Council meeting should be received at the Council office by 5p.m. HST, June 19, 2020, and should be sent to Kitty M. Simonds, Executive Director; Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522–8220 or fax: (808) 522–8226; or email: *info.wpcouncil@noaa.gov.* Written public comments on all other agenda items may be submitted for the record by email throughout the duration of the meeting. Instructions for providing oral public comments during the meeting will be posted on the Council website. This meeting will be recorded for the purposes of generating the minutes of the meeting.

Agenda for the Fishery Data Collection and Research Committee

Monday, June 22, 2020, 11 a.m. to 1 p.m.

1. Welcome Remarks and Introductions
2. Update on Previous FDCRC Recommendations
3. Regulations for Mandatory License and Reporting
   A. Guam
   B. CNMI
4. Budgets to Support Fishery Data Collection
   A. Interjurisdictional Fisheries Act Funding
   B. Western Pacific Fishery Information Network and Territory Science Initiative Funding
5. Data Collection Improvement Updates
   A. Implementation of the Electronic Reporting Suite
   B. Updates on the Data Collection Outreach Activities
6. Discussion on Addressing the Pacific Islands Fisheries Monitoring and Assessment Planning Summit Recommendations
   A. Moving Towards Electronic Self-Reporting
   B. Moving Shore-Based Creel to Marine Recreational Information Program
   C. Data Governance for the Electronic Self-Reporting System
7. Report on FDCRC-Technical Committee
8. Public Comment
9. Discussions and Recommendations

Agenda for the Pelagic and International Standing Committee

Monday, June 22, 2020, 1 p.m. to 3 p.m.

1. Report on Impacts of COVID–19 on Fisheries
2. Status of Past Council Actions and Amendments
3. Stock Status Determination for Oceanic Whitetip Shark and Striped Marlin
4. Summary of Available Information on Sea Turtle Interactions in Foreign Pelagic Fisheries
5. Considerations for Developing Reasonable and Prudent Measures (RPMs) and/or Reasonable and Prudent Alternatives (RPAs) for the

Deep-set and American Samoa Longline Fisheries
6. 2021 U.S. and Territorial Longline Bigeye Specifications (Final Action)
7. Mandatory Electronic Reporting for the Hawaii Longline Fishery (Initial Action)
8. International Fisheries
A. Western and Central Pacific Fisheries Commission (WCPFC) Permanent Advisory Committee Report
B. Preparation for WCPFC Science Committee
C. Pre-Assessment Workshop Outcomes for Yellowfin and Bigeye
D. Workshop on Area-Based Management of Blue Water Fisheries
9. Advisory Group Report and Recommendations
A. Advisory Panel Report
B. Pelagic Plan Team Report
C. Scientific and Statistical Committee Report
10. Other Issues
11. Public Comment
12. Discussion and Recommendations

Agenda for the Executive and Budget Standing Committee

Monday, June 22, 2020, 3 p.m. to 5 p.m.

1. Financial Reports
2. Administrative Reports
3. COVID–19 Impacts
A. Regional Impacts
B. Council Operations and Actions
4. Freedom of Information Act, Office of Inspector General and Congressional Requests
5. Council Coordination Committee Meeting
A. Report of the May Meeting
B. Planning for September Meeting
6. Council Family Changes
7. Marine Conservation Plans
8. Meetings and Workshops
9. Other Issues
10. Public Comment
11. Discussion and Recommendations

Agenda for the 182nd Council Meeting

Tuesday, June 23, 2020, 11 a.m. to 5 p.m.

1. Welcome and Introductions
2. Approval of the 182nd Agenda
3. Approval of the 181st Meeting Minutes
4. Executive Director's Report
5. Agency Reports
A. NOAA Office of General Counsel, Pacific Islands Section
B. National Marine Fisheries Service
1. Pacific Islands Regional Office
2. Pacific Islands Fisheries Science Center
C. U.S. State Department
D. U.S. Fish and Wildlife Service
E. Enforcement
1. U.S. Coast Guard
2. NOAA Office of Law Enforcement
3. NOAA Office of General Counsel, Enforcement Section
F. Public Comment
G. Council Discussion and Action
6. Regional Reports on COVID19 Impacts and Activities
A. American Samoa
B. Guam
C. CNMI
D. Hawaii
E. Pelagic and International Fisheries
7. Program Planning and Research
A. National Legislative Report
B. 2019 Annual Stock Assessment and Fishery Evaluation Reports
C. Standardized Bycatch Reporting Methodology
D. Electronic Technologies Implementation Plan
E. President Executive Order on Seafood Competitiveness
F. Stock Definitions in the Bottomfish and Pelagic Fisheries
G. Advisory Group Reports and Recommendations
1. Advisory Panel Report
2. Archipelagic Plan Team Report
3. Pelagic Plan Team Report
4. FDCRC Report
5. Scientific and Statistical Committee Report
H. Public Comment
I. Council Discussion and Action
8. Community Engagement and Public Relations

Wednesday, June 24, 2020, 11 a.m. to 5 p.m.

9. American Samoa Archipelago
A. Motu Lipoti
B. Department of Marine and Wildlife Resources Report (Legislation and Enforcement)
C. American Samoa Bottomfish Fishery
1. Status of the Interim Measure
2. Status of the Annual Catch Limit Specification
3. Development of the Bottomfish Rebuilding Plan
D. American Samoa Community Activities
E. Advisory Group Report and Recommendations
1. Advisory Panel Report
2. Archipelagic Plan Team Report
3. Scientific and Statistical Committee Report
F. Public Comment
G. Council Discussion and Action
10. Mariana Archipelago
A. Guam
1. Isla Informe
2. Department of Agriculture/Division of Aquatic and Wildlife Resources Report (Legislation and Enforcement)
3. Review of Guam Marine Conservation Plan
4. Guam Community Activities
B. CNMI
1. Arongol Falú
2. Department of Land and Natural Resources/Division of Fish and Wildlife Report
3. CNMI Community Activities
C. Advisory Group Reports and Recommendations
1. Advisory Panel Report
2. Scientific and Statistical Committee Report
D. Public Comment
E. Council Discussion and Action
11. Hawai'i Archipelago and Pacific Remote Island Areas (PRIA)
A. Moku Pepa
B. Department of Land and Natural Resources/Division of Aquatic Resources Report (Legislation, Enforcement)
C. Update on Managing Hawaii's Small-boat Fishery
D. Main Hawaiian Islands (MHI) Uku Fishery
1. Western Pacific Stock Assessment Review Report on the Uku Benchmark Stock Assessment
2. Peer-Reviewed Benchmark Stock Assessment of Uku in MHI
E. Review of PRIA Marine Conservation Plan
F. Hawaii Community Activities
G. Advisory Group Report and Recommendations
1. Advisory Panel Report
2. Pelagic Plan Team Report
3. Scientific and Statistical Committee Report
H. Public Comment
I. Council Discussion and Action

Wednesday, June 24, 2020, 4 p.m. to 5 p.m.

Public Comment on Non-Agenda Items

Thursday, June 25, 2020, 11 a.m. to 5 p.m.

12. Protected Species
A. Endangered Species Act (ESA) and Marine Mammal Protection Act Updates
1. Status of ESA Consultations
B. Assessing Population Level Impacts of Marine Turtle Interactions in the American Samoa Longline Fishery
C. Summary of Available Information on Sea Turtle Interactions in Foreign Pelagic Fisheries
D. Advisory Group Report and Recommendations
1. Advisory Panel Report
2. Pelagic Plan Team Report
3. Scientific & Statistical Committee Report

E. Public Comment
F. Council Discussion and Action
13. Pelagic & International Fisheries
A. Status of Council Actions and Amendments
1. Amendment 8: International Measures Implemented into the Pelagic Fishery Ecosystem Plan and Western and Central Pacific Ocean Striped Marlin Catch Limits
2. Amendment 9: Multi-year Specifications for U.S. and Territorial Bigeye Longline Allocation Limits
3. Amendment 10: Shallow-set Trip Limits for Sea Turtle Interactions
B. Mandatory Electronic Reporting for the Hawaii Longline Fishery (Initial Action Item)
C. 2021 U.S. and Territorial Longline Bigeye Specifications (Final Action Item)
D. Stock Status Determination for Oceanic Whitetip Shark and Striped Marlin
E. Considerations for Developing RPMs and/or RPAs for the Deep-set and American Samoa Longline Fisheries
F. Pre-Assessment Workshop Outcomes for Yellowfin and Bigeye Tunas
G. International Fisheries
1. WCPFC Permanent Advisory Committee Report
2. Workshop on Area-Based Management of Blue Water Fisheries
H. Advisory Group Report and Recommendations
1. Advisory Panel Report
2. Pelagic Plan Team Report
3. Scientific and Statistical Committee Report
I. Standing Committee Report and Recommendations
J. Public Comment
K. Council Discussion and Action
14. Administrative Matters
A. Financial Reports
1. Current Grants
B. Administrative Reports
C. Council Coordination Committee Meetings
D. Council Family Changes
E. Meetings and Workshops
F. Standing Committee Report and Recommendations
G. Public Comment
H. Council Discussion and Action

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 182nd meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 1, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–12072 Filed 6–3–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV136

Atlantic Coastal Fisheries Cooperative Management Act Provisions; Atlantic Menhaden Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of withdrawal of federal moratorium.

SUMMARY: NMFS announces the withdrawal of the Federal moratorium on fishing for Atlantic menhaden in the waters of the Commonwealth of Virginia. NMFS withdraws the moratorium, as required by the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act), based on its determination that Virginia is now in compliance with the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan for Atlantic Menhaden.

DATES: June 4, 2020.

ADDRESSES: Jennifer Wallace, Acting Director, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Room 13362, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Derek Orner, Fishery Management Specialist, NMFS Office of Sustainable Fisheries, (301) 427–8567; *derek.orner@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On October 31, 2019, the Commission found that the Commonwealth of Virginia is out of compliance with the Commission's Interstate Fishery Management Plan (Plan) for Atlantic menhaden. Specifically, the Commission required Virginia to implement a total allowable harvest from the Chesapeake Bay Reduction Fishery that would not exceed 51,000 metric tons (mt). Amendment 3 was approved in the fall 2017, and was to be fully implemented by the Commonwealth of Virginia for the 2018 fishing season. Virginia, however, did not implement the Commission's recommended 51,000 mt cap and instead maintained its pre-existing 87,216 mt cap. At the time, Atlantic menhaden in Virginia were managed by the legislature and not the Virginia Marine Resources Commission, which manages all other Virginia fishery species. The Virginia delegation to the Commission agreed it was out of compliance and voted for a non-compliance finding at the Commission's Atlantic Menhaden and Policy Boards as well as the Commission's Business Section. The Commission forwarded its findings of their October 31, 2019 vote in a formal non-compliance referral letter that was received by NMFS on November 18, 2019. On December 17, 2019, NMFS notified the Commonwealth of Virginia and the Commission of its determination that Virginia failed to carry out its responsibilities under the Commission's Atlantic Menhaden Plan and that the measures Virginia had failed to implement and enforce are necessary for the conservation of the menhaden resource. In this determination and notification, NMFS detailed the actions necessary to avoid the implementation of a Federal moratorium for menhaden in Virginia waters. Details of this determination were provided in a **Federal Register** notice published on December 27, 2019 (84 FR 71329), and are not repeated here.

Activities Pursuant to the Atlantic Coastal Act

The Atlantic Coastal Act specifies that, if, after a moratorium is declared with respect to a State, the Secretary is notified by the Commission that it is withdrawing the determination of noncompliance, the Secretary shall immediately determine whether the State is in compliance with the applicable Plan. If the Secretary determines that the State is in compliance, then the moratorium shall be withdrawn. On May 12, 2020, NMFS

received a letter from the Commission that Virginia had taken corrective action to comply with the Atlantic Menhaden Plan, and that the Commission has withdrawn its determination of non-compliance.

Withdrawal of the Moratorium

Based on the Commission's May 12, 2020, letter, as well as information received from the Commonwealth of Virginia, and NMFS' review of Virginia's revised Atlantic menhaden regulations, NMFS concurs with the Commission's determination that Virginia is now in compliance with the Atlantic Menhaden Plan. Specifically, NMFS reviewed the Commission's Menhaden Plan and Virginia's recently approved management measures. The management measures implement a program that is consistent with the Atlantic menhaden management program set by the Commission to conserve menhaden in Chesapeake Bay and achieve the objectives specified in the Plan. Therefore, we concur with the Commission's finding that Virginia is now in compliance and that the moratorium on fishing for, possession of, and landing of Atlantic menhaden by the recreational and commercial fishermen within Virginia waters is no longer necessary to conserve the fishery. The moratorium, which was scheduled for June 17, 2020, is withdrawn.

Authority: 16 U.S.C. 5101 *et seq.*

Dated: June 1, 2020.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–12071 Filed 6–3–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Meeting of the Advisory Committee on Commercial Remote Sensing

ACTION: Notice of meeting.

SUMMARY: The Advisory Committee on Commercial Remote Sensing (''ACCRES'' or ''the Committee'') will meet for three half-day meetings from June 23–June 25, 2020.

DATES: The meeting is scheduled as follows: June 23–June 25, 2020 from 10:00 a.m.–1:30 p.m. Eastern Daylight Time (EDT) each day.

ADDRESSES: The meeting will be held virtually via Cisco WebEx.

FOR FURTHER INFORMATION CONTACT: Tashaun Pierre, NOAA/NESDIS/CRSRA, 1335 East West Highway, G–101, Silver Spring, Maryland 20910; (301) 713–7047 or *CRSRA@noaa.gov.*

SUPPLEMENTARY INFORMATION: As required by Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (FACA) and its implementing regulations, *see* 41 CFR 102–3.150, notice is hereby given of the meeting of ACCRES. ACCRES was established by the Secretary of Commerce (Secretary) on May 21, 2002, to advise the Secretary through the Under Secretary of Commerce for Oceans and Atmosphere on matters relating to the U.S. commercial remote sensing space industry and on the National Oceanic and Atmospheric Administration's activities to carry out the responsibilities of the Department of Commerce set forth in the National and Commercial Space Programs Act of 2010 (51 U.S.C. 60101 *et seq.*).

Purpose of the Meeting and Matters To Be Considered

The meeting will be open to the public pursuant to Section 10(a)(1) of the FACA. During the meeting, the Committee will hear a report out of the Synthetic Aperture Radar (SAR) Task Group and discuss the newly released Final Rule on Licensing of Private Remote Sensing Space Systems.

Additional Information and Public Comments

The meeting will be held over three half-days and will be conducted via Cisco WebEx. The agenda, speakers and times are subject to change. For updates, please check online at *https://www.nesdis.noaa.gov/CRSRA/accresMeetings.html.* You may also sign up to receive meeting emails at: *https://forms.gle/sfvLt8Rfj7e8C2WNA* or by directly emailing.

Public comments are encouraged. Individuals or groups who would like to submit advance written comments, please email them to *Tahara.Dawkins@noaa.gov,* and *CRSRA@noaa.gov.*

Stephen M. Volz,

Assistant Administrator for Satellite and Information Services.

[FR Doc. 2020–12062 Filed 6–3–20; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0083]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Education Innovation and Research (EIR) Application Package

AGENCY: Office of Innovation and Improvement (OII), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement of a previously approved 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 Ashley Brizzo, 202–453–6987.

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: Education Innovation and Research (EIR) Application Package.

OMB Control Number: 1855–0021.

Type of Review: A reinstatement of a previously approved information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 50.

Total Estimated Number of Annual Burden Hours: 1,500.

Abstract: On April 13, 2020 the Department of Education published in the **Federal Register** a Notice of Proposed Priorities, Requirements, Definition, and Selection Criteria for the Education Innovation and Research Grant Programs's Teacher-Directed Professional Learning Experiences (Vol. 85, No. 71, pages 20455–20460). Specifically, the Department proposed a new priority and accompanying application requirements, definition, and selection criteria for applicants proposing to empower teachers to select professional learning. The Innovation and Early Learning Programs Division of the Department is requesting a reinstatement with change of the previously OMB approved 1855–0021 collection due to this rulemaking for the Education Innovation and Research (EIR) Application Package program authorized under Title VI, Part F, Subpart 1, of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act.

Dated: June 1, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2020–12032 Filed 6–3–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2020–SCC–0084]

Agency Information Collection Activities; Comment Request; William D. Ford Federal Direct Loan Program, Federal Direct PLUS Loan Request for Supplemental Information

AGENCY: Federal Student Aid (FSA), 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 August 3, 2020.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2020–SCC–0084. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W–208D, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

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: William D. Ford Federal Direct Loan Program, Federal Direct PLUS Loan Request for Supplemental Information.

OMB Control Number: 1845–0103.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 1,230,000.

Total Estimated Number of Annual Burden Hours: 615,000.

Abstract: The Federal Direct PLUS Loan Request for Supplemental Information serves as the means by which a parent or graduate/professional student Direct PLUS Loan applicant may provide certain information to a school that will assist the school in originating the borrower's Direct PLUS Loan award, as an alternative to providing this information to the school by other means established by the school.

This is a request for a revision of the currently approved form. The form was reorganized for improved usability and flow.

Dated: June 1, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2020–12095 Filed 6–3–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

President's Council of Advisors on Science and Technology (PCAST)

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open virtual meeting.

SUMMARY: This notice announces an open teleconference meeting of the President's Council of Advisors on Science and Technology (PCAST), and describes the functions of the Council. The Federal Advisory Committee Act (FACA) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: June 30, 2020; 9:30 a.m. to 5:30 p.m.

ADDRESSES: The meeting will be held virtually. Information to participate can be found on the website closer to the meeting date at *https://science.osti.gov/About/PCAST/Meetings.*

FOR FURTHER INFORMATION CONTACT: Edward McGinnis, Executive Director, PCAST, 202–456–6076 or *PCAST@ostp.eop.gov.*

SUPPLEMENTARY INFORMATION: PCAST is an advisory group of the nation's leading scientists and engineers, appointed by the President to augment the science and technology advice available to him from inside the White House, cabinet departments, and other Federal agencies. See the Executive Order at *whitehouse.gov.* PCAST is consulted about and provides analyses and recommendations concerning a wide range of issues where understandings from the domains of science, technology, and innovation may bear on the policy choices before the President. PCAST is chaired by Dr. Kelvin Droegemeier, Director, Office of Science and Technology Policy, Executive Office of the President, The White House. The Designated Federal Officer is Ed McGinnis, Executive Director. Information about PCAST can be found at: *https://science.osti.gov/About/PCAST.*

Type of Meeting: Open.

Proposed Schedule and Tentative Agenda: Discussions of the Subcommittee on American Global Leadership in Industries of the Future; Subcommittee on New Models of Engagement for Federal and National Laboratories in the Multi-Sector R&D Enterprise; and Subcommittee on Meeting National Needs for STEM Education and a Diverse, Multi-Sector Workforce.

Public Comments: It is the policy of the PCAST to accept written public comments no longer than 20 pages and to accommodate oral public comments whenever possible. The PCAST expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The public comment period for this meeting will take place on June 30, 2020 at a time specified in the meeting agenda. This public comment period is designed only for substantive commentary on PCAST's work, not for business marketing purposes.

Oral Comments: To be considered for the public speaker list at the meeting, interested parties should register to speak at *PCAST@ostp.eop.gov,* no later than 12:00 p.m., Eastern Time on June 22, 2020. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of up to 10 minutes. If more speakers register than there is space available on the agenda, PCAST will select speakers on a first-come, first-served basis from those who applied. Those not able to present oral comments may always file written comments with the committee.

Written Comments: Although written comments are accepted continuously, written comments should be submitted to *PCAST@ostp.eop.gov* no later than 12:00 p.m., Eastern Time on June 22, 2020 so that the comments may be made available to the PCAST members prior to this meeting for their consideration.

Please note that because PCAST operates under the provisions of FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST website.

Minutes: Minutes will be available within 45 days by emailing *PCAST@ostp.eop.gov.*

Signed in Washington, DC, on May 29, 2020.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2020–12015 Filed 6–3–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–185–E]

Application To Export Electric Energy; Morgan Stanley Capital Group Inc.

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: Morgan Stanley Capital Group Inc. (Applicant or MSCG) has applied for authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before July 6, 2020.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to (202) 586–8008.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b) and 42 U.S.C. 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On July 8, 2015, DOE issued Order No. EA–185–D, which authorized MSCG to transmit electric energy from the Unites States to Canada as a power marketer for a five-year term using existing international transmission facilities appropriate for open access. This authorization expires on August 21, 2020. On May 21, 2020, MSCG filed an application (Application or App.) with DOE for renewal of the export authorization contained in Order No. EA–185–D.

MSCG states that it ''is a Delaware corporation with its principal place of business in New York, New York'' and that it ''is an indirect, wholly-owned subsidiary of Morgan Stanley.'' App. at 2. MSCG adds that it ''does not directly own or control any electric generation or transmission facilities, nor does it hold a franchise or service territory for the transmission, distribution, or sale of electric power.'' *Id.* at 3.

MSCG further states that it ''has purchased, or will purchase, the power that may be exported to Canada from wholesale generators, electric utilities, and federal power marketing agencies.'' App. at 6–7. MSCG contends that its proposed exports ''will not impair the sufficiency of electric supply within the United States'' and ''will neither impede nor tend to impede'' the operational reliability of the bulk power system. *Id.* at 1–2.

The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

PROCEDURAL MATTERS: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning MSCG's application to export electric energy to Canada should be clearly marked with OE Docket No. EA–185–E. Additional copies are to be provided directly to Edward Zabrocki, 1633 Broadway, 29th Floor, New York, NY 10019, *Ed.Zabrocki@morganstanley.com;* Daniel E. Frank, 700 Sixth St. NW, Suite 700, Washington, DC 20001–3980, *danielfrank@eversheds-sutherland.com;* and Martha M. Hopkins, 700 Sixth St. NW, Suite 700, Washington, DC 20001–3980, *martyhopkins@eversheds-sutherland.com.*

A final decision will be made on this Application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE determines that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Matthew Aronoff at *matthew.aronoff@hq.doe.gov.*

Signed in Washington, DC, on May 29, 2020.

Christopher Lawrence,

Management and Program Analyst, Transmission Permitting and Technical Assistance, Office of Electricity.

[FR Doc. 2020–11995 Filed 6–3–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4026–053]

Androscoggin Reservoir Company; Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping; Waiving Parts of the Pre-Filing Process; Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 4026–053.

c. *Dated Filed:* March 30, 2020.

d. *Submitted By:* Androscoggin Reservoir Company (ARCO).

e. *Name of Project:* Aziscohos Hydroelectric Project.

f. *Location:* On the Magalloway River in Oxford County, Maine. The project does not occupy any federal land.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Randy Dorman, Brookfield Renewable, 150 Main Street, Lewiston, ME 04240; phone at (207) 755–5605, or email at *Randy.Dorman@brookfieldrenewable.com.*

i. *FERC Contact:* Dr. Nicholas Palso at (202) 502–8854 or email at *nicholas.palso@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC 61,076 (2001).

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; and (b) the Maine State Historic Preservation Officer (SHPO) as required by section 106 of the National Historic Preservation Act and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating ARCO as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. ARCO filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. 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 via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to 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, (866) 208–3676 or TYY, (202) 502–8659.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission staff's Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–4026–053.

All filings with the Commission must bear the appropriate heading: Comments on Pre-Application Document, Study Requests, Comments on Scoping Document 1, Request for Cooperating Agency Status, or Communications to and from Commission Staff. Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so within 60 days of the date of this notice.

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. The scoping process will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings and Environmental Site Review

Due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020, we are waiving section 5.8(b)(viii) of the Commission's regulations and do not intend to conduct a public scoping meeting or site visit in this case. Instead, we are soliciting written comments, recommendations, and information on the SD1. Any individual or entity interested in submitting scoping comments must do so by the date specified in item o. SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov,* using the eLibrary link. Follow the directions for accessing information in paragraph n. Based on all written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

We may conduct the site visit, if needed, later in the process, such as in conjunction with the study plan meeting required by section 5.11(e) of the Commission's regulations, which is required to occur by October 11, 2020. Further revisions to the schedule may be made as appropriate.

Dated: May 29, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12051 Filed 6–3–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[P–2232–768]

Duke Energy Carolinas, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Non-capacity amendment to replace turbines.

b. *Project No.:* 2232–768.

c. *Date Filed:* May 14, 2020.

d. *Applicant:* Duke Energy Carolinas, LLC.

e. *Name of Project:* Catawba-Wateree Hydroelectric Project.

f. *Location:* The project is located on the Catawba-Wateree River in Burke, McDowell, Caldwell, Catawba, Alexander, Iredell, Mecklenburg, Lincoln, and Gaston counties, North Carolina, and York, Lancaster, Chester, Fairfield, and Kershaw counties South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jeffrey G. Lineberger, Director of Water Strategy and Hydro Licensing, Duke Energy, Mail Code EC–12Y, 526 South Church Street, Charlotte, NC 28202, (704) 382–5942.

i. *FERC Contact:* Mr. Steven Sachs, (202) 502–8666, *Steven.Sachs@ferc.gov*.

j. Deadline for filing comments, motions to intervene, and protests *is 30 days from the issuance of this notice by the Commission*. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/doc-sfiling/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–2232–768.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The applicant proposes to replace two turbines and related equipment at the Mountain Island development of the project. The proposal would increase the total installed capacity of the project from 805.302 to 810.252 megawatts, and would raise the hydraulic capacity of the Mountain Island development from 11,700 to 12,130 cubic feet per second. The applicant does not propose any operational changes to the project following installation of the new turbines.

l. 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.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Motions to Intervene, or Protests:* Anyone may submit comments, a motion to intervene, or a protest in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, motions to intervene, or protests must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, MOTION TO INTERVENE, or PROTEST as applicable; (2) set forth in the heading the name of the applicant and the project number(s) of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person intervening or protesting; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: May 29, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12049 Filed 6–3–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–1911–000]

Desert Harvest II LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Desert Harvest II LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 18, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: May 29, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12054 Filed 6–3–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–8512–001]

Miller, Paul J.; Notice of Filing

Take notice that on May 29, 2020, Paul J. Miller, submitted for filing, an application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d (b), part 45 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR part 45.8 (2019).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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.

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 Time on June 19, 2020.

Dated: May 29, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12048 Filed 6–3–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–1910–000]

Desert Harvest, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Desert Harvest, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to

intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 18, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: May 29, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12055 Filed 6–3–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG20–170–000.
Applicants: Cedar Springs Wind III, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Cedar Springs Wind III, LLC.
Filed Date: 5/28/20.
Accession Number: 20200528–5285.
Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: EG20–171–000.
Applicants: Cedar Springs Wind, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Cedar Springs Wind, LLC.
Filed Date: 5/28/20.
Accession Number: 20200528–5295.
Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: EG20–172–000.
Applicants: Cedar Springs Transmission LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Cedar Springs Transmission LLC.
Filed Date: 5/28/20.
Accession Number: 20200528–5299.
Comments Due: 5 p.m. ET 6/18/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–404–003.
Applicants: Public Service Company of Colorado.
Description: Compliance filing: OATT–Att O–SPS–Depr–ADIT–Compliance: ER19–404 to be effective 2/1/2019.
Filed Date: 5/28/20.
Accession Number: 20200528–5126.
Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER19–2722–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Errata to Pending Fast-Start Compliance Filing to be effective 12/31/9998.
Filed Date: 5/28/20.
Accession Number: 20200528–5265.
Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1449–001.
Applicants: Midcontinent Independent System Operator, Inc, Entergy Services, LLC.
Description: Tariff Amendment: 2020–05–29; Entergy NOL Extension of Time Filing to be effective 12/31/9998.
Filed Date: 5/29/20.
Accession Number: 20200529–5103.
Comments Due: 5 p.m. ET 6/19/20.

Docket Numbers: ER20–1748–000; ER20–1747–000.
Applicants: Ewington Energy Systems, LLC, South Fork Wind, LLC.
Description: Clarification to May 1, 2020, Ewington Energy Systems, LLC, et al. tariff filings.
Filed Date: 5/21/20.
Accession Number: 20200521–5145.
Comments Due: 5 p.m. ET 6/8/20.

Docket Numbers: ER20–1915–000.
Applicants: Maverick Solar, LLC.
Description: Baseline eTariff Filing: Initial Market-Based Rate Petition of Maverick Solar to be effective 7/28/2020.
Filed Date: 5/28/20.
Accession Number: 20200528–5273
Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1916–000.
Applicants: Maverick Solar 4, LLC.
Description: Baseline eTariff Filing: Initial Market-Based Rate Petition of Maverick Solar 4 to be effective 7/28/2020.
Filed Date: 5/28/20.
Accession Number: 20200528–5289.
Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1917–000.
Applicants: EF Oxnard LLC.
Description: Baseline eTariff Filing: EF Oxnard Service Agreement Baseline to be effective 6/1/2020.
Filed Date: 5/28/20.
Accession Number: 20200528–5305.
Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1918–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: PSC–TSGT–OOM-ComancheTerm–542–0.0.0–Filing to be effective 5/30/2020.
Filed Date: 5/29/20.
Accession Number: 20200529–5040.
Comments Due: 5 p.m. ET 6/19/20.

Docket Numbers: ER20–1919–000.
Applicants: Versant Power.
Description: Notice of Termination of Interconnection Agreement of Versant Power.
Filed Date: 5/28/20.
Accession Number: 20200528–5359.
Comments Due: 5 p.m. ET 6/18/20.

Docket Numbers: ER20–1921–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Attachment AF to Clarify Market Mitigation Process to be effective 8/3/2020.
Filed Date: 5/29/20.
Accession Number: 20200529–5044.
Comments Due: 5 p.m. ET 6/19/20.

Docket Numbers: ER20–1922–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2020–05–29_SA 3190 Alta Farms Wind-Ameren Illinois 1st Rev GIA (J474) to be effective 5/14/2020.

Filed Date: 5/29/20.

Accession Number: 20200529–5134.

Comments Due: 5 p.m. ET 6/19/20.

Docket Numbers: ER20–1923–000.

Applicants: Louisiana Generating LLC.

Description: Request to Recover Costs Associated with Acting as a Local Balancing Authority of Louisiana Generating LLC.

Filed Date: 5/29/20.

Accession Number: 20200529–5155.

Comments Due: 5 p.m. ET 6/19/20.

Docket Numbers: ER20–1924–000.

Applicants: Aequitas Energy, Inc.

Description: Tariff Cancellation: Tariff cancellation to be effective 6/1/2020.

Filed Date: 5/29/20.

Accession Number: 20200529–5219

Comments Due: 5 p.m. ET 6/19/20.

Docket Numbers: ER20–1925–000.

Applicants: energy.me midwest, llc.

Description: Tariff Cancellation: Tariff cancellation to be effective 6/1/2020.

Filed Date: 5/29/20.

Accession Number: 20200529–5223.

Comments Due: 5 p.m. ET 6/19/20.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 29, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12053 Filed 6–3–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15011–000]

Renewable Energy Aggregators, Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On October 11, 2019, Renewable Energy Aggregators, Inc. filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Delaney Pumped Storage Project (Delaney Project or project) to be located near the town of Tonopah, Maricopa County, Arizona. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A newly constructed upper reservoir with an earthen/roller-compacted concrete dam and a surface area of 150 acres with a storage capacity of 11,525 acre-feet of water; (2) a newly constructed lower reservoir of 2,000 acres with a storage capacity of approximately 15,250 acre-feet; (3) two 22,000-foot-long, 19-foot-diameter penstocks; (4) a powerhouse with dimensions of 750 feet long by 175 feet high by 70 feet wide containing as many as two ternary style pump/generating units; (5) two 3,000-foot-long, 21-foot-diameter tailrace tunnels; and (6) a connection to the existing Delaney Substation within the project boundary. The estimated annual generation of the Delaney Project would be 864,000 megawatt-hours.

Applicant Contact: Mr. Adam Rousselle, Renewable Energy Aggregators, 2113 Middle Street, Suite 201, Sullivan's Island, South Carolina 29482; phone: (267) 254–6107.

FERC Contact: Rebecca Kipp; phone: (202) 502–8846.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–15011–000.

More information about this project, including a copy of the application, can be viewed or printed on the eLibrary link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–15011) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 29, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12052 Filed 6–3–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–1916–000]

Maverick Solar 4, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Blooming Grove Wind Energy Center LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard

to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 18, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: May 29, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12058 Filed 6–3–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–1915–000]

Maverick Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Maverick Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 18, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: May 29, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12057 Filed 6–3–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–1912–000]

Blooming Grove Wind Energy Center LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Blooming Grove Wind Energy Center LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 18, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an

eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: May 29, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12056 Filed 6–3–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2816–050; Project No. 12766–007]

North Hartland, LLC; Green Mountain Power Corporation; Notice Soliciting Scoping Comments

Take notice that the following hydroelectric applications have been filed with Commission and are available for public inspection:

a. *Type of Application:* New Major License (2816–050), New License for Transmission Line Project (12766–007).

b. *Project Nos.:* 2816–050 and 12766–007.

c. *Dates filed:* November 26, 2019 (P–2816–050), November 22, 2019 (P–12766–007).

d. *Applicants:* North Hartland, LLC (North Hartland) (P–2816–050), Green Mountain Power Corporation (Green Mountain Power) (P–12766–007).

e. *Names of Projects:* North Hartland Hydroelectric Project (P–2816–050), Clay Hill Road Line 66 Transmission Project (P–12766–007).

f. *Location:* The North Hartland Hydroelectric Project (North Hartland Project) is located on the Ottauquechee River in Windsor County, Vermont. The North Hartland Project occupies 20.8 acres of land managed by the U.S. Army Corps of Engineers (Corps). The Clay Hill Road Line 66 Transmission Project (Clay Hill Project) is located along Clay Hill Road in Windsor County, Vermont. The Clay Hill Project does not occupy any federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Blackstone Hydroelectric Project—Andrew J. Locke, President, Essex Hydro Associates, LLC, 55 Union Street, Boston, MA 02108; Phone at (617) 367–0032, or email at *alocke@essexhydro.com.*

Clay Hill Project—John Greenan, Green Mountain Power Corporation, 2152 Post Road, Rutland, VT 05701; Phone at (802) 770–2195, or email at *John.Greenan@greenmountainpower.com.*

i. *FERC Contact:* Bill Connelly, (202) 502–8587 or *william.connelly@ferc.gov.*

j. *Deadline for filing scoping comments:* June 28, 2020.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. All filings must clearly identify the project name and docket number on the first page: North Hartland Hydroelectric Project (P–2816–050) and/or Clay Hill Road Line 66 Transmission Project (P–12766–007).

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. The applications are not ready for environmental analysis at this time.

l. *Project Descriptions:*

North Hartland Project

The existing North Hartland Project consists of: (1) A steel-lined intake structure in the Corps' North Hartland Dam that is equipped with trashracks with 2-inch clear bar spacing; (2) a 470-foot-long, 12-foot-diameter steel penstock that provides flow to a 4.0-megawatt (MW) adjustable blade, vertical shaft turbine-generator unit located inside of a 59-foot-long, 40-foot-wide concrete powerhouse; (3) a 12-foot-diameter bypass conduit that branches off of the 12-foot-diameter penstock about 100 feet before the powerhouse, and that empties into a 60-foot-long concrete-lined channel through a bypass control gate; (4) a 30-inch-diameter steel penstock that branches off of the 12-foot-diamater bypass conduit about 50 feet upstream of the bypass control gate, and that provides flow to a 0.1375–MW fixed geometry, horizontal pump turbine-generator unit located on a raised platform outside of the southern wall of the powerhouse; (5) a 400-foot-long, 50 to 150-foot-wide tailrace channel; (6) a transmission line that comprises an approximately 600-foot-long, 12.5 kilovolt (kV) underground segment, and a 4,000-foot-long, 12.5-kV overhead segment that connect the generators to the Clay Hill Project; and (9) appurtenant facilities.

North Hartland proposes to release the following minimum and maximum flows, respectively, to the downstream reach: (1) 60 and 700 cfs from October 1 through March 31; (2) 160 and 835 cfs from April 1 through April 31; (3) 160 and 550 cfs from May 1 through May 31; (4) 140 and 450 cfs from June 1 through June 30; and (5) 60 and 300 cfs from July 1 through September 30.

Clay Hill Project

The existing Clay Hill Project consists of: (1) A 2.3-mile-long, 12.5-kV, three-phase electrical line mounted on top of Green Mountain Power's regional distribution line (Line 66) along Clay Hill Road from Pole 115 to 62x; and (2) appurtenant facilities. The project serves as a primary transmission line for the North Hartland Project. Green Mountain Power is not proposing any changes to project facilities or operation.

m. In addition to publishing the full text of this notice in the **Federal Register**, the Commission provides all

interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in the proceeding (*e.g.,* license application) via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document (P–2816 or P–12766). 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) 208–3673 or (202) 502–8659 (TTY).

n. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. *Scoping Process:* Commission staff intend to prepare a single Environmental Assessment (EA) for the projects in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action. At this time, we do not anticipate holding on-site public or agency scoping meetings. Instead, we are soliciting your comments and suggestions on the preliminary list of issues and alternatives to be addressed in the EA, as described in scoping document 1 (SD1), issued May 29, 2020.

Copies of the SD1 outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659.

Dated: May 29, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12050 Filed 6–3–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0063; FRL–10010–51–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Polyether Polyols Production (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Polyether Polyols Production (EPA ICR Number 1811.11, OMB Control Number 2060–0415), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through September 30, 2020. Public comments were previously requested, via the **Federal Register**,on May 6, 2019 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before July 6, 2020.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0063, to EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The NESHAP for Polyether Polyols Production (40 CFR part 63, subpart PPP) were proposed on September 4, 1997; promulgated on June 1, 1999; and amended on March 27, 2014. These regulations apply to both new and existing facilities that engage in the manufacture of polyether polyols (including polyether mono-ols) and emit hazardous air pollutants (HAPs). Owners or operators of polyether polyols production facilities to which this regulation applies must either choose one of the compliance options described in the rule or install and monitor a specific control system that reduces HAP emissions to the compliance level. Respondents are also subject to sections of 40 CFR part 63, subpart A. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart PPP.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: None.

Respondents/affected entities: Owners or operators of polyether polyols production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart PPP).

Estimated number of respondents: 23 (total).

Frequency of response: Semiannually.

Total estimated burden: 3,710 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $429,000 (per year), which includes $0 for annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Secondly, the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2020–12039 Filed 6–3–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0611; FRL–10006–89–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; TSCA Existing Chemical Risk Evaluation and Management—Generic ICR for Interviews and Focus Groups

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), TSCA Existing Chemical Risk Evaluation and Management—Generic ICR for Interviews and Focus Groups (EPA ICR Number 2584.01 and OMB Control Number 2070–NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). This is a request for approval of a new collection. Public comments were previously requested via the **Federal Register** on August 5, 2019 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

DATES: Comments must be received on or before July 6, 2020.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPPT–2018–0612 to EPA online using *www.regulations.gov.* The EPA Docket Center and Reading Room was closed to public visitors on March 31, 2020 to reduce the risk of transmitting COVID–19. There is a temporary suspension of mail delivery to EPA, and no hand deliveries are currently accepted. For further information on EPA Docket Center services and the current status, please visit *https://www.epa.gov/dockets.*

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Albert Monroe, Economic and Policy Analysis Branch, Chemistry, Economics, and Sustainable Strategies Division (MC7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–7116; email address: *monroe.albert@epa.gov. For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave. Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room was closed to public visitors on March 31, 2020, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information on EPA Docket Center services and the current status, please visit *https://www.epa.gov/dockets.*

Abstract: The purpose of this ICR is to help provide data for EPA's risk evaluations and risk management of existing chemicals under TSCA section 6 more efficiently and effectively. Under TSCA, EPA must gather information with sufficient detail about chemicals, including hazards, conditions of use, exposures, potentially exposed and susceptible subpopulations, health and environmental effects, benefits, reasonably ascertainable economic consequences, alternatives, and other information in a timely fashion to meet TSCA's statutory timeframes. Therefore, EPA is requesting approval for a generic ICR to conduct interviews and focus groups of respondents described below related to information collection for TSCA chemical risk evaluation and management. This research would consist of open-ended structured discussions or interviews with individuals or small groups of individuals, and therefore can provide in-depth information. Data collected under this generic clearance may be used in several ways during the risk evaluation and risk management processes, including establishing generic scenarios, developing models of various conditions of use of chemicals evaluated under TSCA or their alternatives, pretesting survey questions, and providing important context for publicly available information already available to EPA. EPA would not collect information of a sensitive or private nature. However, respondents may claim information submitted as part of an interview or focus group as confidential. EPA generally treats this information as obtained under TSCA, such that confidentiality claims are subject to the provisions of TSCA section 14.

Respondents/Affected Entities: Entities potentially affected by this ICR include chemical manufacturers (as long as the information requested does not duplicate information already in possession of the federal government), chemical users (including government agencies), processors, recyclers, chemical waste handlers, consumers of chemical-containing products, employees who may be exposed to the chemical evaluated, state and local regulators, non-governmental

organizations, industry experts, and knowledgeable members of the public (including potentially exposed or susceptible subpopulations). As such, there are no typical respondent NAICS codes and the respondents will vary depending on the conditions of use of each chemical under consideration.

Respondent's obligation to respond: Voluntary.

Estimated total number of potential respondents: 714.

Frequency of response: On occasion.

Estimated total burden: 237 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Estimated total costs: $18,296 (per year), which includes no annualized capital investment or maintenance and operational costs.

Changes in the estimates: This is a request for a new approval from OMB.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2020–12042 Filed 6–3–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0612; FRL–10010–19–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; TSCA Existing Chemical Risk Evaluation and Management—Generic ICR for Surveys

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), TSCA Existing Chemical Risk Evaluation and Management—Generic ICR for Surveys (EPA ICR Number 2585.01, OMB Control Number 2070–NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a request for approval of a new collection. Public comments were previously requested via the **Federal Register** on July 5, 2019 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

DATES: Comments must be received on or before July 6, 2020.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPPT–2018–0612 to EPA online using *www.regulations.gov.* The EPA Docket Center and Reading Room was closed to public visitors on March 31, 2020 to reduce the risk of transmitting COVID–19. There is a temporary suspension of mail delivery to EPA, and no hand deliveries are currently accepted. For further information on EPA Docket Center services and the current status, please visit *https://www.epa.gov/dockets.*

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Albert Monroe, Economic and Policy Analysis Branch, Chemistry, Economics, and Sustainable Strategies Division (MC7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–7116; email address: *monroe.albert@epa.gov. For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room was closed to public visitors on March 31, 2020, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information on EPA Docket Center services and the current status, please visit *https://www.epa.gov/dockets.*

Abstract: The purpose of this ICR is to help provide data for EPA's risk evaluations and risk management of existing chemicals under TSCA section 6 more efficiently and effectively. Under TSCA, EPA must gather information with sufficient detail about chemicals, including hazards, conditions of use, exposures, potentially exposed and susceptible subpopulations, health and environmental effects, benefits, reasonably ascertainable economic consequences, alternatives, and other information in a timely fashion to meet TSCA's statutory timeframes. Therefore, EPA is requesting approval for a generic ICR to conduct surveys of respondents described below related to information collection for TSCA chemical risk evaluation and management. Surveys are defined as the collection of information from a common group through interviews or the application of questionnaires to a representative sample of that group.

EPA would not collect information of a sensitive or private nature. However, respondents may claim information submitted as part of a survey as confidential. EPA generally treats this information as obtained under TSCA, such that confidentiality claims are subject to the provisions of TSCA section 14.

Respondents/Affected Entities: Entities potentially affected by this ICR include chemical manufacturers (as long as the information requested does not duplicate information already in possession of the federal government), chemical users (including government agencies), processors, recyclers, chemical waste handlers, consumers of chemical-containing products, employees who may be exposed to the chemical evaluated, state and local regulators, non-governmental organizations, industry experts, and knowledgeable members of the public (including potentially exposed or susceptible subpopulations). As such, there are no typical respondent NAICS codes and the respondents will vary depending on the conditions of use of each chemical under consideration.

Respondent's obligation to respond: Voluntary.

Estimated total number of potential respondents: 600.

Frequency of response: On occasion.

Estimated total burden: 400 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Estimated total costs: $31,008 (per year), which includes no annualized capital investment or maintenance and operational costs.

Changes in the estimates: This is a request for a new approval from OMB.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2020–12043 Filed 6–3–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2020–0026; FRL–10010–31–OW]

Notice of Recent Specifications Review and Request for Information on WaterSense Program; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for information; extension of comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is extending the comment period for the document issued in the **Federal Register** on April 10, 2020, entitled ''Notice of Recent Specifications Review and Request for Information on WaterSense Program.'' In response to stakeholder requests, the EPA is extending the comment period an additional 45 days from June 9, 2020 to July 24, 2020. Please note changes for public visitors to the EPA Docket Center and Reading Room in the Public Participation section of this document.

DATES: The comment period for the document that published on April 10, 2020, at 85 FR 20268 is extended. Comments must be received on or before July 24, 2020.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OW–2020–0026, by the following method:

• *Federal eRulemaking Portal: https://www.regulations.gov/.* Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. EPA–HQ–OW–2020–0026. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments, see the Public Participation under the **SUPPLEMENTARY INFORMATION** section of this document.

Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room was closed to public visitors on March 31, 2020, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov* or email, as there is a temporary suspension of mail delivery to EPA, and no hand deliveries are currently accepted. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: For additional information, please contact Stephanie Tanner, Office of Water (mail code 4204M), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: 202–564–2660; or email: *Tanner.Stephanie@epa.gov* (preferred). Also see the following website for additional information on this topic: *https://www.epa.gov/watersense/product-specification-review.*

SUPPLEMENTARY INFORMATION:

I. Public Participation

Submit your comments, identified by Docket ID No. EPA–HQ–OW–2020–0026 via the *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

The EPA is temporarily suspending its Docket Center and Reading Room for public visitors to reduce the risk of transmitting COVID–19. Written comments submitted by mail are temporarily suspended and no hand deliveries will be accepted. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov.* For further information and updates on EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets.*

The EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID–19.

II. General Information

On April 10, 2020, the EPA published in the **Federal Register** (85 FR 20268) a request for public comment on any data, surveys, or studies to help assess consumer satisfaction with WaterSense labeled products, which could inform future product specification development. The EPA is also seeking input on how to design a study or studies to inform future reviews that incorporate customer satisfaction considerations. The results of these studies could inform future Agency action when developing criteria for labeling products in the WaterSense program. The EPA is also requesting input on whether it should include consumer satisfaction criteria into the WaterSense program guidelines and, if included, what criteria should be considered and how.

The EPA also announced on April 10th the completion of the review of WaterSense product performance criteria as required under the America's Water Infrastructure Act (AWIA) of 2018. The AWIA required the EPA to consider for review and revision, if necessary, specifications which were released prior to 2012. The EPA announced that it has completed its review and made the decision not to revise any specifications.

Dated: May 27, 2020.

Andrew D. Sawyers,

Director, Office of Wastewater Management.

[FR Doc. 2020–12036 Filed 6–3–20; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Privacy Act of 1974; System of Records

AGENCY: Farm Credit Administration.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, notice is hereby given that the Farm Credit Administration (FCA or Agency) amending an existing system of records, FCA–5—Assignments and Communication Tracking System—FCA. The Assignments and Communication Tracking System—FCA system is used

for reference, to track employee assignments, and to track oral and written communications between FCA staff and external parties. This information aids Agency management in its deliberations. The Agency is updating the notice to reflect changes to the system purpose and records, include more details, and make administrative updates, as well as non-substantive changes to conform to the SORN template requirements prescribed in the Office of Management and Budget (OMB) Circular No. A–108.

DATES: You may send written comments on or before July 6, 2020. The FCA filed an amended System Report with Congress and the Office of Management and Budget on May 1, 2020. This notice will become effective without further publication on July 14, 2020 unless modified by a subsequent notice to incorporate comments received from the public.

ADDRESSES: We offer a variety of methods for you to submit your comments. For accuracy and efficiency reasons, commenters are encouraged to submit comments by email or through the FCA's website. As facsimiles (fax) are difficult for us to process and achieve compliance with section 508 of the Rehabilitation Act, we are no longer accepting comments submitted by fax. Regardless of the method you use, please do not submit your comment multiple times via different methods. You may submit comments by any of the following methods:

- *Email:* Send us an email at *reg-comm@fca.gov.*
- *FCA website: http://www.fca.gov.* Click inside the ''I want to . . .'' field, near the top of the page; select ''comment on a pending regulation'' from the dropdown menu; and click ''Go.'' This takes you to an electronic public comment form.
- *Mail:* David Grahn, Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

You may review copies of comments we receive at our office in McLean, Virginia, or from our website at *http://www.fca.gov.* Once you are in the website, click inside the ''I want to . . .'' field, near the top of the page; select ''find comments on a pending regulation'' from the dropdown menu; and click ''Go.'' This will take you to the Comment Letters page, where you can select the SORN for which you would like to read public comments. The comments will be posted as submitted but, for technical reasons, items such as logos and special characters may be omitted. Identifying information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove email addresses to help reduce internet spam.

FOR FURTHER INFORMATION CONTACT: Autumn R. Agans, Privacy Act Officer, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, TTY (703) 883–4019.

SUPPLEMENTARY INFORMATION: This publication satisfies the requirement of the Privacy Act of 1974 that agencies publish a system of records notice in the **Federal Register** when there is a revision, change, or addition to the system of records. The substantive changes and modifications to the currently published version of FCA–5—Assignments and Communication Tracking System—FCA include:

1. Identifying the records in the system as unclassified.
2. Updating the system location to reflect the system's current location.
3. Updating the system managers to reflect the system's current owner.
4. Clarifying and expanding the system purpose to maintain files related to receiving, reviewing, and responding to public comments received on the Agency's proposed rulemakings and other public notices, as applicable.
5. Expanding and clarifying the categories of records to ensure they are consistent with the purposes for which the records are collected.
6. Expanding and clarifying how records may be stored and retrieved.
7. Clarifying the routine uses for which information in the system may be disclosed and adding a routine use for the disclosure of public comments the Agency receives in its rulemaking and other activities, in compliance with the Administrative Procedures Act.
8. Revising the retention and disposal section to reflect the relevant records schedule.
9. Revising the safeguards section to reflect updated cybersecurity guidance and practices.

Additionally, non-substantive changes have been made to the ''Record Source Categories'' and ''Notification Procedures'' sections of this notice.

The amended system of records is: FCA–5—Assignments and Communication Tracking System—FCA. As required by 5 U.S.C. 552a(r) of the Privacy Act, as amended, the FCA has sent notice of this proposed system of records to the Office of Management and Budget, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate. The notice is published in its entirety below.

SYSTEM NAME AND NUMBER:

FCA–5—Assignments and Communication Tracking System—FCA.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

SYSTEM MANAGER:

Chief Operating Officer, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 2243, 2252.

PURPOSES OF THE SYSTEM:

Information in this record system is used to: (1) Track employee assignments; (2) make appropriate portions of the records available to the public; (3) enable members of the public to review and comment on or respond to such comments; and (4) facilitate, track, and maintain records of oral and written communications between FCA staff and external parties. Information in this system is also used for reference and aids Agency management in its deliberations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who submit correspondence or have correspondence submitted on their behalf to the Agency, or who request to receive correspondence from the Agency, as well as FCA employees, contractors, and interns assigned to the management of such correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains paper and electronic files, including incoming and outgoing correspondence, letters, memoranda, and other similar documents pertaining to FCA's operations, and communication logs. In addition to non-public correspondence, this system includes public comments and other records that an individual may submit, such as those in response to an Agency rulemaking. Information includes, but is not limited to: (1) Correspondence received and sent by the Agency; (2) mailing lists or similar lists of contact information of individuals who submit correspondence, have correspondence submitted on their behalf, or request to receive correspondence from the Agency, including name, home or work address, personal or work email address, home, work or cellular phone number, employer, and title; (3)

information pertaining to the correspondence, including status or disposition, type of correspondence, associated dates, and any other information relayed in the body of the correspondence; and (4) information pertaining to the Agency employees responsible for processing the correspondence, including name, title, and other information about internal assignments.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from individuals who submit correspondence or have correspondence submitted on their behalf to the Agency, FCA employees and contractors, Farm Credit System Institutions, and other external parties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

See the ''General Statement of Routine Uses'' (64FR 8175). The information collected in the system will be used in a manner that is compatible with the purposes for which the information has been collected and, in addition to the applicable general routine uses, may be disclosed for the following purposes:

(1) We may disclose certain information in this system of records to the public, including posting copies of public comments on FCA's website, *www.fca.gov,* or by other electronic or non-electronic means, in accordance with the Administrative Procedures Act. Information disclosed may include identifying information, such as names, phone numbers, and addresses, provided in public comments and other records that an individual submits in connection with Agency rulemaking and other activities.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in file folders and on a computerized database.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name, email address, Farm Credit District, subject, or some combination thereof.

POLICIES AND PROCEDURES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained in accordance with the FCA Comprehensive Records Schedule and National Archives and Records Administration regulations.

ADMINSITRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

FCA implements multiple layers of security to ensure access to records is limited to those with a need-to-know in support of their official duties. Records are physically safeguarded in a secured environment using locked file rooms, file cabinets, or locked offices and other physical safeguards. Computerized records are safeguarded through use of user roles, passwords, firewalls, encryption, and other information technology security measures.

RECORD ACCESS PROCEDURES:

To obtain a record, contact: Privacy Act Officer, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090, as provided in 12 CFR part 603.

CONTESTING RECORD PROCEDURES:

Direct requests for amendments to a record to: Privacy Act Officer, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090, as provided in 12 CFR part 603.

NOTIFICATION PROCEDURE:

Address inquiries about this system of records to: Privacy Act Officer, Farm Credit Administration, McLean, VA 22102–5090.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY

Federal Register Vol. 64, No. 100/Tuesday, May 25, 1999, page 21875

Vol. 70, No. 183/Thursday, September 22, 2005, page 55621

Dated: June 1, 2020.

Dale Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2020–12097 Filed 6–3–20; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FRS 16818]

Federal Advisory Committee, Hospital Robocall Protection Group

AGENCY: Federal Communications Commission.

ACTION: Notice; intent to establish Federal Advisory Committee.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Federal Communications Commission (hereinafter ''Commission'') announces its intent to establish a Federal Advisory Committee (FAC), known as the ''Hospital Robocall Protection Group'' (hereinafter ''the HRPG'').

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Donna Cyrus, Designated Federal Officer, Federal Communications Commission, Consumer and Governmental Affairs Bureau, (202) 418–7325, or email: *Donna.Cyrus@fcc.gov;* or Aliza Katz, Deputy Designated Federal Officer, Federal Communications Commission, Consumer and Governmental Affairs Bureau, (202) 418–1737, or email: *Aliza.Katz@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Chairman of the Federal Communications Commission, as required by Section 14 of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act of 2019, Public Law 116–105, 133 Stat 3274 (TRACED Act), is taking appropriate steps to establish the HRPG, a FAC, which Congress has deemed necessary and in the public interest. After consultation with the General Services Administration, the Commission intends to establish the charter on or before June 25, 2020, providing the HRPG with authorization to operate for approximately 180 days after the HRPG is established, or until such time as it has completed its statutory duties, but in no case more than two years from its establishment.

The purpose of the HRPG is to issue best practices, no later than 180 days from the date it is established, regarding the following: (1) How voice service providers can better combat unlawful robocalls made to hospitals; (2) How hospitals can better protect themselves from such calls, including by using unlawful robocall mitigation techniques; and (3) How the Federal Government and State governments can help combat such calls.

Pursuant to Section 14 of the TRACED Act, the HRPG will be composed of one representative each of the Commission and the Federal Trade Commission and an equal number of representatives from each of the following: (1) Voice service providers that serve hospitals, (2) Companies that focus on mitigating unlawful robocalls, (3) Consumer advocacy organizations, (4) Providers of one-way voice over internet protocol services as defined in subsection (e)(3)(B)(ii) of Section 14 of the TRACED Act, (5) Hospitals, and (6) State government officials focused on combating unlawful robocalls.

Advisory Committee

The HRPG will be organized under, and will operate in accordance with, the

provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2). The HRPG will be solely advisory in nature. Consistent with FACA and its requirements, each meeting of the HRPG will be open to the public unless otherwise noticed. A notice of each meeting will be published in the **Federal Register** at least fifteen (15) days in advance of the meeting. Records will be maintained of each meeting and made available for public inspection. All activities of the HRPG will be conducted in an open, transparent, and accessible manner. The HRPG shall terminate no later than two (2) years from the filing date of its charter. The first meeting date and agenda topics will be described in a Public Notice issued and published in the **Federal Register** at least fifteen (15) days prior to the first meeting date. In addition, as needed, working groups or subcommittees will be established to facilitate the HRPG's work between meetings of the full HRPG. Meetings of the HRPG will be fully accessible to individuals with disabilities.

Accessible Formats: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), 1–888–835–5322 (TTY).

Federal Communications Commission.

Gregory Haledjian,

Legal Advisor, Office of the Bureau Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2020–12047 Filed 6–3–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0565; FRS 16809]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; 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; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written comments should be submitted on or before August 3, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The FCC 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, and as required by the PRA of 1995 (44 U.S.C. 3501–3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; 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; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0565.

Title: Section 76.944, Commission Review of Franchising Authority Decisions on Rates for the Basic Service Tier and Associated Equipment.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; State, Local or Tribal Government.

Number of Respondents and Responses: 32 respondents; 32 responses.

Estimated Time per Response: 2–30 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain benefits. The statutory authority for this collection of information is contained in Sections 4(i) and 623 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Total Annual Burden: 816 hours.

Total Annual Costs: $4,800.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: The information collection requirements contained in 47 CFR 76.944(b) provide that any participant at the franchising authority level in a ratemaking proceeding may file an appeal of the franchising authority's decision with the Commission within 30 days of release of the text of the franchising authority's decision as computed under § 1.4(b) of this chapter. Appeals shall be served on the franchising authority or other authority that issued the rate decision. Where the state is the appropriate decision-making authority, the state shall forward a copy of the appeal to the appropriate local official(s). Oppositions may be filed within 15 days after the appeal is filed, and must be served on the parties appealing the rate decision. Replies may be filed seven (7) days after the last day for oppositions and shall be served on the parties to the proceeding.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2020–12090 Filed 6–3–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0027, OMB 3060–0029, OMB 3060–0031, OMB 3060–0110, OMB 3060–0213, OMB 3060–0214, OMB 3060–0405, OMB 3060–0920; FRS 16799]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; 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; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written comments should be submitted on or before August 3, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The FCC 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, and as required by the PRA of 1995 (44 U.S.C. 3501–3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; 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; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control No.: 3060–0027.

Title: Application for Construction Permit for Commercial Broadcast Station, FCC Form 301; Form 2100, Schedule A—Application for Media Bureau Video Service Authorization; 47 Sections 73.3700(b)(1) and (b)(2) and Section 73.3800, Post Auction Licensing; Form 2100, Schedule 301–FM—Commercial FM Station Construction Permit Application.

Form No.: FCC Form 2100, Schedule A, FCC Form 301, FCC Form 2100, Schedule 301–FM.

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for-profit entities; Not for profit institutions; State, local or Tribal Government.

Number of Respondents and Responses: 3,092 respondents and 4,199 responses.

Estimated Time per Response: 0.075 hours–6.25 hours.

Frequency of Response: One-time reporting requirement; On occasion reporting requirement; Third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Total Annual Burden: 12,435 hours.

Annual Cost Burden: $62,308,388.

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: On May 12, 2020, the Commission adopted Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of Section 73.3580, Second Report and Order, MB Docket Nos. 17–254, 17–105, & 05–6, FCC 20–65 (rel. May 13, 2020). The Commission adopted new, streamlined procedures for stations to provide public notice of the filing of certain applications. Stations, including stations filing for new construction permits or major modifications to facilities, that were previously required to post public notice in a local newspaper, must now post notice online, either on the station website or a website affiliated with the station, its licensee, or its parent entity, or else must post notice on a publicly accessible, locally targeted website, for 30 continuous days following acceptance of the application for filing. Stations that are required to make on-air announcements of the filing of certain applications, must continue to do so, but the announcements are shorter and direct viewers and listeners to the application as filed and displayed in either the station's Online Public Inspection File or another Commission database. A total of six on-air announcements are required, at least one per week and no more than one per day or two per week, to be broadcast between 7:00 a.m. and 11:00 p.m. local time, Monday through Friday, beginning after the application is accepted for filing.

This submission is being made to OMB for approval of the modified third-party disclosure requirements for this Information Collection, as adopted in the 2020 Public Notice Second Report and Order. The changes pertaining to this Information Collection and to 47 CFR 73.3580 and 47 CFR 73.3594 adopted in the 2020 Public Notice Second Report and Order, do not necessitate changes to the Schedule 301, nor do they affect the substance, burden hours, or costs of completing the forms. The rule changes do, however, reduce burdens and costs associated with filing the application. 47 CFR 73.3571(j)(3) and 73.3573(g)(3) require that applicants must comply with the local public notice provisions of § 73.3580(c)(5).

OMB Control Number: 3060–0029.

Title: FCC Form 2100, Schedule 340, Noncommercial Educational Station for Reserved Channel Construction Permit Application.

Form Number: FCC Form 2100, Schedule 340.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, not for profit institutions and State, local or Tribal Government.

Number of Respondents and Responses: 2,820 respondents; 2,820 responses.

Estimated Time per Response: 0.5 hours–6 hours.

Frequency of Response: On occasion reporting requirement and Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Total Annual Burden: 6,603 hours.

Total Annual Cost: $30,039,119.

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: This submission is being made to the Office of Management (OMB) for the approval of information collection requirements contained in the Commission's Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations, Report and Order, FCC 19–127, 34 FCC Rcd 12519 (2019) (NCE LPFM Report and Order), adopted December 10, 2019, and released on December 11, 2019, where the Commission revised its rules and procedures for considering competing applications for new and major modifications to noncommercial educational full-service FM and full-power television (NCE), and low power FM (LPFM) broadcast stations. The changes are designed to improve the comparative selection and licensing procedures, expedite the initiation of new service to the public, eliminate unnecessary applicant burdens, and reduce the number of appeals of NCE comparative licensing decisions.

First, to improve the NCE comparative process, the NCE LPFM Report and Order: (1) Eliminates the governing document requirements for established local applicants and applicants claiming diversity points; (2) establishes a uniform divestiture pledge policy; (3) expands the tie-breaker criteria and revises the procedures for allocating time in mandatory time-sharing situations; and (4) clarifies and modifies the ''holding period'' rule.

Second, the NCE LPFM Report and Order adopts the following changes to the LPFM comparative process: (1) Prohibits amendments that attempt to cure past unauthorized station violations; (2) authorizes time-sharing discussions prior to tentative selectee designations; and (3) establishes procedures for remaining tentative selectees following dismissal of point aggregation time-share agreements.

Third, the NCE LPFM Report and Order adopts the following general changes: (1) Defines which applicant board changes are major changes; (2) clarifies the reasonable site assurance requirements; (3) streamlines construction deadline tolling procedures and notification requirements; (4) lengthens the LPFM construction period; and (5) eliminates restrictions on the assignment and transfer of LPFM authorizations.

Specifically, pertaining to this Information Collection and NCE stations, the Commission is revising the relevant rules, 47 CFR 73.7002, 73.7003, and 73.7005, the form, and corresponding instructions, as follows:

(1) Changing all former references to ''holding period'' to ''maintenance of comparative qualifications.'' During the four-year ''maintenance of comparative qualifications'' period, an NCE station receiving a decisive preference for fair distribution of service, in accordance with the provisions of 47 CFR 73.7002, must certify that any technical modification to its authorized facilities satisfies the technical requirements of 47 CFR 73.7005(b).

(2) Adding an ''Established Local Applicant Pledge,'' requiring an applicant to pledge to maintain localism characteristics during the four-year maintenance of comparative qualifications period, if the applicant certifies that it qualifies for points as an ''established local applicant'' in the Point System Factors of 47 CFR 73.7003.

(3) Adding a ''Diversity Pledge,'' requiring an applicant to pledge to comply with all of the restrictions on station modifications and acquisitions (as defined in 47 CFR 73.7005) during the four-year maintenance of comparative qualifications period, if the applicant certifies that it qualifies for ''local diversity of ownership'' points in the Point System Factors of 47 CFR 73.7003.

(4) Modifying the divestiture sub-question certification, to reflect the new divestiture policies, in the Diversity of Ownership question in the Point System Factors Section.

(5) Adding a new question in the Tie Breakers section of the form, reflecting the new third tie-breaker criterion of 47 CFR 73.7003(c)(3).

(6) Adding a new question in the Tie Breakers Section of the form, requiring the applicant to provide its initial date of establishment.

(7) Adding a Reasonable Site Assurance Certification in the Technical Certifications Section of the form, requiring the applicant to certify that it has obtained reasonable assurance from the tower owner or authorized representative, that its specified site will be available.

The revisions to the relevant rules, and the changes to the questions in Schedule 340 listed above affect the substance, burden hours, and costs of completing the Schedule 340. Therefore, this submission is being made to OMB for approval of revised Information Collection requirements.

On May 12, 2020, the Commission adopted Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of Section 73.3580, Second Report and Order, MB Docket Nos. 17–254, 17–105, & 05–6, FCC 20–65 (rel. May 13, 2020). The Commission adopted new, streamlined procedures for stations to provide public notice of the filing of certain applications. Stations, including stations filing for new construction permits or major modifications to facilities, that were previously required to post public notice in a local newspaper, must now post notice online, either on the station website or a website affiliated with the station, its licensee, or its parent entity, or else must post notice on a publicly accessible, locally targeted website, for 30 continuous days following acceptance of the application for filing. Stations that are required to make on-air announcements of the filing of certain applications, must continue to do so, but the announcements are shorter and direct viewers and listeners to the application as filed and displayed in either the station's Online Public Inspection File or another Commission database. A total of six on-air announcements are required, at least one per week and no more than one per day or two per week, to be broadcast between 7:00 a.m. and 11:00 p.m. local time, Monday through Friday, beginning after the application is accepted for filing.

This submission is being made to OMB for approval of the modified third-party disclosure requirements for this Information Collection, as adopted in the 2020 Public Notice Second Report and Order. The changes pertaining to this Information Collection and to 47 CFR 73.3580 adopted in the 2020 Public Notice Second Report and Order, do not necessitate changes to the Schedule 340, nor do they affect the substance, burden

hours, or costs of completing the forms. The rule changes do, however, reduce burdens and costs associated with filing the application.

Control Number: 3060–0031.

Title: Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 315; Section 73.3580, Local Public Notice of Filing of Broadcast Applications.

Form Number: FCC Forms 314 and 315.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, local or Tribal government.

Number of Respondents and Responses: 4,920 respondents and 13,160 responses.

Estimated Time per Response: 0.075 to 7 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in Sections 154(i), 303(b) and 308 of the Communications Act of 1934, as amended.

Total Annual Burden: 17,159 hours.

Total Annual Cost: $51,493,759.

Privacy Impact Assessment(s): No impacts.

Nature and Extent of Confidentiality: There is no need for confidentiality and respondents are not being asked to submit confidential information to the Commission.

Needs and Uses: This submission is being made to the Office of Management (OMB) for the approval of information collection requirements contained in the Commission's Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations, Report and Order, FCC 19–127, 34 FCC Rcd 12519 (2019) (NCE LPFM Report and Order), adopted December 10, 2019, and released on December 11, 2019, where the Commission revised its rules and procedures for considering competing applications for new and major modifications to noncommercial educational full-service FM and full-power television (NCE), and low power FM (LPFM) broadcast stations. The changes are designed to improve the comparative selection and licensing procedures, expedite the initiation of new service to the public, eliminate unnecessary applicant burdens, and reduce the number of appeals of NCE comparative licensing decisions.

First, to improve the NCE comparative process, the NCE LPFM Report and Order: (1) Eliminates the governing document requirements for established local applicants and applicants claiming diversity points; (2) establishes a uniform divestiture pledge policy; (3) expands the tie-breaker criteria and revises the procedures for allocating time in mandatory time-sharing situations; and (4) clarifies and modifies the ''holding period'' rule.

Second, the NCE LPFM Report and Order adopts the following changes to the LPFM comparative process: (1) Prohibits amendments that attempt to cure past unauthorized station violations; (2) authorizes time-sharing discussions prior to tentative selectee designations; and (3) establishes procedures for remaining tentative selectees following dismissal of point aggregation time-share agreements.

Third, the NCE LPFM Report and Order adopts the following general changes: (1) Defines which applicant board changes are major changes; (2) clarifies the reasonable site assurance requirements; (3) streamlines construction deadline tolling procedures and notification requirements; (4) lengthens the LPFM construction period; and (5) eliminates restrictions on the assignment and transfer of LPFM authorizations.

Specifically, pertaining to this Information Collection and NCE and LPFM stations, the Commission is removing the restrictive LPFM station three-year ''holding period'' certification from CDBS Forms 314 and 315, and revising the relevant rules, 47 CFR 73.865 and 73.7005, the forms, and corresponding instructions, as follows:

(1) Changing all references to ''holding period'' to ''maintenance of comparative qualifications,'' and requiring NCE stations awarded by the point system to certify satisfying the four-year ''maintenance of comparative qualifications'' period;

(2) requiring LPFM applicants to certify that it has been at least 18 months since the station's initial construction permit was granted in accordance with 47 CFR 73.865(c);

(3) requiring LPFM applicants to certify that the assignment/transfer of the LPFM authorization satisfies the consideration restrictions of 47 CFR 73.865(a)(1);

(4) requiring LPFM authorizations awarded by the LPFM comparative point system, to indicate whether the LPFM station has operated on-air for at least four years since grant;

(5) requiring NCE applicants to certify that the proposed acquisition comports with 47 CFR 73.7005(c) diversity requirements, based on any ''diversity of ownership'' points awarded in an NCE points system analysis.

Moreover, the NCE LPFM Report and Order will increase the number of applicants eligible to file FCC Forms 314 and 315 by eliminating both the absolute prohibition on the assignment/transfer of LPFM construction permits and the three-year holding period restriction on assigning LPFM licenses. The elimination of these restrictions will benefit the LPFM service by increasing the likelihood that LPFM permits will be constructed, provide new service to communities, and help make the LPFM stations more viable.

On May 12, 2020, the Commission adopted Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of Section 73.3580, Second Report and Order, MB Docket Nos. 17–254, 17–105, & 05–6, FCC 20–65 (rel. May 13, 2020). The Commission adopted new, streamlined procedures for stations to provide public notice of the filing of certain applications. Stations, including commercial stations filing assignment and transfer applications, that were previously required to post public notice in a local newspaper, must now post notice online either on the station website or a website affiliated with the station, its licensee, or its parent entity, or else must post notice on a publicly accessible, locally targeted website, for 30 continuous days following acceptance of the application for filing. Stations, including those filing assignment and transfer applications, that are required to make on-air announcements of the filing of certain applications, must continue to do so, but the announcements are shorter and direct viewers and listeners to the application as filed and displayed in either the station's Online Public Inspection File or another Commission database. A total of six on-air announcements are required, at least one per week and no more than one per day or two per week, to be broadcast between 7:00 a.m. and 11:00 p.m. local time, Monday through Friday, beginning after the application is accepted for filing.

This submission is being made to OMB for approval of the modified third-party disclosure requirements for this Information Collection, as adopted in

the 2020 Public Notice Second Report and Order. The changes pertaining to this Information Collection and to 47 CFR 73.3580 adopted in the 2020 Public Notice Second Report and Order, do not necessitate changes to the Forms 314 or 315, nor do they affect the substance, burden hours, or costs of completing the forms. The rule changes do, however, reduce burdens and costs associated with filing the application.

OMB Control Number: 3060–0110.

Title: FCC Form 2100, Application for Renewal of Broadcast Station License, LMS Schedule 303–S.

Form Number: FCC 2100, LMS Schedule 303–S.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not for profit institutions; State, Local or Tribal Governments.

Number of Respondent and Responses: 5,126 respondents, 5,126 responses.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 303, 307 and 308 of the Communications Act of 1934, as amended, and Section 204 of the Telecommunications Act of 1996.

Estimated Time per Response: 0.5 hours–12 hours.

Frequency of Response: Every eight-year reporting requirement; Third party disclosure requirement.

Total Annual Burden: 14,868 hours.

Total Annual Costs: $3,994,164.

Obligation of Response: Required to obtain or retain benefits. The statutory authority for the collection is contained Sections 154(i), 303, 307 and 308 of the Communications Act of 1934, as amended, and Section 204 of the Telecommunications Act of 1996.

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: On May 12, 2020, the Commission adopted Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of Section 73.3580, Second Report and Order, MB Docket Nos. 17–254, 17–105, & 05–6, FCC 20–65 (rel. May 13, 2020). The Commission adopted new, streamlined procedures for stations to provide public notice of the filing of certain applications. Some stations that were previously required to post public notice in a local newspaper, must now post notice online, either on the station website or a website affiliated with the station, its licensee, or its parent entity, or else must post notice on a publicly accessible, locally targeted website, for 30 continuous days following acceptance of the application for filing. Stations that are required to make on-air announcements of the filing of certain applications, including applications for the renewal of broadcast licenses, must continue to do so, but the announcements are shorter and direct viewers and listeners to the application as filed and displayed in either the station's Online Public Inspection File or another Commission database. A total of six on-air announcements are required, at least one per week and no more than one per day or two per week, to be broadcast between 7:00 a.m. and 11:00 p.m. local time, Monday through Friday, beginning after the application is accepted for filing. The Commission also clarified low-power FM (LPFM) stations' obligations to provide local public notice, and amended section 73.801 of the rules (47 CFR 73.801, listing FCC rules that apply to the LPFM service) to include the local public notice rule, 47 CFR 73.3580.

This submission is being made to OMB for approval of the modified third-party disclosure requirements for this Information Collection, as adopted in the 2020 Public Notice Second Report and Order. The changes pertaining to this Information Collection and to 47 CFR 73.3580 adopted in the 2020 Public Notice Second Report and Order, do not necessitate changes to Schedule 303–S, nor do they affect the substance, burden hours, or costs of completing the forms. The rule changes do, however, reduce burdens and costs associated with filing the application.

OMB Control Number: 3060–0213.

Title: Section 73.3525, Agreements for Removing Application Conflicts.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not for profit institutions.

Number of Respondents and Responses: 38 respondents; 38 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Total Annual Burden: 38 hours.

Total Annual Cost: $91,200.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 311 of the Communications Act of 1934, as amended.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The Commission is submitting this revision to the Office of Management and Budget for approval to remove the information collection requirements, annual burden hours and annual cost contained in this collection for 47 CFR 73.3535(b). The Commission removed this rule section when it adopted the Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications, MB Docket No. 17–264, FCC 20–65 on May 12, 2020.

The following information collection requirements remain in this collection:

47 CFR Section 73.3525 states (a) except as provided in § 73.3523 regarding dismissal of applications in comparative renewal proceedings, whenever applicants for a construction permit for a broadcast station enter into an agreement to procure the removal of a conflict between applications pending before the FCC by withdrawal or amendment of an application or by its dismissal pursuant to § 73.3568, all parties thereto shall, within 5 days after entering into the agreement, file with the FCC a joint request for approval of such agreement. The joint request shall be accompanied by a copy of the agreement, including any ancillary agreements, and an affidavit of each party to the agreement setting forth:

(1) The reasons why it is considered that such agreement is in the public interest;

(2) A statement that its application was not filed for the purpose of reaching or carrying out such agreement;

(3) A certification that neither the applicant nor its principals has received any money or other consideration in excess of the legitimate and prudent expenses of the applicant; Provided That this provision shall not apply to bona fide merger agreements;

(4) The exact nature and amount of any consideration paid or promised;

(5) An itemized accounting of the expenses for which it seeks reimbursement; and

(6) The terms of any oral agreement relating to the dismissal or withdrawal of its application.

OMB Control Number: 3060–0214.

Title: Sections 73.3526 and 73.3527, Local Public Inspection Files; Sections 73.1212, 76.1701 and 73.1943, Political Files.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for profit entities; Not for profit institutions;

State, Local or Tribal government; Individuals or households.

Number of Respondents and Responses: 23,984 respondents; 62,839 responses.

Estimated Time per Response: 1–52 hours.

Frequency of Response: On occasion reporting requirement, Recordkeeping requirement, Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections is contained in Sections 151, 152, 154(i), 303, 307 and 308 of the Communications Act of 1934, as amended.

Total Annual Burden: 2,043,805 hours.

Total Annual Cost: None.

Privacy Impact Assessment: The Commission prepared a system of records notice (SORN), FCC/MB–2, ''Broadcast Station Public Inspection Files,'' that covers the PII contained in the broadcast station public inspection files located on the Commission's website. The Commission will revise appropriate privacy requirements as necessary to include any entities and information added to the online public file in this proceeding.

Nature and Extent of Confidentiality: Most of the documents comprising the public file consist of materials that are not of a confidential nature. Respondents complying with the information collection requirements may request that the information they submit be withheld from disclosure. If confidentiality is requested, such requests will be processed in accordance with the Commission's rules, 47 CFR 0.459.

In addition, the Commission has adopted provisions that permit respondents subject to the information collection requirement for Shared Service Agreements to redact confidential or proprietary information from their disclosures.

Needs and Uses: On May 12, 2020, the Commission adopted Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of Section 73.3580, Second Report and Order, MB Docket Nos. 17–254, 17–105, & 05–6, FCC 20–65 (rel. May 13, 2020). The Commission adopted new, streamlined procedures for stations to provide public notice of the filing of certain applications. Stations, including stations filing for new construction permits or major modifications to facilities, that were previously required to post public notice in a local newspaper, must now post notice online, either on the station website or a website affiliated with the station, its licensee, or its parent entity, or else must post notice on a publicly accessible, locally targeted website, for 30 continuous days following acceptance of the application for filing. Stations that are required to make on-air announcements of the filing of certain applications, must continue to do so, but the announcements are shorter and direct viewers and listeners to the application as filed and displayed in either the station's Online Public Inspection File or another Commission database. A total of six on-air announcements are required, at least one per week and no more than one per day or two per week, to be broadcast between 7:00 a.m. and 11:00 p.m. local time, Monday through Friday, beginning after the application is accepted for filing.

This submission is being made to OMB for approval of the modified third-party disclosure requirements for this Information Collection, as adopted in the 2020 Public Notice Second Report and Order. The modified information collection requirements, revising rules 47 CFR 73.3526(e)(13) and 47 CFR 73.3527(e)(10) covering local public notice announcements, are as follows:

47 CFR 73.3526(e)(13)—Local public notice announcements. Each applicant for renewal of license shall, within 7 days of the last day of broadcast of the local public notice of filing announcements required pursuant to § 73.3580(c)(3), place in the station's online public inspection file a statement certifying compliance with this requirement. The dates and times that the on-air announcements were broadcast shall be made part of the certifying statement. The certifying statement shall be retained in the public file for the period specified in § 73.3580(e)(2) (for as long as the application to which it refers).

47 CFR 73.3527(e)(10)—Local public notice announcements. Each applicant for renewal of license shall, within 7 days of the last day of broadcast of the local public notice of filing announcements required pursuant to § 73.3580(c)(3), place in the station's online public inspection file a statement certifying compliance with this requirement. The dates and times that the on-air announcements were broadcast shall be made part of the certifying statement. The certifying statement shall be retained in the public file for the period specified in § 73.3580(e)(2) (for as long as the application to which it refers).

OMB Control Number: 3060–0405.

Title: Form 2100, Schedule 349—FM Translator or FM Booster Station Construction Permit Application.

Form Number: FCC Form 2100, Schedule 349.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; State, Local or Tribal Government; Not-for-profit institutions.

Number of Respondents and Responses: 1,250 respondents; 3,750 responses.

Estimated Time per Response: 0.5 hours–1.5 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 information collection is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Total Annual Burden: 4,050 hours.

Total Annual Cost: $4,447,539.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Needs and Uses: On May 12, 2020, the Commission adopted Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of Section 73.3580, Second Report and Order, MB Docket Nos. 17–254, 17–105, & 05–6, FCC 20–65 (rel. May 13, 2020). The Commission adopted new, streamlined procedures for stations to provide public notice of the filing of certain applications. Stations, including stations filing for new construction permits or major modifications to facilities, that were previously required to post public notice in a local newspaper, must now post notice online, either on the station website or a website affiliated with the station, its licensee, or its parent entity, or else must post notice on a publicly accessible, locally targeted website, for 30 continuous days following acceptance of the application for filing.

This submission is being made to OMB for approval of the modified third-party disclosure requirements for this Information Collection, as adopted in the 2020 Public Notice Second Report and Order. The changes pertaining to this Information Collection and to 47 CFR 73.3580 adopted in the 2020 Public Notice Second Report and Order, do not necessitate changes to the Schedule 349, nor do they affect the substance, burden

hours, or costs of completing the forms. The rule changes do, however, reduce burdens and costs associated with filing the application.

In April 2020, the Commission adopted a Report and Order making certain changes to the LPFM technical rules, to improve reception and increase flexibility while maintaining interference protection and the core LPFM goals of diversity and localism. Amendments of Parts 73 and 74 to Improve the Low Power FM Radio Service Technical Rules; Modernization of Media Regulation Initiative, Report and Order, MB Docket Nos. 19–193, 17–105, FCC 20–53 (rel. Apr. 23, 2020) (2020 Technical Report and Order).

LPFM stations provide a secondary, noncommercial radio service with a community focus. The Commission originally designed LPFM engineering requirements to be simple so that non-profit organizations with limited engineering expertise and small budgets could readily apply for, construct, and operate community-oriented stations serving highly localized areas. LPFM organizations suggested that the service has matured and requires additional engineering options to improve reception. Thus, the 2020 Technical Report and Order adopted the following rules:

Allow expanded LPFM use of directional antennas. All LPFM stations may use directional facilities, with either off-the-shelf or composite antennas, upon a satisfactory engineering showing. Such antennas could improve service near international borders by allowing LPFM stations to serve more listeners in the United States while continuing to protect Mexican and Canadian stations.

Redefine ''Minor Changes'' for LPFM stations. An LPFM station may apply for approval to relocate its transmitter site without awaiting a filing window if the change is ''minor,'' redefined in the 2020 Technical Report and Order as a move of 11.2 kilometers or less. The 2020 Technical Report and Order also allowed proposals of greater distances to qualify as minor if the existing and proposed service contours overlap.

Permit LPFM Use of FM Booster Stations. FM booster stations amplify and retransmit a station's signal. The 2020 Technical Report and Order amended rules that had prohibited LPFM stations from operating booster stations, allowing LPFM stations to operate an FM booster in lieu of an FM translator when a booster would better address unique terrain challenges.

Allow Shared Emergency Alert System (EAS) Equipment. Co-owned, co-located radio stations can share EAS equipment, but this option was not available to LPFM stations because they cannot be co-owned. The 2020 Technical Report and Order permitted co-located LPFM stations (particularly those in time-share arrangements) to share an EAS decoder pursuant to an agreement for common access as well as common responsibility for any EAS rule violations, thus potentially reducing costs.

Facilitate Waivers of Requirement to Protect Television Stations Operating on Channel 6. Stations on the part of the FM band reserved for NCE use must currently protect adjacent television stations on Channel 6 (TV6). The 2020 Technical Report and Order deferred to a future proceeding consideration of a proposal to eliminate the protection of digital television stations operating on TV6. The 2020 Technical Report and Order stated that until such a proceeding is resolved, the Commission will accept FM proposals that are short-spaced to TV6 if the FM applicant demonstrates no interference. Alternatively, the 2020 Technical Report and Order added language to the rules allowing reserved band radio stations to provide an agreement indicating the concurrence of all potentially affected digital TV6 stations.

Miscellaneous Changes. The 2020 Technical Report and Order added language to 47 CFR 73.850 requiring LPFM stations to notify the Commission if they are silent for ten days and to seek authority for silent periods over 30 days, as required for all other broadcasters, thus codifying a longstanding policy that the Bureau already applies to the LPFM service that allows it to identify and assist LPFM stations at risk of losing their licenses automatically under section 312(g) of the Communications Act.

Specifically, pertaining to this Information Collection and FM Booster (and LPFM) stations, the Commission is revising the form, the corresponding instructions, and the information collection as follows:

(1) Permitting LPFM licensees to own and operate FM Booster stations.

The 2020 Technical Report and Order will increase the number of applicants eligible to file LMS Schedule 349 by eliminating the absolute prohibition on the cross-ownership of FM Booster stations by LPFM licenses. The overall number of respondents may increase because these rule changes expand the universe of applicants eligible to apply for an FM Booster station construction permit. Therefore, this submission is being made to OMB for approval of revised Information Collection requirements.

OMB Control Number: 3060–0920.

Title: Form 2100, Schedule 318—Low Power FM Station Construction Permit Application; Report and Order in MM Docket No. 99–25 Creation of Low Power Radio Service; Sections 73.801, 73.807, 73.809, 73.810, 73.816, 73.827, 73.850, 73.865, 73.870, 73.871, 73.872, 73.877, 73.878, 73.318, 73.1030, 73.1207, 73.1212, 73.1300, 73.1350, 73.1610, 73.1620, 73.1750, 73.1943, 73.3525, 73.3550, 73.3598, 11.61(ii).

Form No.: Form 2100, Schedule 318.

Type of Review: Revision of a currently approved collection.

Respondents: Not-for-profit institutions; State, local or Tribal governments.

Number of Respondents and Responses: 24,606 respondents with multiple responses; 31,324 responses.

Estimated Time per Response: .0025–12 hours.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement; Monthly reporting requirement; Third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in sections 154(i), 303, 308 and 325(a) of the Communications Act of 1934, as amended.

Total Annual Burden: 52,889 hours.

Total Annual Costs: $1,229,370.

Privacy Act Impact Assessment: This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Needs and Uses: This submission is being made to the Office of Management (OMB) for the approval of information collection requirements contained in the Commission's Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations, Report and Order, FCC 19–127, 34 FCC Rcd 12519 (2019) (NCE LPFM Report and Order), adopted December 10, 2019, and released on December 11, 2019, where the Commission revised its rules and procedures for considering competing applications for new and major modifications to noncommercial educational full-service FM and full-power television (NCE), and low power FM (LPFM) broadcast stations. The changes are designed to improve the comparative selection and licensing procedures, expedite the initiation of new service to the public, eliminate unnecessary applicant burdens, and

reduce the number of appeals of NCE comparative licensing decisions.

First, to improve the NCE comparative process, the NCE LPFM Report and Order: (1) Eliminates the governing document requirements for established local applicants and applicants claiming diversity points; (2) establishes a uniform divestiture pledge policy; (3) expands the tie-breaker criteria and revises the procedures for allocating time in mandatory time-sharing situations; and (4) clarifies and modifies the ''holding period'' rule.

Second, the NCE LPFM Report and Order adopts the following changes to the LPFM comparative process: (1) Prohibits amendments that attempt to cure past unauthorized station violations; (2) authorizes time-sharing discussions prior to tentative selectee designations; and (3) establishes procedures for remaining tentative selectees following dismissal of point aggregation time-share agreements.

Third, the NCE LPFM Report and Order adopts the following general changes: (1) Defines which applicant board changes are major changes; (2) clarifies the reasonable site assurance requirements; (3) streamlines construction deadline tolling procedures and notification requirements; (4) lengthens the LPFM construction period; and (5) eliminates restrictions on the assignment and transfer of LPFM authorizations.

Specifically, pertaining to this Information Collection and LPFM stations, the Commission is revising the relevant rules, 47 CFR Section 73.872, the form, and corresponding instructions, as follows:

(1) Adding a Reasonable Site Assurance Certification in the Technical Certifications Section of the form, requiring the applicant to certify that it has obtained reasonable assurance from the tower owner or authorized representative, that its specified site will be available.

The revisions to the relevant rules, and the changes to the questions in Schedule 318 listed above affect the substance, burden hours, and costs of completing the Schedule 318. Therefore, this submission is being made to OMB for approval of revised Information Collection requirements.

On May 12, 2020, the Commission adopted Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements of Section 73.3580, Second Report and Order, MB Docket Nos. 17–254, 17–105, & 05–6, FCC 20–65 (rel. May 13, 2020). The Commission adopted new, streamlined procedures for stations to provide public notice of the filing of certain applications. Stations, including stations filing for new construction permits or major modifications to facilities, that were previously required to post public notice in a local newspaper, must now post notice online, either on the station website or a website affiliated with the station, its licensee, or its parent entity, or else must post notice on a publicly accessible, locally targeted website, for 30 continuous days following acceptance of the application for filing. Stations that are required to make on-air announcements of the filing of certain applications, must continue to do so, but the announcements are shorter and direct viewers and listeners to the application as filed and displayed in either the station's Online Public Inspection File or another Commission database. A total of six on-air announcements are required, at least one per week and no more than one per day or two per week, to be broadcast between 7:00 a.m. and 11:00 p.m. local time, Monday through Friday, beginning after the application is accepted for filing. The Commission also clarified LPFM stations' obligations to provide local public notice, and amended section 73.801 of the rules (47 CFR 73.801, listing FCC rules that apply to the LPFM service) to include the local public notice rule, 47 CFR 73.3580.

This submission is being made to OMB for approval of the modified third-party disclosure requirements for this Information Collection, as adopted in the 2020 Public Notice Second Report and Order. The changes pertaining to this Information Collection and to 47 CFR 73.3580 adopted in the 2020 Public Notice Second Report and Order, do not necessitate changes to the Schedule 318, nor do they affect the substance, burden hours, or costs of completing the forms. The rule changes do, however, reduce burdens and costs associated with filing the application.

In April 2020, the Commission adopted a Report and Order making certain changes to the LPFM technical rules, to improve reception and increase flexibility while maintaining interference protection and the core LPFM goals of diversity and localism. Amendments of Parts 73 and 74 to Improve the Low Power FM Radio Service Technical Rules; Modernization of Media Regulation Initiative, Report and Order, MB Docket Nos. 19–193, 17–105, FCC 20–53 (rel. Apr. 23, 2020) (2020 Technical Report and Order).

LPFM stations provide a secondary, noncommercial radio service with a community focus. The Commission originally designed LPFM engineering requirements to be simple so that non-profit organizations with limited engineering expertise and small budgets could readily apply for, construct, and operate community-oriented stations serving highly localized areas. LPFM organizations suggested that the service has matured and requires additional engineering options to improve reception. Thus, the 2020 Technical Report and Order adopted the following rules:

Allow expanded LPFM use of directional antennas. All LPFM stations may use directional facilities, with either off-the-shelf or composite antennas, upon a satisfactory engineering showing. Such antennas could improve service near international borders by allowing LPFM stations to serve more listeners in the United States while continuing to protect Mexican and Canadian stations.

Redefine ''Minor Changes'' for LPFM stations. An LPFM station may apply for approval to relocate its transmitter site without awaiting a filing window if the change is ''minor,'' redefined in the 2020 Technical Report and Order as a move of 11.2 kilometers or less. The 2020 Technical Report and Order also allowed proposals of greater distances to qualify as minor if the existing and proposed service contours overlap.

Permit LPFM Use of FM Booster Stations. FM booster stations amplify and retransmit a station's signal. The 2020 Technical Report and Order amended rules that had prohibited LPFM stations from operating booster stations, allowing LPFM stations to operate an FM booster in lieu of an FM translator when a booster would better address unique terrain challenges.

Allow Shared Emergency Alert System (EAS) Equipment. Co-owned, co-located radio stations can share EAS equipment, but this option was not available to LPFM stations because they cannot be co-owned. The 2020 Technical Report and Order permitted co-located LPFM stations (particularly those in time-share arrangements) to share an EAS decoder pursuant to an agreement for common access as well as common responsibility for any EAS rule violations, thus potentially reducing costs.

Facilitate Waivers of Requirement to Protect Television Stations Operating on Channel 6. Stations on the part of the FM band reserved for NCE use must currently protect adjacent television stations on Channel 6 (TV6). The 2020 Technical Report and Order deferred to a future proceeding consideration of a proposal to eliminate the protection of

digital television stations operating on TV6. The 2020 Technical Report and Order stated that until such a proceeding is resolved, the Commission will accept FM proposals that are short-spaced to TV6 if the FM applicant demonstrates no interference. Alternatively, the 2020 Technical Report and Order added language to the rules allowing reserved band radio stations to provide an agreement indicating the concurrence of all potentially affected digital TV6 stations.

Miscellaneous Changes. The 2020 Technical Report and Order added language to 47 CFR 73.850 requiring LPFM stations to notify the Commission if they are silent for ten days and to seek authority for silent periods over 30 days, as required for all other broadcasters, thus codifying a longstanding policy that the Bureau already applies to the LPFM service that allows it to identify and assist LPFM stations at risk of losing their licenses automatically under section 312(g) of the Communications Act. The 2020 Technical Report and Order also made several non-substantive changes to remove duplicative and out-of-date information.

Specifically, pertaining to this Information Collection and LPFM stations, the Commission is revising the relevant rules, 47 CFR 73.816, 73.850, and 73.870, the form, and corresponding instructions, as follows:

(1) Adding an Antenna Type question in the Technical Certifications Section of the form, requiring the applicant to describe the proposed antenna type (directional or non-directional). Applicants proposing a directional antenna (as now permitted by section 73.816) must complete a data table, providing relative field values for every 10 degrees on the unit circle.

(2) Modifying section 73.850 to clarify that LPFM stations must, like other broadcast stations, notify the Commission if they temporarily stop broadcasting. The rules require radio stations to notify the Commission within 10 days of temporarily discontinuing operations and to obtain Commission authorization if the discontinued operations last beyond 30 days.

(3) Redefining the types of LPFM facility changes that qualify as ''minor'' (in section 73.870), to provide additional flexibility for LPFM stations to relocate their facilities.

The revisions to the relevant rules, and the changes to the questions in Schedule 318 listed above affect the substance, burden hours, and costs of completing the Schedule 318. Therefore, this submission is being made to OMB for approval of revised Information Collection requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2020–12091 Filed 6–3–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association.

The applications listed below are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on whether the proposed transaction complies with the standards enumerated in the HOLA (12 U.S.C. 1467a(e)).

Unless otherwise noted, 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 July 6, 2020.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Hoyne Savings, MHC and Hoyne Financial Corporation, both of Chicago, Illinois;* to acquire control of Loomis Federal Savings and Loan Association, Chicago, Illinois. Additionally, for Hoyne Savings, MHC to acquire control of the newly-formed Hoyne Interim Bank, to be located in Chicago, Illinois, and for Hoyne Savings, MHC to transfer to its subsidiary, Hoyne Financial Corporation, ownership of Hoyne Interim Bank. Under the proposal, Hoyne Savings, MHC would form an interim Illinois-chartered stock savings bank, Hoyne Interim Bank. Immediately therafter, Loomis Federal Savings and Loan Association and Hoyne Savings Bank, Chicago, Illinois, the existing subsidiary savings association of Hoyne Savings, MHC and Hoyne Financial Corporation, would each merge with and into Hoyne Interim Bank. Hoyne Interim Bank would be the surviving institution and would be renamed ''Hoyne Savings Bank.''

Board of Governors of the Federal Reserve System, May 29, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–11998 Filed 6–3–20; 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 18, 2020.

A. Federal Reserve Bank of San Francisco (Sebastian Astrada, Director, Applications) 101 Market Street, San Francisco, California 94105–1579:

1. *Joseph D. Stilwell; Stilwell Value LLC; Stilwell Partners, L.P.; Stilwell Activist Fund, L.P.; Stilwell Activist Investments, L.P.; and Stilwell Value Partners VII, L.P.; all of New York, New York;* as a group acting in concert to acquire voting shares of Sound Financial Bancorp, Inc., and thereby indirectly acquire voting shares of Sound Community Bank, both of Seattle, Washington.

Board of Governors of the Federal Reserve System, May 29, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–11997 Filed 6–3–20; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Temporary Approval by the Board Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Temporary approval of information collection, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) has temporarily revised the Reporting Requirements Associated with Emergency Lending Under Section 13(3) (FR A; OMB No. 7100–0373), pursuant to the authority delegated to the Board by the Office of Management and Budget (OMB).

DATES: Comments must be submitted on or before August 3, 2020.

ADDRESSES: You may submit comments, identified by *FR A,* by any of the following methods:

- *Agency website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files. These documents also are available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies. Pursuant to its delegated authority, the Board may temporarily approve a revision to a collection of information, without providing opportunity for public comment, if the Board determines that a change in an existing collection must be instituted quickly and that public participation in the approval process would defeat the purpose of the collection or substantially interfere with the Board's ability to perform its statutory obligation.

As discussed below, the Board has made certain temporary revisions to the FR A information collection. The Board's delegated authority requires that the Board, after temporarily approving a collection, publish a notice soliciting public comment. Therefore, the Board is also inviting comment on a proposal to extend the FR A information collection for three years, with these revisions.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Approval Under OMB Delegated Authority of the Temporary Revision of the Following Information Collection

Report title: Reporting Requirements Associated with Emergency Lending Under Section 13(3).

Agency form number: FR A.

OMB control number: 7100–0373.

Frequency: Event-generated.

Respondents: Entities or persons borrowing under an emergency lending program or facility established pursuant to section 13(3) of the Federal Reserve Act.

Estimated number of respondents: FR A–1: 8,290; FR A–2: 6,449; FR A–3: 13,526.

Estimated average hours per response: FR A–1: 8 hours; FR A–2: 40 hours; FR A–3, Lender per-loan certifications: 2 hours; Borrower certifications: 8 hours.

Estimated annual burden hours: 419,283.

General description of report: The Board's Regulation A (12 CFR part 201)

establishes policies and procedures with respect to emergency lending under section 13(3) of the Federal Reserve Act, as required by sections 1101 and 1103 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Regulation A requires that borrowers make two certifications in order to participate in any emergency lending authorized under section 13(3). These certifications, designated in this information collection as FR A–1, include that the borrowers are not insolvent and that they cannot obtain adequate credit accommodation.

In addition to these certifications, the Board may establish additional certification requirements for an individual emergency lending facility. The second part of the FR A information collection, FR A–2, pertains to reporting requirements associated with individual facilities that are related to requirements of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The third part of FR A, designated as FR A–3, pertains to reporting requirements specific to the Main Street Expanded Loan Facility, the Main Street New Loan Facility, and the Main Street Priority Loan Facility (collectively, the ''Main Street Lending Program'').

Legal authorization and confidentiality: The FR A is authorized pursuant to section 13(3) of the Federal Reserve Act, which sets out requirements for emergency lending. The obligation to respond is required to obtain a benefit.

The information collected under FR A may be kept confidential under exemption 4 of the Freedom of Information Act, which protects commercial or financial information obtained from a person that is privileged or confidential.

Current actions: The Board is revising part FR A–3 of the FR A information collection to reflect additional reporting requirements that were established for the three facilities of the Main Street Lending Program. Participating Main Street Lending Program lenders and borrowers are required to submit certifications related to the eligibility of the borrowers, lenders, and loans for the program and for the specific facility. In addition, the FR A respondent counts are being revised down to reflect a more accurate estimate. An updated methodology for estimating burden has also been used, resulting in a decrease in average hours per response and slight increase in annual frequency.

Detailed Discussion of Public Comments: On March 2, 2020, the Board published a notice in the **Federal Register** (85 FR 12295) requesting public comment for 60 days on the extension, without revision, of the FR A. One comment was received; it did not address aspects of the information collection as described in 5 CFR 1320.8(d). On May 15, 2020, following the temporary approval of separate revisions to this information collection, the Board published a **Federal Register** notice (85 FR 29447) requesting public comment for 60 days on those temporary revisions. Comments in response to both of these requests for comment are expected to be considered, along with any comments received in response to this request for comment.

Board of Governors of the Federal Reserve System, June 1, 2020.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2020–12068 Filed 6–3–20; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–R–266]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid Disproportionate Share Hospital (DSH) Annual Reporting Requirements; *Use:* States are required to submit an annual report that identifies each disproportionate share hospital (DSH) that received a DSH payment under the state's Medicaid program in the preceding fiscal year and the amount of

DSH payments paid to that hospital in the same year along with other information that the Secretary determines necessary to ensure the appropriateness of DSH payments; *Form Number:* CMS–R–266 (OMB control number: 0938–0746); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 51; *Total Annual Hours:* 2,142. (For policy questions regarding this collection contact Rich Cuno at 410–786–1111.)

Dated: May 29, 2020.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2020–12005 Filed 6–3–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10717, CMS–10468 and CMS–R–267]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* New Collection; *Title of Information Collection:* Medicare Part C and Part D Program Audit and Industry-Wide Part C Timeliness Monitoring Project (TMP) Protocols; *Use:* Under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and implementing regulations at 42 CFR parts 422 and 423, Medicare Part D plan sponsors and Medicare Advantage organizations are required to comply with all Medicare Parts C and D program requirements. CMS' annual audit plan ensures that we evaluate Sponsoring organizations' compliance with these requirements by conducting program audits that focus on high-risk areas that have the greatest potential for beneficiary harm. As such, CMS has developed the following audit protocols for use by Sponsoring organizations to prepare for their audit:

- Compliance Program Effectiveness (CPE)
- Part D Formulary and Benefit Administration (FA)
- Part D Coverage Determinations, Appeals, and Grievances (CDAG)
- Part C Organization Determinations, Appeals, and Grievances (ODAG)
- Special Needs Plans Care Coordination (SNPCC)

CMS generally conducts program audits at the parent organization level in an effort to reduce burden and, for routine audits, subjects each Sponsoring organization to all applicable program area protocols. For example, if a Sponsoring organization does not offer a special needs plan, or an accrediting organization has deemed a special needs plan compliant with CMS regulations and standards, CMS would not apply the SNPCC protocol. Likewise, CMS would not apply the ODAG audit protocol to an organization that offers only a standalone prescription drug plan since that organization does not offer the MA benefit. Conversely, ad hoc audits resulting from referral may be limited in scope and, therefore, all program area protocols may not be applied.

In addition, as part of the robust program audit process, CMS also requires sponsoring organizations that have undergone a program audit and found to have deficiencies to undergo a validation audit to ensure correction. The validation audit uses the same audit protocols, but only tests the elements where deficiencies were found as opposed to re-administering the entire audit. Finally, CMS conducts annual industry-wide timeliness monitoring of all Part C organizations by using a subset of the ODAG protocol. However, Sponsoring organizations that successfully submitted all of their Part C data in response to a program audit in the prior year are excluded from submitting new data for the timeliness monitoring effort in the year following their program audit.

The information gathered during this program audit will be used by the Medicare Parts C and D Oversight and Enforcement Group (MOEG) within the Center for Medicare (CM) and CMS

Regional Offices to assess Sponsoring organizations' compliance with Medicare program requirements. If outliers or other data anomalies are detected, MOEG requires audited organizations to provide impact analyses to better understand and report the scope of the noncompliance. These MA and Part D organizations then receive their audit results, are required to implement corrective actions, and to demonstrate correction of all conditions cited in the final audit report by undergoing a validation audit. If the validation audit demonstrates substantial correction of the conditions, MOEG will communicate its decision to close the audit in a letter to the MA and Part D organization. Any new or isolated issues of non-compliance that remain will be referred to the CMS Account Manager for follow-up. Regional Offices will work in collaboration with MOEG and other divisions within CMS for resolution. *Form Number:* CMS–10717 (OMB control number: 0938-New); *Frequency:* Yearly; *Affected Public:* Private Sector, Business or other for-profits, Not-for-profits institutions; *Number of Respondents:* 190; *Total Annual Responses:* 179; *Total Annual Hours:* 36,082. (For policy questions regarding this collection contact Kellie Simons at 410–786–0886.)

2. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Essential Health Benefits in Alternative Benefit Plans, Eligibility Notices, Fair Hearing and Appeal Processes, and Premiums and Cost Sharing; Exchanges: Eligibility and Enrollment; *Use:* The Exchanges, which became operational on January 1, 2014, enhanced competition in the health insurance market, expanded access to affordable health insurance for millions of Americans, and provided consumers with a place to easily compare and shop for health insurance coverage. The reporting requirements and data collection in Medicaid, Children's Health Insurance Programs, and Exchanges: Essential Health Benefits in Alternative Benefit Plans, Eligibility Notices, Fair Hearing and Appeal Processes, and Premiums and Cost Sharing; Exchanges: Eligibility and Enrollment (CMS–2334–F) address: (1) Standards related to notices, (2) procedures for the verification of enrollment in an eligible employer-sponsored plan and eligibility for qualifying coverage in an eligible employer-sponsored plan; and (3) other eligibility and enrollment provisions to provide detail necessary for state implementation. The submission seeks OMB approval of the information collection requirements associated with selected provisions in 45 CFR parts 155, 156 and 157. *Form Number:* CMS–10468 (OMB control number: 0938–1207); *Frequency:* Annually; *Affected Public:* Individuals, Households and Private Sector; *Number of Respondents:* 1,522; *Total Annual Responses:* 9,533; *Total Annual Hours:* 103,710. (For policy questions regarding this collection contact Anne Pesto at 410–786–3492.)

3. *Type of Information Collection Request:* Revision with change of a currently approved collection; *Title of Information Collection:* Medicare Plus Choice Program Requirements Referenced in 42 CFR 422.000–422.700; *Use:* The information collection requirements are mandated by 42 CFR part 422. Section 4001 of the Balanced Budget Act of 1997 (BBA) added sections 1851 through 1859 to the Social Security Act to establish the Managed Care program. The Medicare, Medicaid, and SCHIP Benefits Improvement Act and Protection Act of 2000, Public Law 106–554 added requirements to the Managed Care program. The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Pub. L. 108–173) created the Medicare Advantage program.

A major goal of the Medicare Advantage program is to provide ease of access for Original Medicare beneficiaries who wish to enroll in a Medicare Advantage program. Certain populations of beneficiaries such as the dually eligible population (those beneficiaries enrolled in both Medicaid and Medicare) have grown since the program was created and these populations require more flexibilities.

MA organizations (formerly M+C organizations) and potential MA organizations (applicants) use the information collected based on the regulations at 42 CFR part 422 to comply with the application requirements and the MA contract requirements. CMS uses the information collected based on the regulations at 42 CFR part 422 to approve contract applications, monitor compliance with contract requirements, make proper payment to MA organizations, determine compliance with the new prescription drug benefit requirements established by the MMA, and to ensure that correct information is disclosed to Medicare beneficiaries, both potential enrollees and enrollees.

Information supplied by organizations is used to determine eligibility for contracting with CMS, for determining compliance with contract requirements, and for calculating proper payment to the organizations. Information supplied by Medicare beneficiaries is used to determine eligibility to enroll in the M+C organization and to determine proper payment to the organization that enrolled the beneficiary. Separate OMB approval was sought for each form as required.

The information collection request also incorporates the new minimum criteria for dual eligible special needs plans (D–SNPs) to integrate Medicare and Medicaid benefits detailed in Section 50311(b) of the Bipartisan Budget Act of 2018 and set forth in in Final rule (CMS–4185–F, RIN 0938–AT59) for CY2020 and 2021. The integration requirements improve care coordination, quality of care, and beneficiary satisfaction while reducing administrative burden. *Form Number:* CMS–R–267 (OMB control number: 0938–0753); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 6,727,508; *Total Annual Responses:* 6,750,814; *Total Annual Hours:* 1,848,180. (For policy questions regarding this collection contact Marna Metcalf Akbar at 410–786–8251.)

Dated: May 29, 2020.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2020–12002 Filed 6–3–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Privacy Act of 1974; Matching Program

AGENCY: Administration for Children and Families, Department of Health and Human Services.

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS), Administration for Children and Families (ACF), Office of Planning, Research and Evaluation (OPRE), is providing notice of a re-established matching program between the Department of Veterans Affairs (VA) and State Public Assistance Agencies (SPAAs) participating in the Public Assistance Reporting Information System (PARIS) Program. The matching program provides the SPAAs with VA compensation and pension data on a periodic basis to use in determining

public assistance applicants' and recipients' eligibility for certain public assistance benefits. HHS/ACF/OPRE facilitates the matching program, and the Department of Defense (DoD), Defense Manpower Data Center (DMDC) conducts the matches of SPAA and VA data and provides associated support.

DATES: The deadline for comments on this notice is July 6, 2020. The re-established matching program will commence not sooner than 30 days after publication of this notice, provided no comments are received that warrant a change to this notice. The matching program will be conducted for an initial term of 18 months (from approximately August 30, 2020, through February 28, 2022) and within 3 months of expiration may be renewed for 1 additional year if the parties make no change to the matching program and certify that the program has been conducted in compliance with the matching agreement.

ADDRESSES: Interested parties may submit written comments on this notice, by mail or email, to the PARIS Project Officer, Division of Data and Improvement, HHS/ACF Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20024, *paris@acf.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: General questions about the matching program may be submitted to Joshua Williams, PARIS Project Officer, Division of Data and Improvement, HHS/ACF Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20024, *paris@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, as amended (5 U.S.C. 552a), provides certain protections for individuals applying for and receiving federal benefits. The law governs the use of computer matching by federal agencies when records in a system of records (meaning, federal agency records about individuals retrieved by name or other personal identifier) are matched with records of other federal or non-federal agencies. The Privacy Act requires agencies involved in a matching program to:

1. Obtain approval of a Computer Matching Agreement, prepared in accordance with the Privacy Act, by the Data Integrity Board of each federal agency that is a source or recipient of data used in the matching program. 5 U.S.C. 522a(o)(1), (u)(3)(A), and (u)(4).

2. Provide adequate advance notice of the matching program, including a copy of the agreement, to Congress and the Office of Management and Budget (OMB). 5 U.S.C. 552a(o)(2)(A)(i) and (r).

3. Publish advance notice of the matching program in the **Federal Register**. 5 U.S.C. 552a(e)(12).

4. Make the Computer Matching Agreement available to the public. 5 U.S.C. 552a(o)(2)(A)(ii).

5. Notify the individuals whose information will be used in the matching program that the information they provide is subject to verification through matching, as required by 5 U.S.C. 552a(o)(1)(D).

6. Verify match findings before suspending, terminating, reducing, or making a final denial of an individual's benefits or payments or taking other adverse action against the individual, as required by 5 U.S.C. 552a(p).

7. Provide an annual report of the matching program activities to Congress and OMB, and make the report available to the public. 5 U.S.C. 552a(u)(3)(D).

This matching program meets these requirements.

Naomi Goldstein,

Deputy Assistant Secretary for Planning, Research and Evaluation, ACF.

Participating Agencies

VA is the source agency, and SPAAs are non-federal agencies.

Authority for Conducting the Matching Program

Sections 402, 1137, and 1903(r) of the Social Security Act (42 U.S.C. secs. 602(a), 1320b–7, and 1396b(r)).

Purpose(s)

The matching program will provide participating SPAAs with VA compensation and pension data on a periodic basis to use in determining public assistance applicants' and recipients' eligibility for benefits under Medicaid, Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), and general assistance programs, and to use in helping relevant veterans to better understand similar benefits available through the VA, which may be better alternatives. The matching program helps ensure fair and equitable treatment in the delivery of benefits attributable to funds provided by the Federal Government.

Categories of Individuals

The categories of individuals involved in the matching program are:

- Individuals applying for, or receiving, Medicaid, TANF, SNAP, and/or general assistance benefits (public assistance clients); and
- Individuals receiving VA pay or pension benefits.

Categories of Records

The categories of records used in the matching program are identifying information and compensation and pension data.

On an approximately quarterly basis, VA will provide DoD/DMDC with a file containing VA benefit record data about all individual VA benefit and compensation recipients, and each SPAA will provide DoD/DMDC with a non-federal file containing identifying information, including Social Security Numbers (SSNs) about public assistance clients. DoD/DMDC will compare the SSNs in each SPAA file to the VA file and will provide the SPAA with match results containing the following data elements (as applicable) about each public assistance client whose SSN matches the SSN of an individual receiving VA compensation or pension benefits:

VA File Number; Veteran/Beneficiary/Apportionee SSN and SSN Verification Indicator; Payee Type Code; Award Type, Award Line Type, and Award Status Codes; Gender Code; Last Name/First Name/Middle Name; Beneficiary Birth Date; Veteran/Spouse Aid and Attendance Code; Station Number; Spouse; Minor Child; School Child; Helpless Child; Parent; Combined Degree; Entitlement Type Code; Change Reason; Suspense Reason; Last Paid Date; Effective Date; Gross Amount; Net Award Amount; Payment Amount; Frequency Pay Type Code; Income for VA Purposes Amount; Beneficiary/Spouse Annual Amounts (for Wages, Insurance, Interest, Social Security, Civil Service Retirement, Military, Railroad Retirement Board, Black Lung, and Rest); Beneficiary/Spouse Rest of Exclusion Amount; Medical Expense/Education Expense/Last Expense/Hardship Amounts; Receivable/Receivable Amount; Monthly Deductions/Deduction Amount; Proceeds/Proceeds Amount; Address Type Indicator; Address Name/Fiduciary; Address Fiduciary Type; Address Name Beneficiary; Corporate Format Address (Address Lines One, Two, and Three, City Name, State Name, ZIP Code Prefix and Suffix, Country Type Name, Foreign Postal Code, Province Name, Territory Name, Military Postal Type, Military Post Office); and Benefits Delivery Network Treasury Address and ZIP Code Prefix.

System(s) of Records

The VA data used in this matching program will be disclosed from the following system of records, as authorized by routine use 35: ''Compensation, Pension, Education,

and Vocational Rehabilitation and Employment Records—VA (58VA21/22/28),'' 84 FR 4138 (Feb. 14, 2019).

[FR Doc. 2020–11996 Filed 6–3–20; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0369]

Product-Specific Guidances; Draft and Revised Draft Guidances for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of additional draft and revised draft product-specific guidances. The guidances provide product-specific recommendations on, among other things, the design of bioequivalence (BE) studies to support abbreviated new drug applications (ANDAs). In the **Federal Register** of June 11, 2010, FDA announced the availability of a guidance for industry entitled ''Bioequivalence Recommendations for Specific Products'' that explained the process that would be used to make product-specific guidances available to the public on FDA's website. The guidances identified in this notice were developed using the process described in that guidance.

DATES: Submit either electronic or written comments on the draft guidance by August 3, 2020 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2007–D–0369 for ''Product-Specific Guidances; Draft and Revised Draft Guidances for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

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

Submit written requests for single copies of the draft guidances to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance documents.

FOR FURTHER INFORMATION CONTACT: Mara Miller, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4709C, Silver Spring, MD 20993–0002, 301–796–0683.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled ''Bioequivalence Recommendations for Specific Products'' that explained the process that would be used to make product-specific guidances available to the public on FDA's website at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

As described in that guidance, FDA adopted this process as a means to develop and disseminate product-specific guidances and provide a meaningful opportunity for the public to consider and comment on those guidances. Under that process, draft guidances are posted on FDA's website and announced periodically in the **Federal Register**. The public is encouraged to submit comments on those recommendations within 60 days of their announcement in the **Federal**

Register. FDA considers any comments received and either publishes final guidances or publishes revised draft guidances for comment. Guidances were last announced in the **Federal Register** on March 3, 2020. This notice announces draft product-specific guidances, either new or revised, that are posted on FDA's website.

II. Drug Products for Which New Draft Product-Specific Guidances Are Available

FDA is announcing the availability of new draft product-specific guidances for industry for drug products containing the following active ingredients:

TABLE 1—NEW DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS

Active ingredient(s)
Abiraterone acetate.
Amoxicillin.
Aprepitant.
Brexanolone.
Buprenorphine.
Desvenlafaxine.
Dolutegravir sodium; Lamivudine.
Efavirenz; Lamivudine; Tenofovir disoproxil fumarate.
Estradiol.
Fish oil triglycerides.
Fluorometholone.
Gilteritinib fumarate.
Glycopyrrolate; Indacaterol maleate.
Ivosidenib.
Latanoprost.
Metformin hydrochloride.
Methylphenidate hydrochloride (multiple reference listed drugs).
Metronidazole.
Prucalopride succinate.
Revefenacin.
Sodium zirconium cyclosilicate.
Tafenoquine succinate.
Talazoparib tosylate.
Tretinoin.
Triclabendazole.

III. Drug Products for Which Revised Draft Product-Specific Guidances are Available

FDA is announcing the availability of revised draft product-specific guidances for industry for drug products containing the following active ingredients:

TABLE 2—REVISED DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS

Active ingredient(s)
Albendazole.
Azelastine hydrochloride; Fluticasone propionate.
Buprenorphine.
Carglumic acid.
Clindamycin phosphate (multiple referenced listed drugs).
Clindamycin phosphate; Tretinoin (multiple referenced listed drugs).
Dapagliflozin.
Dapagliflozin; Saxagliptin hydrochloride.
Desvenlafaxine.
Desvenlafaxine fumarate.
Desvenlafaxine succinate.
Dihydroergotamine mesylate.
Diltiazem hydrochloride (multiple referenced listed drugs).
Everolimus.
Ferric citrate.
Fluticasone furoate.
Fluticasone propionate.
Fluticasone propionate; Salmeterol xinafoate.
Methylphenidate hydrochloride (multiple referenced listed drugs).
Metoprolol tartrate.
Metronidazole.
Mometasone furoate.
Tretinoin (multiple referenced listed drugs).
Triamcinolone acetonide.

For a complete history of previously published **Federal Register** notices related to product-specific guidances, go to *https://www.regulations.gov* and enter Docket No. FDA–2007–D–0369.

These draft guidances are being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). These draft guidances, when finalized, will represent the current thinking of FDA on, among other things, the product-specific design of BE studies to support ANDAs. They do not establish any rights for any person and are not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

IV. Electronic Access

Persons with access to the internet may obtain the draft guidances at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: June 1, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–12100 Filed 6–3–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Substance Use Disorder Treatment and Recovery Loan Repayment Program, OMB No. 0906—xxxx—New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than August 3, 2020.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Substance Use Disorder Treatment and Recovery Loan Repayment Program, OMB No. 0906—xxxx—New.

Abstract: The Further Consolidated Appropriations Act, 2020 included no less than $12,000,000 for HRSA's Bureau of Health Workforce to establish the Loan Repayment Program for Substance Use Disorder (SUD) Treatment Workforce. This funding will allow HRSA to provide the repayment of education loans for individuals working in either a full-time SUD treatment job that involves direct patient care in a Health Professional Shortage Area (HPSA) designated for Mental Health or a county where the

average drug overdose death rate exceeds the national average.

The program expands the types of disciplines eligible to include but not limited to behavioral health paraprofessionals, occupational therapists and bachelor trained counselors. The program also expands the treatment facilities, to include but not limited to inpatient psychiatric facilities, recovery centers, detox facilities, emergency department and local community jails and detention centers. HHS agrees to repay the qualifying educational loans up to $250,000.00 in return for 6 years of service obligation. The forms utilized by the Substance Use Disorder Treatment and Recovery (STAR) Loan Repayment Program (LRP) include the following: The STAR LRP Application, the Authorization for Disclosure of Loan Information form, and the Privacy Act Release Authorization form, if applicable. The aforementioned forms collect information that is needed for selecting participants and repaying qualifying educational loans.

Eligible facilities for the STAR LRP are facilities that provide in-patient and outpatient, ambulatory, primary and mental/behavioral health care services to populations residing in mental health HPSA or a county where the average drug overdose death rate exceeds the national average. The facilities that may provide related in-patient services may include, but are not limited to CMS-approved Critical Access Hospitals, Indian Health Service facilities, inpatient rehabilitation centers and psychiatric facilities. HRSA will recruit facilities for approval. New facilities must submit an application for review and approval. The application requests will contain supporting information on the clinical service site, recruitment contact and services provided. Assistance in completing this application may be obtained through the appropriate HRSA personnel. HRSA will use the information collected on the applications to determine eligibility of the facility for the assignment of health professionals and to verify the need for clinicians. The STAR LRP service site approval will undergo a recertification after no more than 5 years to ensure SUD services are being rendered and the desired population is receiving care.

Despite the similarity in the titles, the STAR LRP is not the existing NHSC SUD LRP (OMB #0915–0127), which is authorized under Title III of the Public Health Service Act. The STAR LRP is a newly authorized Title VII program that has different service requirements, loan repayment protocols, and authorized employment facilities.

Need and Proposed Use of the Information: The need and purpose of this information collection is to obtain information that is used to assess an STAR LRP applicant's eligibility and qualifications for the program, and to obtain information for eligible site applicants. Clinicians interested in participating in the STAR LRP must submit an application to the program in order to participate, and health care facilities located in any HPSAs with high overdose rate and MHPSs must submit a Site Application to determine the eligibility of sites to participate in the STAR LRP. The STAR LRP application asks for personal, professional and financial information needed to determine the applicant's eligibility to participate in the STAR LRP. In addition, applicants must provide information regarding the loans for which repayment is being requested.

Likely Respondents: Licensed primary care medical, mental and behavioral health providers, and other paraprofessionals who are employed or seeking employment, and are interested in serving underserved populations; health care facilities interested in participating in the STAR LRP, and becoming an approved service site; STAR LRP sites providing behavioral health care services directly, or through a formal affiliation with a comprehensive community-based primary behavioral health setting, facility providing comprehensive behavioral health services, or various substance abuse treatment facility sub-types.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
STAR LRP Application	300	1	300	.50	150
Authorization for Disclosure of Loan Information Form	300	1	300	.50	150
Privacy Act Release Authorization Form	300	1	300	.50	150
Site Application	400	1	400	1	400
Total	1,600		1,600		1000

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2020–12040 Filed 6–3–20; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–0361.

Project: National Survey of Substance Abuse Treatment Services (N–SSATS) (OMB No. 0930–0106)—Extension

The Substance Abuse and Mental Health Services Administration (SAMHSA) is requesting an extension of the National Survey of Substance Abuse Treatment (N–SSATS) data collection (OMB No. 0930–0106), which expires on September 30, 2020. N–SSATS provides both national and state-level data on the numbers and types of patients treated and the characteristics of facilities providing substance abuse treatment services. It is conducted under the authority of Section 505 of the Public Health Service Act (42 U.S.C. 290aa–4) to meet the specific mandates for annual information about public and private substance abuse treatment providers and the clients they serve.

This request includes:

- Collection of N–SSATS, which is an annual survey of substance abuse treatment facilities; and
- Updating of the Inventory of Behavioral Health Services (I–BHS) which is the facility universe for the N–SSATS. I–BHS is also the facility universe for the annual survey of mental health treatment facilities, the National Mental Health Services Survey (N–MHSS). I–BHS includes all substance abuse treatment and mental health treatment facilities known to SAMHSA. (The N–MHSS data collection is covered under OMB No. 0930–0119.)

The information in I–BHS and N–SSATS is needed to assess the nature and extent of these resources, to identify gaps in services, and to provide a database for treatment referrals. Both I–BHS and N–SSATS are components of the Behavioral Health Services Information System (BHSIS).

The request for OMB approval will include a request to update the I–BHS facility listing on a continuous basis and to conduct the N–SSATS and the between cycle N–SSATS (N–SSATS BC) in 2021, 2022, and 2023. The N–SSATS BC is a procedure for collecting services data from newly identified facilities between main cycles of the survey and will be used to improve the listing of treatment facilities in the online Behavioral Health Treatment Services Locator.

Estimated annual burden for the BHSIS activities is shown below:

Type of respondent and activity	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
States:					
I–BHS Online [1]	56	75	4,200	0.08	336
State Subtotal	56		4,200		336
Facilities:					
I–BHS application [2]	800	1	800	0.08	64
Augmentation screener	1,300	1	1,300	0.08	104
N–SSATS questionnaire	17,000	1	17,000	0.67	11,333
N–SSATS BC	1,000	1	1,000	0.58	580
Facility Subtotal	20,100		20,100		12,081
Total	20,156		24,300		12,417

[1] States use the I–BHS Online system to submit information on newly licensed/approved facilities and on changes in facility name, address, status, etc.

[2] New facilities complete and submit the online I–BHS application form in order to get listed on the Inventory.

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.

Carlos Graham,

Social Science Analyst.

[FR Doc. 2020–12031 Filed 6–3–20; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0063]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: National Interest Waivers; Supplemental Evidence to I–140 and I–485

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until July 6, 2020.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2008–0003. All submissions received must include the OMB Control Number 1615–0063 in the body of the letter, the agency name and Docket ID USCIS–2008–0003.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on March 12, 2020, at 85 FR 14494, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2008–0003 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* National Interest Waivers; Supplemental Evidence to I–140 and I–485.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No Agency Form Number; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The supplemental documentation will be used by the U.S. Citizenship and Immigration Services to determine eligibility for national interest waiver requests and to finalize the request for adjustment to lawful permanent resident status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection is 8,000 who will respond an average of 2 times a year and the estimated hour burden per response is 1 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 16,000 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0. Any cost associated with this collection of information are capture under OMB Control Number 1615–0023.

Dated: May 29, 2020.

Samantha L Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–12012 Filed 6–3–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0001]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Petition for Alien Fiance(e)

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until July 6, 2020.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2006–0028. All submissions received must include the OMB Control Number 1615–0001 in the body of the letter, the agency name and Docket ID USCIS–2006–0028.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (202) 272–8377. (This is not a toll-free number; comments are not accepted via telephone message.) Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on March 12, 2020, at 85 FR 14495, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0028 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Alien Fiance(e).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–129F; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. To date, through the filing of this form a U.S. citizen may facilitate the entry of his/her spouse or fiance(e) into the United States so that a marriage may be concluded within 90 days of entry between the U.S. citizen and the beneficiary of the petition. This form must be used to cover the provisions of section 1103 of the Legal Immigration Family Equity Act of 2000 which allows the spouse or child of a U.S. citizen to enter the U.S. as a nonimmigrant. The I–129F is the only existing form, which collects the requisite information so that an adjudicator can make the appropriate decisions.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–129F is 48,400 and the estimated hour burden per response is 3.25 hours. The estimated total number of respondents for the information collection of Biometrics is 48,400 and the estimated hour burden per response is 1.17 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 213,928 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $8,300,600.

Dated: May 29, 2020.

Samantha L Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–12008 Filed 6–3–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7029–N–06]

60-Day Notice of Proposed Information Collection: 2021 Rental Housing Finance Survey

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The Department of Housing and Urban Development (HUD) is seeking approval from the Office of

Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 3, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone (202) 402–5534 (this is not a toll-free number) or email at *Anna.P.Guido@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410–5000; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone (202) 402–5535 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the proposed collection of information described in Section A.

A. Overview of Information Collection

Title of Information Collection: 2021 Rental Housing Finance Survey.

OMB Approval Number: 2528–0276.

Type of Request: Revision.

Form Number: None.

Description of the need for the information and proposed use: The Rental Housing Finance Survey (RHFS) provides a measure of financial, mortgage, and property characteristics of rental housing properties in the United States. RHFS focuses on mortgage financing of rental housing properties, with emphasis on new originations for purchase-money mortgages and refinancing, and the characteristics of these new originations.

The RHFS will collect data on property values of residential structures, characteristics of residential structures, rental status and rental value of units within the residential structures, commercial use of space within residential structures, property management status, ownership status, a detailed assessment of mortgage financing, and benefits received from Federal, state, local, and non-governmental programs.

Many of the questions are the same or similar to those found on the 1995 Property Owners and Managers Survey, the rental housing portion of the 2001 Residential Finance Survey, and previous collections of the Rental Housing Finance Survey. This survey does not duplicate work done in other existent HUD surveys or studies that deal with rental units financing.

Policy analysts, program managers, budget analysts, and Congressional staff can use the survey's results to advise executive and legislative branches about the mortgage finance characteristics of the rental housing stock in the United States and the suitability of public policy initiatives. Academic researchers and private organizations will also utilize the data to facilitate their research and projects.

The Department of Housing and Urban Development (HUD) needs the RHFS data for the following two reasons:

1. This is the only source of information on the rental housing finance characteristics of rental properties.

2. HUD needs this information to gain a better understanding of the mortgage finance characteristics of the rental housing stock in the United States to evaluate, monitor, and design HUD programs.

Members of affected public: Owners and managers of rental properties.

Estimated number of respondents: 10,000.

Estimated time per response: 60 minutes.

Frequency of response: One time every three years.

Estimated total annual burden hours: 10,000.

Estimated total annual cost: The only cost to respondents is that of their time.

Respondent's obligation: Voluntary.

Legal authority: This survey is conducted under Title 13, U.S.C., Section 8b and Title 12, U.S.C., Section 1701z–1 *et seq.*

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

The Assistant Secretary for Policy Development and Research, Seth Appleton, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Nacheshia Foxx, who is the Federal Register Liaison for HUD, for purposes of publication in the **Federal Register**.

Dated: June 1, 2020.

Nacheshia Foxx,

Federal Liaison for the Department of Housing and Urban Development.

[FR Doc. 2020–12079 Filed 6–3–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7027–N–19; OMB Control No.: 2502–0500]

60-Day Notice of Proposed Information Collection: Housing Finance Agency Risk-Sharing Program

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 3, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Housing Finance Agency Risk-Sharing Program.

OMB Approval Number: 2502–0500.

OMB Expiration Date: 4/30/2020.

Type of Request: Revision of a currently approved collection.

Form Numbers: HUD–94192, HUD–94193, HUD–94194, HUD–94195, HUD–94196.

Description of the need for the information and proposed use: Section 542 of the Housing and Community Development Act of 1992 directs the Secretary to implement risk sharing with State and local housing finance agencies (HFAs). Under this program, HUD provides full mortgage insurance on multifamily housing projects whose loans are underwritten, processed, and serviced by HFAs. The HFAs will reimburse HUD a certain percentage of any loss under an insured loan depending upon the level of risk the HFA contracts to assume.

Respondents (*i.e.,* affected public): Business and other for profit.

Estimated Number of Respondents: 6,530.

Estimated Number of Responses: 22,374.

Frequency of Response: Annually, semi-annually, and on-occasion.

Average Hours per Response: 1 hour to 40 hours.

Total Estimated Burden: 43,023.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

The General Deputy Assistant Secretary for Housing, John L. Garvin, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Nacheshia Foxx, who is the Federal Register Liaison for HUD, for purposes of publication in the **Federal Register**.

Dated: June 1, 2020.

Nacheshia Foxx,

Federal Liaison for the Department of Housing and Urban Development.

[FR Doc. 2020–12076 Filed 6–3–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6212–N–01]

Annual Indexing of Basic Statutory Mortgage Limits for Multifamily Housing Programs

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: In accordance with Section 206A of the National Housing Act, HUD has adjusted the Basic Statutory Mortgage Limits for Multifamily Housing Programs for Calendar Year 2020.

DATES: *Applicable Date:* January 1, 2020.

FOR FURTHER INFORMATION CONTACT: Patricia M. Burke, Acting Director, Office of Multifamily Development, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410–8000, telephone (202) 402–5693 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number through TTY by calling Federal Relay Service at (800) 877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: The FHA Down Payment Simplification Act of 2002 (Pub. L. 107–326, approved December 4, 2002) amended the National Housing Act by adding a new Section 206A (12 U.S.C. 1712a). Under Section 206A, the following are affected:

I. Section 207(c)(3)(A) (12 U.S.C. 1713(c)(3)(A));

II. Section 213(b)(2)(A) (12 U.S.C. 1715e(b)(2)(A));

III. Section 220(d)(3)(B)(iii)(I) (12 U.S.C. 1715k(d)(3)(B)(iii)(I));

IV. Section 221(d)(4)(ii)(I) (12 U.S.C. 1715l(d)(4)(ii)(I));

V. Section 231(c)(2)(A) (12 U.S.C. 1715v(c)(2)(A)); and

VI. Section 234(e)(3)(A) (12 U.S.C. 1715y(e)(3)(A)).

The Dollar Amounts in these sections are the base per unit statutory limits for Federal Housing Administration's (FHA) multifamily mortgage programs collectively referred to as the 'Dollar Amounts.' They are adjusted annually (commencing in 2004) on the effective date of the Consumer Financial Protection Bureau's (CFPB's) adjustment of the $400 figure in the Home Ownership and Equity Protection Act of 1994 (HOEPA) (Pub. L. 103–325, approved September 23, 1994). The adjustment of the Dollar Amounts shall be calculated using the percentage change in the Consumer Price Index for All Urban Consumers (CPI–U) as applied by the CFPB for purposes of the above-described HOEPA adjustment.

The percentage change in the CPI–U used for the HOEPA adjustment is 2.3 percent and the effective date of the HOEPA adjustment is January 1, 2020. The Dollar Amounts under Section 206A have been adjusted correspondingly and have an effective date of January 1, 2020.

These revised statutory limits, high cost areas and per unit cost thresholds for substantial rehabilitation may be applied to FHA multifamily mortgage insurance applications submitted or

amended on or after January 1, 2020, so long as the loan has not been initially endorsed.

The adjusted Dollar Amounts for Calendar Year 2020 are shown below:

Basic Statutory Mortgage Limits for Calendar Year 2020

Multifamily Loan Program

Section 207—Multifamily Housing

Section 207 pursuant to Section 223(f)—Purchase or Refinance Housing

Section 220—Housing in Urban Renewal Areas

Bedrooms	Non-elevator	Elevator
0	$54,892	$64,026
1	60,807	70,944
2	72,633	86,990
3	89,525	108,951
4+	101,352	123,193

Section 213—Cooperatives

Bedrooms	Non-elevator	Elevator
0	$59,488	$63,342
1	68,592	71,764
2	82,723	87,265
3	105,887	112,895
4+	117,966	123,927

Section 234—Condominium Housing

Bedrooms	Non-elevator	Elevator
0	$60,702	$63,881
1	69,991	73,230
2	84,411	89,049
3	108,050	115,201
4+	120,372	126,454

Section 221(d)(4)—Moderate Income Housing

Bedrooms	Non-elevator	Elevator
0	$54,628	$59,010
1	62,013	67,649
2	74,959	82,262
3	94,085	106,418
4+	106,314	116,817

Section 231—Housing for the Elderly

Bedrooms	Non-elevator	Elevator
0	$51,937	$59,010
1	58,063	67,649
2	69,336	82,262
3	83,443	106,418
4+	98,101	116,817

Section 207—Manufactured Home Parks

Per Space—$25,200

Per Unit Limit for Substantial Rehabilitation for Calendar Year 2020

The 2016 Multifamily Accelerated Processing (MAP) Guide established a base amount of $15,000 per unit to define substantial rehabilitation for FHA insured loan programs. Section 5.1.D.2 of the MAP guide requires that this base amount be adjusted periodically based on the percentage change published by the CFPB or other inflation cost index published by HUD. Applying the HOEPA adjustment to the base amount, the 2020 base amount per dwelling unit to determine substantial rehabilitation for FHA insured loan programs is $16,299.

Environmental Impact

This issuance establishes mortgage and cost limits that do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Dated: June 1, 2020.

John Garvin,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2020–12084 Filed 6–3–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R8–ES–2019–0116; FXES11140900000–190–FF08E00000]

Endangered and Threatened Species; Incidental Take Permit Application and Habitat Conservation Plan for the Proposed Rooney Ranch Wind Repowering Project, Alameda County, California; Availability of Draft Environmental Assessment; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit application; request for comments; correction.

SUMMARY: We, the U.S. Fish and Wildlife Service, published a document in the May 28, 2020, **Federal Register** that announced the availability of a proposed habitat conservation plan and a draft environmental impact statement for public comment. The public comment period end date in the **DATES** section of the notice was incorrect. The correct date is June 29, 2020.

FOR FURTHER INFORMATION CONTACT: Claudia Funari, 916–414–6600. If you use a telecommunications device for the deaf, please call the Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Correction

In notice document 2019–26478, appearing at 85 FR 32044 in the issue of Wednesday, May 28, 2020, make the following correction: On page 32044, the **DATES** caption should read as follows:

DATES: To ensure consideration, please send your written comments by June 29, 2020.

Sara Prigan,

Federal Register Liaison.

[FR Doc. 2020–12088 Filed 6–3–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R3–ES–2020–0046; FXES11140300000–201–FF03E00000]

Draft Environmental Assessment and Draft Habitat Conservation Plan; Receipt of an Application for an Incidental Take Permit, Hog Creek Wind Project, Hardin County, Ohio

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received an application from Hog Creek Wind Project, LLC (the applicant), for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended, for the Hog Creek Wind Farm Project. If approved, the ITP would authorize the incidental take of the Indiana bat and the northern long-eared bat for a 30-year term. The applicant has prepared a draft habitat conservation plan, which is available for public review. We also announce the availability of a draft environmental assessment, which has been prepared in accordance with the requirements of the National Environmental Policy Act. We request public comment on the application and associated documents.

DATES: We will accept comments received or postmarked on or before July 6, 2020.

ADDRESSES: *Obtaining documents:* Electronic copies of the documents this notice announces will be available online in Docket No. FWS–R3–ES–2020–0046 at *http://www.regulations.gov*. Public comments will also be available online at *http://www.regulations.gov*.

Submitting comments: Please specify whether your comment addresses the draft habitat conservation plan, draft environmental assessment, any combination of the aforementioned documents, or other supporting documents. Please submit written comments by one of the following methods:

- *Online: http://www.regulations.gov.* Search for and submit comments on Docket No. FWS–R3–ES–2020–0046.
- *By hard copy:* Submit comments by U.S. mail to Public Comments Processing, Attn: Docket No. FWS–R3–ES–2020–0046; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: PRB/3W; Falls Church, VA 22041–3803.

For more information, see Public Comments.

FOR FURTHER INFORMATION CONTACT: Keith Lott, Wildlife Biologist, or Patrice Ashfield, Project Leader, via phone at 614–416–8993, via the Federal Relay Service at 800–877–8339, or via U.S. mail at the U.S. Fish and Wildlife Service, Ohio Ecological Services Office, 4625 Morse Road, Suite 104, Columbus, OH 43230.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have received an application from Hog Creek Wind Project, LLC (the applicant), for an incidental take permit (ITP) under the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*). If approved, the ITP would be for a 30-year period and would authorize incidental take of the endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat (*Myotis septentrionalis*).

The applicant has prepared a draft habitat conservation plan (HCP), which covers the operation of the Hog Creek Wind Farm Project (project). The project consists of a wind-powered electric generation facility located in an approximately 236-acre area in Hardin County, Ohio. The draft HCP describes the following:

1. Permit duration;
2. Covered lands;
3. Covered species;
4. Project description and covered activities;
5. Environmental baseline and affected species;
6. Impact assessment and take authorization request for Indiana bats and northern long-eared bats;
7. Conservation plan, which includes the Biological Goals and Objectives, and measures to avoid, minimize, and mitigate the impact of the taking;
8. Monitoring and adaptive management;
9. Funding assurances;
10. Alternatives to the taking; and
11. Changed and unforeseen circumstances.

Under the National Environmental Policy Act (NEPA; 43 U.S.C. 4321 *et seq.*) and the ESA, the Service announces that we have gathered the information necessary to:

1. Determine the impacts and formulate alternatives for an EA related to:

a. Issuance of an ITP to the applicant for the take of the Indiana bat and the northern long-eared bat, and

b. Implementation of the associated HCP; and

2. Evaluate the application for ITP issuance, including the HCP, which provides measures to minimize and mitigate the effects of the proposed incidental take of the Indiana bat and the northern long-eared bat.

Background

The project includes 30 wind turbines, with a total energy-generating capacity of 66 megawatts (MW). The project began commercial operation in December of 2017. The need for the proposed action (*i.e.,* issuance of an ITP) is based on the potential that operation of the project could result in take of Indiana bats and northern long-eared bats.

The HCP provides a detailed conservation plan to ensure that the incidental take caused by the operation of the project will not appreciably reduce the likelihood of the survival and recovery of the Indiana bat and northern long-eared bat, and includes mitigation to fully offset the impact of the taking. Further, the HCP provides a long-term monitoring and adaptive management strategy to ensure that the ITP terms are satisfied, and to account for changed and unforeseen circumstances.

Purpose and Need for Action

In accordance with NEPA, the Service has prepared a DEA to analyze the impacts to the human environment that would occur if the requested ITP is issued and the associated HCP is implemented.

Proposed Action

Section 9 of the ESA prohibits the ''taking'' of threatened and endangered species. However, provided certain criteria are met, the Service is authorized to issue permits under section 10(a)(1)(B) of the ESA for take of federally listed species when, among other things, such a taking is incidental to, and not the purpose of, otherwise lawful activities. Under the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect endangered and threatened species, or to attempt to engage in any such conduct. Our implementing regulations in title 50 of the Code of Federal Regulations (CFR) define ''harm'' as an act which actually kills or injures wildlife, and such act may include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3).

The HCP analyzes, and the ITP would authorize, take from killing of bats due to the operation of the project. If issued, the ITP would authorize incidental take consistent with the applicant's HCP and the ITP. To issue the ITP, the Service must find that the application, including the associated HCP, satisfies the criteria of section 10(a)(1)(B) of the ESA and the Service's implementing regulations at 50 CFR part 13 and § 17.22. If the ITP is issued, the applicant would receive assurances under the Service's No Surprises policy, codified at 50 CFR 17.22(b)(5).

The applicant proposes to operate a maximum of 30 wind turbines and associated facilities for a period of 30 years in Hardin County, Ohio. The project consists of wind turbines, associated gravel pads and access roads, underground and above-ground electrical collection circuits, one substation, a generator lead line, one permanent meteorological tower, and an operations and maintenance facility.

The draft HCP describes the impacts of take associated with the operation of the project and includes measures to avoid, minimize, mitigate, and monitor the impacts of incidental take on the Indiana bat and the northern long-eared bat. The applicant will mitigate for take and associated impacts through one or more methods, including restoration, if necessary, and permanent protection of documented maternity colony habitat and/or swarming habitat, and/or gating of a hibernaculum. Habitat mitigation, including any restored habitat, will occur on private land and be permanently protected by a conservation easement, fee simple acquisition with deed restrictions, or another site protection instrument that provides an equivalent level of protection, and will be approved by the Service. Chapter 5 of the HCP describes the avoidance, minimization measures, and compensatory mitigation that will limit and mitigate for the take of Indiana bats and northern long-eared bats. This chapter also includes the monitoring and adaptive management plans to ensure that the level of take stays within permitted levels and mitigation sites are

maintained as suitable habitat for the Indiana bat and northern long-eared bat.

The Service is soliciting information regarding the adequacy of the HCP to avoid, minimize, mitigate, and monitor the proposed incidental take of the covered species and to provide for adaptive management. In compliance with section 10(c) of the ESA (16 U.S.C. 1539(c)), the Service is making the ITP application materials available for public review and comment as described above.

We invite comments and suggestions from all interested parties on the draft documents associated with the ITP application (HCP and HCP appendices), and request that comments be as specific as possible. In particular, we request information and comments on the following topics:

1. Whether adaptive management, mitigation, and monitoring provisions in the proposed action alternative are sufficient;

2. Any threats to the Indiana bat and the northern long-eared bat that may influence their populations over the life of the ITP that are not addressed in the draft HCP or DEA;

3. Any new information on white-nose syndrome effects on the Indiana bat and the northern long-eared bat; and

4. Any other information pertinent to evaluating the effects of the proposed action on the Indiana bat and the northern long-eared bat.

Alternatives in the Draft Environmental Assessment

The DEA contains an analysis of four alternatives:

1. No Action alternative, in which the Service would not issue a permit to the applicant, and the project turbines would be feathered until wind speeds reach 6.9 m/s from a half-hour before sunset to a half-hour after sunrise during the entirety of the fall migration season (August 1 through October 31) and spring migration season (March 15 through May 15), under which conditions take of listed species is unlikely to occur;

2. The applicant's Proposed Alternative, in which the Service would issue an ITP to authorize incidental take of covered species associated with the project's operations as described in the applicant's HCP. In this alternative, the project turbines would be feathered until wind speeds reach 3.0 m/s during the spring migration (April 1 through May 15) from a half-hour before sunset to a half-hour after sunrise, and during the fall migration season (August 1 through October 15), project turbines would be feathered until wind speeds reach 5.0 m/s from a half-hour before sunset to a half-hour after sunrise. While take is not anticipated during the summer (May 16–July 31), turbines will be feathered until wind speeds reach 3.0 m/s from a half-hour before sunset to a half-hour after sunrise. Minimization measures would be applicable until the temperature was greater than 10 degrees Celsius (°C). In this alternative, the applicant estimated take of Indiana and northern long-eared bats using an approach that addresses inherent uncertainty in take estimates by incorporating a 50 percent confidence bound around the mean estimate, and a 50 percent reduction in take from application of the proposed cut-in speed regime. The various phases of this project began and will end in different years; thus, different numbers of turbines will be operational during the three different phases, which will change the amount of take during each of the phases. Thus, the estimated fatality rates under this alternative are 3.3 Indiana bats per year, and 1 northern long-eared bat per year. This results in a total of 97 Indiana bats and 30 northern long-eared bats over the 30-year permit term.

3. More Restrictive Operations alternative, in which the Service would issue an ITP for the HCP, but turbine operations would be different than under the applicant's proposed project. All turbines would be feathered when the ambient temperature is above 10°C based on a 5-minute rolling average from one half-hour before sunset to one half-hour after sunrise during the spring migration season (April 1 through May 15) up to 3.0 m/s, summer (May 16 through July 31) up to 3.0 m/s, and during the fall migration season (August 1 through October 15) up to 6.5 m/s. The estimated fatality rates for this alternative are 1.5 Indiana bats and 0.5 northern long-eared bats per year. This results in a total of 44.9 Indiana bats and 13.8 northern long-eared bats over the 30-year permit term. The quantity of mitigation needed to offset the impact of the taking and the level of effort of monitoring varies between the alternatives, although mitigation, monitoring, adaptive management, and funding assurances are components of all three action alternatives.

The DEA considers the direct, indirect, and cumulative effects of the alternatives, including any measures intended to minimize and mitigate such impacts. The DEA also identifies additional alternatives that were considered but were eliminated from analysis as detailed in section 2.4 of the DEA.

The Service invites comments and suggestions from all interested parties on the content of the DEA. In particular, information and comments regarding the following topics are requested:

1. The direct, indirect, or cumulative effects that implementation of any alternative could have on the human environment;

2. Whether or not the significance of the impact on various aspects of the human environment has been adequately analyzed; and

3. Any other information pertinent to evaluating the effects of the proposed action on the human environment.

Public Comments

You may submit your comments and materials related to the draft HCP, DEA, or other supporting documents by one of the methods listed in **ADDRESSES**. We request you send comments using only one of the methods described in **ADDRESSES**.

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.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1539(c)) and its implementing regulations (50 CFR 17.22) and the NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6; 43 CFR part 46).

Lori Nordstrom,

Assistant Regional Director, Ecological Services, Great Lakes Region.

[FR Doc. 2020–12046 Filed 6–3–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–30354; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before May 16, 2020, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by June 19, 2020.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on property or proposed district name, (County) State.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before May 16, 2020. Pursuant to § 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

ARIZONA

Maricopa County

Avery, Frank and Emma, House, 4203 North 44th St., Phoenix, SG100005297

DISTRICT OF COLUMBIA

District of Columbia

Tabard Inn, 1737–1739–1741 N St. NW, Washington, SG100005295
Washington Animal Rescue League Animal Shelter, 71 O St. NW, Washington, SG100005296
Washington Yacht Club, 1500 M St. SE, Washington, SG100005305

GEORGIA

Wilkes County

Cherry Grove Baptist Church Schoolhouse, 1878 Danburg Rd., Washington vicinity, SG100005300

IOWA

Linn County

Shores-Mueller Company, (Commercial & Industrial Development of Cedar Rapids MPS) (Industrial Development of Cedar Rapids, Iowa MPS (AD)), 700 16th St. NE, Cedar Rapids, MP100005298

Montgomery County

Red Oak High School, 308 East Corning St., Red Oak, SG100005294

Pottawattamie County

South 8th Street Historic District, Bounded by South 7th St., South 8th St., 1st Ave., 7th Ave., with segment along 2nd Ave., extending to South 10th St., Council Bluffs, SG100005299

KENTUCKY

Fayette County

Pensacola Park Historic District. 109–199 Rosemont Gdn., 105–175 Suburban Ct., 101–224 Lackawanna Rd., 101–166 Wabash Dr., 96–171 Goodrich Ave., 1700, 1800, 1900 blocks of Nicholasville Rd., 101–177, Penmoken Park, 1800 block Pensacola Dr., 1800 block Norfolk Dr., Lexington, SG100005303

LOUISIANA

Orleans Parish

Pontchartrain Park Historic District, Roughly bounded by France Rd., Dwyer Canal, Norfolk Southern RR, Campus Blvd., Emmitt W. Bashful Blvd., Press Dr., and Hayne Blvd., New Orleans, SG100005306

MASSACHUSETTS

Franklin County

Long Plain Cemetery, 19 Depot Rd., Leverett, SG100005304

Additional documentation has been received for the following resource:

DISTRICT OF COLUMBIA

District of Columbia

Central Public Library (Additional Documentation), 801 K St. NW, Washington, AD69000290

Authority: Section 60.13 of 36 CFR part 60.

Dated: May 18, 2020.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2020–12037 Filed 6–3–20; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1153 (Second Review)]

Tow-Behind Lawn Groomers From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on tow-behind lawn groomers from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: April 6, 2020.

FOR FURTHER INFORMATION CONTACT: Tyler Berard (202–205–3354), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—On April 6, 2020, the Commission determined that the domestic interested party group response to its notice of institution (85 FR 117, January 2, 2020) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on June

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

4, 2020, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before June 11, 2020 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by June 11, 2020. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014). The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: May 29, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–12021 Filed 6–3–20; 8:45 am]

BILLING CODE 7020–02–P

[2] The Commission has found the response submitted by Agri-Fab, Inc. to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–652]

Importer of Controlled Substances Application: Catalent Pharma Solutions, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before July 6, 2020. Such persons may also file a written request for a hearing on the application on or before July 6, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration (DEA), Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on May 8, 2020, Catalent Pharma Solutions, LLC, 3031 Red Lion Road, Philadelphia, Pennsylvania 19114, applied to be registered as an importer of the following basic class(es) of controlled substance:

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid ..	2010	I

The company plans to import finished dosage unit products containing Gamma Hydroxybutyric Acid for clinical trials, research, and analytical activities. No other activity for this drug code is authorized for this registration. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of the Food and Drug Administration (FDA)-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–12086 Filed 6–3–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–653]

Importer of Controlled Substances Application: Akorn, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before July 6, 2020. Such persons may also file a written request for a hearing on the application on or before July 6, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on May 14, 2020, Akorn, Inc., 1222 West Grand Avenue, Decatur, Illinois 62522–1412, applied to be registered as an importer of the following basic class(es) of a controlled substance:

Controlled substance	Drug code	Schedule
Remifentanil	9739	II

The company plans to import the listed controlled substance for research purposes.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–12080 Filed 6–3–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–654]

Importer of Controlled Substances Application: Bellwyck Clinical Services

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before July 6, 2020. Such persons may also file a written request for a hearing on the application on or before July 6, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on May 19, 2020, Bellwyck Clinical Services, 8946 Global Way, West Chester, Ohio 45069, applied to be registered as an importer of the following basic class(es) of controlled substances:

Controlled substances	Drug code	Schedule
Amphetamine	1100	II
Methylphenidate	1724	II
Oxycodone	9143	II

The company plans to import the listed controlled substances in dosage form to conduct clinical trials. Approval of permit applications will occur only when the registrant's activity is consistent with what is authorized under 21 U.S.C. 952(a) (2). Authorization will not extend to the import of Food and Drug Administration (FDA)-approved or non-approved finished dosage forms for commercial sale.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2020–12082 Filed 6–3–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On May 29, 2020, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Massachusetts, in the lawsuit entitled *United States and Commonwealth of Massachusetts* v. *Sprague Resources LP and Sprague Operating Resources, LLC,* Civil Action No. 1:20–cv–11026.

The United States filed this lawsuit under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. 7413(a)(1), and the Massachusetts, Maine, New Hampshire, and Rhode Island state implementation plans. The Commonwealth of Massachusetts is a co-plaintiff and brings claims arising under the Massachusetts Clean Air Act and Massachusetts air pollution control regulations. The complaint seeks civil penalties and injunctive relief arising from alleged emissions of volatile organic compounds (VOC) without required permits at the defendants' heated petroleum (asphalt and #6 oil) storage and distribution facilities in Everett and Quincy, Massachusetts; Searsport and South Portland, Maine; Newington (River Road), New Hampshire; and Providence, Rhode Island.

The consent decree requires the defendants to pay civil penalties of $350,000, including $205,000, plus interest, to the United States and $145,000 to the Commonwealth of Massachusetts; and to perform certain measures at the facilities to limit future VOC emissions.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al.* v. *Sprague Resources LP, et al.,* D.J. Ref. No. 90–5–2–1–11436. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* Paper copies of the consent decree are available upon written request and payment of reproduction costs. Such requests and payments should be addressed to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

With each such request, please enclose a check or money order for $14.75 (25 cents per page reproduction cost) per paper copy, payable to the United States Treasury.

Henry S. Friedman,

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

[FR Doc. 2020–12022 Filed 6–3–20; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (BJA) Docket No. 1779]

Meeting of the Public Safety Officer Medal of Valor Review Board

AGENCY: Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA).

ACTION: Notice of meeting.

SUMMARY: This is an announcement of a meeting (via WebEx/conference call-in) of the Public Safety Officer Medal of Valor Review Board to consider a range of issues of importance to the Board, to include but not limited to: Membership/terms; nomination eligibility; pending 2018–2019 recommendations; pending 2019–2020 nominations; program marketing and outreach. The meeting date and time is listed below.

DATES: August 3, 2020, from 1:00 p.m. to 2:00 p.m. EDT.

ADDRESSES: This meeting will take place via WebEx/conference call-in. Public access to the meeting will be provided by the Bureau of Justice Assistance, Office of Justice Programs upon request and subsequent invitation. (See

SUPPLEMENTARY INFORMATION below for registration requirements.)

FOR FURTHER INFORMATION CONTACT: Gregory Joy, Policy Advisor, Bureau of Justice Assistance, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531, by telephone at (202) 514–1369, toll free (866) 859–2687, or by email at *Gregory.joy@usdoj.gov.*

SUPPLEMENTARY INFORMATION: The Public Safety Officer Medal of Valor Review Board carries out those advisory functions specified in 42 U.S.C. 15202. Pursuant to 42 U.S.C. 15201, the President of the United States is authorized to award the Public Safety Officer Medal of Valor, the highest national award for valor by a public safety officer.

This WebEx meeting is open to the public. Members of the public who wish to participate must register at least seven (7) days in advance of the meeting by contacting Mr. Joy. Upon registration, an invitation will be extended to participate in this WebEx meeting.

Access to the meeting will not be allowed without prior registration. Please submit any comments or written statements for consideration by the Review Board in writing at least seven (7) days in advance of the meeting date.

Gregory Joy,

Policy Advisor/Designated Federal Officer, Bureau of Justice Assistance.

[FR Doc. 2020–12104 Filed 6–3–20; 8:45 am]

BILLING CODE 4410–18–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 20–CRB–0008–CA (2020–2025)]

Adjustment of Cable Statutory License Royalty Rates

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice announcing commencement of proceeding with request for petitions to participate.

SUMMARY: The Copyright Royalty Judges (Judges) announce the commencement of a proceeding to adjust the rates for the cable statutory license described in section 111 of the Copyright Act. The Judges also announce the date by which a party who wishes to participate in the proceeding must file its Petition to Participate and pay the $150 filing fee.

DATES: Petitions to Participate and the filing fee are due no later than July 6, 2020.

ADDRESSES: The petition to participate form is available online in eCRB, the Copyright Royalty Board's online electronic filing application, at *https://app.crb.gov/.*

Instructions: The petition to participate process has been simplified. Interested parties file a petition to participate by filling out the petition to participate form in eCRB and paying the fee in eCRB. Do not upload a petition to participate document.

Docket: For access to the docket to read submitted documents, go to eCRB, the Copyright Royalty Board's electronic filing and case management system, at *https://app.crb.gov/*, and search for docket number 20–CRB–0008–CA.

FOR FURTHER INFORMATION CONTACT: Anita Blaine, CRB Program Specialist, by telephone at (202) 707–7658, or by email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 111 of the Copyright Act grants a statutory copyright license to cable television systems for the retransmission of over-the-air television and radio broadcast stations to their subscribers. 17 U.S.C. 111(c). In exchange for the license, cable operators submit royalty payments and statements of account detailing their retransmissions semiannually to the Copyright Office. 17 U.S.C. 111(d)(1). The Copyright Office deposits the royalties into the United States Treasury for later distribution to copyright owners of the broadcast programming that the cable systems retransmit. 17 U.S.C. 111(d)(2).

A cable system calculates its royalty payments in accordance with the statutory formula described in 17 U.S.C. 111(d)(1). *See* 37 CFR 387. Royalty rates are based upon a cable system's gross receipts from subscribers who receive retransmitted broadcast signals. For rate calculation purposes, cable systems are divided into three tiers based on their gross receipts (small, medium, and large). 17 U.S.C. 111(d)(1)(B) through (F). Both the applicable rates and the tiers are subject to adjustment. 17 U.S.C. 801(b)(2). Every five years persons with a significant interest in the royalty rates may file petitions to initiate a proceeding to adjust the rates. 17 U.S.C. 804(a) and (b). No person with a significant interest has filed a petition to initiate a proceeding in 2020.[1] The Judges must, therefore, publish notice in the **Federal Register** announcing the commencement of a proceeding and calling for Petitions to Participate. *See* 17 U.S.C. 803(b)(1).

Petitions To Participate

Parties filing Petitions to Participate must use the form in eCRB instead of uploading a document and must comply with the requirements of § 351.1(b) of the Copyright Royalty Board's regulations. 37 CFR 351.1(b).

Dated: June 1, 2020.

Jesse M. Feder,

Chief Copyright Royalty Judge.

[FR Doc. 2020–12096 Filed 6–3–20; 8:45 am]

BILLING CODE 1410–72–P

[1] With respect to the rates for the 2015–2019 period, the Judges adopted a settlement proposed by the participants to leave the then-current rates unchanged. 81 FR 62813, 62814 (Sept. 13, 2016).

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Designation of Twelve Areas as High Intensity Drug Trafficking Areas

AGENCY: Office of National Drug Control Policy (ONDCP).

ACTION: Notice of twelve HIDTA designations.

SUMMARY: The Director of the Office of National Drug Control Policy designated 12 additional areas as High Intensity Drug Trafficking Areas (HIDTA) pursuant to 21 U.S.C. 1706(b)(1). The new areas are (1) Davidson County in Tennessee as part of the Appalachia HIDTA; (2) Chatham County in Georgia as part of the Atlanta/Carolinas HIDTA; (3) Manatee and Leon Counties in Florida as part of the Central Florida and North Florida HIDTAs, respectively; (4) Lake County in Illinois as part of the Chicago HIDTA; (5) Chambers County in Texas as part of the Houston HIDTA; (6) Vanderburgh County in Indiana as part of the Indiana HIDTA; (7) Eau Claire County in Wisconsin as part of the North Central HIDTA; (8) Grant County in Washington as part of the Northwest HIDTA; (9) Westmoreland County in Pennsylvania as part of the Ohio HIDTA; (10) Kootenai County in Idaho as part of the Oregon/Idaho HIDTA; and (11) Allegany County in Maryland as part of the Washington/Baltimore HIDTA. The Director of ONDCP also removed one area as a HIDTA pursuant to 21 U.S.C. 1706(c), effective May 27, 2020. The area removed from HIDTA designation is Barrow County in Georgia as part of the Atlanta/Carolinas HIDTA. The Executive Board of Atlanta/Carolinas HIDTA requested removal of Barrow County from designation after assessing the threat and determining that it no longer met the statutory criteria necessary for designation as a

HIDTA county. ONDCP evaluated and accepted the request.

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice should be directed to Shannon L. Kelly, National HIDTA Director, Office of National Drug Control Policy, Executive Office of the President, Washington, DC 20503; (202) 395–5872.

Dated: June 1, 2020.

Michael J. Passante,

Acting General Counsel.

[FR Doc. 2020–12105 Filed 6–3–20; 8:45 am]

BILLING CODE 3280–F5–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2020–157]

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 8, 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

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).:* CP2020–157; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 10 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* May 29, 2020; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Natalie R. Ward; *Comments Due:* June 8, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–12063 Filed 6–3–20; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88974; File No. SR–OCC–2020–005]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Deadline for Clearing Members To Provide an Actionable Identifier on Customer and Non-Customer Securities Options Trades Other Than Market Maker Trades

May 29, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 19, 2020, the Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. OCC filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(1)[4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

OCC proposes to amend Rule 401 to modify the implementation and enforcement timeline for requiring an ''Actionable Identifier'' to be included on all customer and non-customer securities options trades submitted to OCC for processing, other than Market-Maker trades. The proposed changes to OCC's Rules are contained in Exhibit 5 of the filing. Material proposed to be added to OCC's Rules as currently in effect is marked by underlining and material proposed to be deleted is marked with strikethrough text. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the By-Laws and Rules.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(1).

[5] OCC's By-Laws and Rules can be found on OCC's public website: *http://optionsclearing.com/about/publications/bylaws.jsp.*

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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, he Proposed Rule Change

(1) Purpose

Background

The Clearing Member Trade Assignment (''CMTA'') process at OCC allows a Clearing Member that executed a securities options trade (*i.e.,* the Executing Clearing Member) to send the trade directly through OCC to another Clearing Member for clearance and settlement (*i.e.,* the Carrying Clearing Member).[6] Under the CMTA process, an Executing Clearing Member and a Carrying Clearing Member can agree to have securities options trades for customers and non-customers effected by the Executing Clearing Member sent directly through OCC to the Carrying Clearing Member's omnibus accounts at OCC for clearance and settlement.[7] One potential risk that may arise in the CMTA process is that Clearing Members may receive customer trades that they do not recognize in a timely manner because the trades do not include information that allows them to quickly identify the correct customer account at the Carrying Clearing Member or that the trade should have been sent to another Carrying Clearing Member.

On May 6, 2019, the Commission approved a proposed rule change by OCC to amend Rule 401 to require that an Actionable Identifier be included on all customer and non-customer securities options trades submitted to OCC for processing, other than Market-Maker trades.[8] Actionable Identifier is defined in Interpretation and Policy .06 to Rule 401 as either the name, series of numbers, or other identifying information assigned by a Purchasing Clearing Member or Writing Clearing Member to a customer or non-customer account (other than a Market-Maker account) at the Clearing Member that originated the options transaction. The introduction of the Actionable Identifier requirement was intended to minimize the risks Clearing Members face in handling trades they cannot timely identify in connection with the CMTA process.

The implementation plan for Actionable Identifier requirement, which is specified in Interpretation and Policy .06 to Rule 401, sets forth the effective dates for the rule change, providing that: (a) From the date on which the Actionable Identifier requirement is approved (''approval date'') to the end of the twelfth month from such approval date, OCC will not treat as a violation of Rule 401 the failure to include an Actionable Identifier or the failure of a Clearing Member's policies and procedures to provide that sufficient information is included in the Actionable Identifier field to allow the Clearing Member receiving such Actionable Identifier to promptly clear the transaction; (b) from the thirteenth to the end of the eighteenth month from such approval date, an Actionable Identifier will be required but OCC will not treat as a violation of Rule 401 the failure of a Clearing Member's policies and procedures to provide that sufficient information is included in the Actionable Identifier field to allow the Clearing Member receiving such Actionable Identifier to promptly clear the transaction; and (c) from the nineteenth month after such approval date and thereafter, OCC will treat as a violation of Rule 401 the failure to include an Actionable Identifier or the failure of a Clearing Member's policies and procedures to provide that sufficient information is included in the Actionable Identifier field to allow the Clearing Member receiving such Actionable Identifier to promptly clear the transaction, subject to the manner in which OCC enforces violations of its rules in Rule 1201. This phased implementation plan was intended to provide time for Clearing Members to work together to determine appropriate Actionable Identifiers for the accounts subject to their CMTA arrangements and coordinate on processes to include Actionable Identifiers on trades submitted through the give-up process.

Recently, some Clearing Members have requested that OCC delay the deadline for requiring an Actionable Identifier on trades (''Actionable Identifier Deadline''), which is set for June 8, 2020. On this date, OCC would begin to enforce the Actionable Identifier requirement but would not treat as a violation of Rule 401 the failure of a Clearing Member's policies and procedures to provide that sufficient information is included in the Actionable Identifier field. Due to the COVID–19 pandemic, many Clearing Members are functioning under business continuity plans. OCC has been informed by many Clearing Members that because they are operating under business continuity plans, system enhancements are now limited to critical or essential system installations only. As a result, Clearing Members cannot install system functionality that will allow them to comply with the June 8, 2020 Actionable Identifier Deadline. Additionally, Clearing Members require input from floor brokers to implement Actionable Identifier information.[9] Clearing Members are limited by remote working conditions to coordinate directly with the floor brokers on the changes needed to populate the identifier on the trades. Given these factors, Clearing Members may require additional time to comply with the requirements of Rule 401(a)(1)(iii) and Interpretation and Policy .06.

Proposed Change

OCC proposes to amend Interpretation and Policy .06 to Rule 401 to extend the deadline for requiring Actionable Identifiers on all customer and non-customer securities options trades submitted to OCC for processing, other than Market-Maker trades, by an additional three months from June 2020 to September 2020. OCC believes that extending the Actionable Identifier Deadline by three months will provide Clearing Members with the additional

[6] *See* OCC Rule 407. An ''Executing Clearing Member'' is defined in Article I, Section 1.E.(12) of the By-Laws as ''a Clearing Member, on its own behalf or as the Clearing Member of an Introducing Broker that has been authorized by a Carrying Clearing Member to direct confirmed trades to be transferred to a designated account of the Carrying Clearing Member pursuant to such Clearing Members' CMTA arrangement.'' A ''Carrying Clearing Member'' is defined in Article I, Section 1.C.(12) of the By-Laws as ''a Clearing Member that has authorized an Executing Clearing Member to direct the transfer of a confirmed trade to a designated account of such Carrying Clearing Member pursuant to a CMTA arrangement.''

[7] The term ''customer'' is defined in Article I, Section 1.C. (37) of the By-Laws with regard to listed options as ''a person having a securities account at a broker or dealer other than a non-customer of such broker or dealer.'' The term ''non-customer'' is defined in Article I, Section 1.N.(1) of the By-Laws effectively as ''a person that is not a customer of a broker or dealer as defined in Rules 8c–1 and 15c2–1 under the Securities Exchange Act of 1934,'' including ''a Member Affiliate that has consented to having its securities account at a Clearing Member treated as a non-customer account.'' OCC Clearing Members hold omnibus accounts at OCC for customer positions (*i.e.,* a ''customers' account'' as defined in Article I, Section 1.C.(37) of the By-Laws) and non-customer positions (*i.e.,* a ''firm account'' as defined in Article I, Section 1.F.(6) of the By-Laws).

[8] *See* Securities Exchange Act Release No. 85779 (May 6, 2019), 84 FR 20689 (May 10, 2019) (SR–OCC–2019–003).

[9] Floor brokers receive and execute trades on behalf of customers. Clearing Members and floor brokers will therefore need to coordinate to have an agreed upon identifier for their various customers.

time they will need to make the necessary system changes to comply with the requirements of Rule 401. OCC believes the proposed rule change is appropriate given current conditions caused by the COVID–19 pandemic and does not believe that changes to the final implementation deadline of December 7, 2020, are necessary at this time.

(2) Statutory Basis

Section 17A(b)(3)(F) of the Act[10] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities and derivatives transactions and to foster cooperation and coordination with persons engaged in clearance and settlement of securities transactions. The Actionable Identifier requirements of Rule 401 are designed to enable Clearing Members to more promptly and accurately clear and settle securities options trades that are subject to CMTA and give-up arrangements. The proposed rule change would provide additional time for OCC's Clearing Members to make the necessary system changes to effectively implement Actional Identifiers given the recent complications caused by the COVID–19 pandemic. In this way, the proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions and foster cooperation and coordination with persons engaged in clearance and settlement of securities transactions in accordance with the requirements of Section 17A(b)(3)(F).[11]

In addition, the proposed rule change is not inconsistent with the existing By-Laws and Rules of OCC, including any rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act[12] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the Act. OCC does not believe that the proposed rule change would impact or impose any burden on competition. The proposed rule change would provide Clearing Members with additional time to comply with the Actionable Identifier requirements previously approved by the Commission.[13] The proposed rule change would not affect the competitive dynamics between Clearing Members in that it would apply to all Clearing Members equally. The proposed rule change also would not inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another. In this regard, as described above, the proposed rule change is designed to further facilitate the prompt and accurate clearance and settlement of securities transaction.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)[14] of the Act, and Rule 19b–4(f)(1) thereunder,[15] the proposed rule change is filed for immediate effectiveness as it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule. The proposed rule change would modify the implementation and enforcement dates of rule changes previously approved by the Commission in OCC filing SR–OCC–2019–003.[16] Accordingly, the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the administration and enforcement of an existing rule of OCC.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[17]

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 Comment

- 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–2020–005 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–OCC–2020–005. 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 such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/about/publications/bylaws.jsp.*

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–2020–005 and should be submitted on or before June 25, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–12018 Filed 6–3–20; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] *Id.*

[12] 15 U.S.C. 78q–1(b)(3)(I).

[13] *See supra* note 8.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(1).

[16] *See supra* note 8.

[17] Notwithstanding its immediate effectiveness, implementation of this rule change will be delayed until this change is deemed certified under CFTC Rule 40.6.

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33889]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

May 29, 2020.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of May 2020. A copy of each application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the relevant applicant with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below. Hearing requests should be received by the SEC by 5:30 p.m. on June 23, 2020, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.*

FOR FURTHER INFORMATION CONTACT: Shawn Davis, Assistant Director, at (202) 551–6413 or Chief Counsel's Office at (202) 551–6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549–8010.

Eaton Vance California Municipal Bond Fund II [File No. 811–21217]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Eaton Vance California Municipal Bond Fund and, on December 14, 2018, made a final distribution to its shareholders based on net asset value. Expenses of approximately $57,661 incurred in connection with the reorganization were paid by the applicant.

Filing Date: The application was filed on March 6, 2020.

Applicant's Address: jdamon@eatonvance.com.

Eaton Vance Massachusetts Municipal Bond Fund [File No. 811–21225]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Eaton Vance Municipal Bond Fund and, on December 14, 2018, made a final distribution to its shareholders based on net asset value. Expenses of approximately $31,640 incurred in connection with the reorganization were paid by the applicant.

Filing Date: The application was filed on March 6, 2020.

Applicant's Address: jdamon@eatonvance.com.

Eaton Vance Michigan Municipal Bond Fund [File No. 811–21224]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Eaton Vance Municipal Bond Fund and, on December 14, 2018, made a final distribution to its shareholders based on net asset value. Expenses of approximately $25,986 incurred in connection with the reorganization were paid by the applicant.

Filing Date: The application was filed on February 28, 2020.

Applicant's Address: jdamon@eatonvance.com.

Eaton Vance Michigan Municipal Income Trust [File No. 811–09153]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Eaton Vance Municipal Income Trust and, on December 14, 2018, made a final distribution to its shareholders based on net asset value. Expenses of approximately $38,001 incurred in connection with the reorganization were paid by the applicant.

Filing Date: The application was filed on March 6, 2020.

Applicant's Address: jdamon@eatonvance.com.

Eaton Vance Municipal Bond Fund II [File No. 811–21219]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Eaton Vance Municipal Bond Fund and, on March 22, 2019, made a final distribution to its shareholders based on net asset value. Expenses of approximately $138,760 incurred in connection with the reorganization were paid by the applicant and the applicant's investment adviser.

Filing Date: The application was filed on March 13, 2020.

Applicant's Address: jdamon@eatonvance.com.

Eaton Vance New Jersey Municipal Bond Fund [File No. 811–21229]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Eaton Vance Municipal Bond Fund and, on January 18, 2019, made a final distribution to its shareholders based on net asset value. Expenses of approximately $47,903 incurred in connection with the reorganization were paid by the applicant and the applicant's investment adviser.

Filing Date: The application was filed on March 13, 2020.

Applicant's Address: jdamon@eatonvance.com.

Eaton Vance New Jersey Municipal Income Trust [File No. 811–09155]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Eaton Vance Municipal Income Trust and, on February 22, 2019, made a final distribution to its shareholders based on net asset value. Expenses of approximately $75,157 incurred in connection with the reorganization were paid by the applicant.

Filing Date: The application was filed on March 13, 2020.

Applicant's Address: jdamon@eatonvance.com.

Eaton Vance Ohio Municipal Bond Fund [File No. 811–21226]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Eaton Vance Municipal Bond Fund and, on January 18, 2019, made a final distribution to its shareholders based on net asset value. Expenses of approximately $50,663 incurred in connection with the reorganization were paid by the

applicant and the applicant's investment adviser.

Filing Date: The application was filed on March 11, 2020.

Applicant's Address: jdamon@eatonvance.com.

Eaton Vance Ohio Municipal Income Trust [File No. 811–09149]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Eaton Vance Municipal Income Trust and, on January 18, 2019, made a final distribution to its shareholders based on net asset value. Expenses of approximately $53,456 incurred in connection with the reorganization were paid by the applicant.

Filing Date: The application was filed on February 28, 2020.

Applicant's Address: jdamon@eatonvance.com.

Eaton Vance Pennsylvania Municipal Bond Fund [File No. 811–21227]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Eaton Vance Municipal Bond Fund and, on January 18, 2019, made a final distribution to its shareholders based on net asset value. Expenses of approximately $53,978 incurred in connection with the reorganization were paid by the applicant and applicant's investment adviser.

Filing Date: The application was filed on March 13, 2020.

Applicant's Address: jdamon@eatonvance.com.

Eaton Vance Pennsylvania Municipal Income Trust [File No. 811–09151]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Eaton Vance Municipal Income Trust and, on January 18, 2019, made a final distribution to its shareholders based on net asset value. Expenses of approximately $48,323 incurred in connection with the reorganization were paid by the applicant.

Filing Date: The application was filed on February 28, 2020.

Applicant's Address: jdamon@eatonvance.com.

Engex, Incorporated [File No. 811–01639]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On August 29, 2019, applicant made a final liquidating distribution to its shareholders based on net asset value. Expenses of $90,116 incurred in connection with the liquidation were paid by applicant. Applicant also has retained $18,531 in a Federated US Treasury Reserve Fund for the purpose of paying outstanding debts.

Filing Dates: The application was filed on August 31, 2018, and amended on November 22, 2019 and May 26, 2020.

Applicant's Address: msiciliano@dhblair.com.

Nuveen Connecticut Quality Municipal Income Fund [File No. 811–07606]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Nuveen AMT-Free Municipal Credit Income Fund and, on November 15, 2019, made a final distribution to its shareholders based on net asset value. Expenses of $601,677 incurred in connection with the reorganization were paid by the applicant.

Filing Date: The application was filed on March 12, 2020.

Applicant's Address: dglatz@stradley.com.

Nuveen Emerging Markets Debt 2025 Term Fund [File No. 811–23335]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on March 10, 2020.

Applicant's Address: dglatz@stradley.com.

Nuveen North Carolina Quality Municipal Income Fund [File No. 811–07608]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Nuveen AMT-Free Quality Municipal Income Fund and, on November 15, 2019, made a final distribution to its shareholders based on net asset value. Expenses of $611,734 incurred in connection with the reorganization were paid by the applicant.

Filing Date: The application was filed on March 12, 2020.

Applicant's Address: dglatz@stradley.com.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-88972; File No. SR–NYSECHX–2020–18]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Services Available to Users That Use Co-location Services in the Mahwah, New Jersey Data Center

May 29, 2020.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 22, 2020, the NYSE Chicago, Inc. (''NYSE Chicago'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the services available to Users that use co-location services in the Mahwah, New Jersey data center to add the NMS network to connect to the NMS feeds. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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

Overview

The Exchange proposes to amend its co-location services [4] to provide Users [5] with an alternate, dedicated network connection to access the NMS feeds (the ''NMS network'') for which the Securities Industry Automation Corporation (''SIAC'') is engaged as the securities information processor (''SIP''). The Commission recently approved similar filings by each Affiliate SRO.[6]

As described below, today Users can connect to Regulation NMS equities and options feeds [7] disseminated by the SIP using either one of two co-location local area networks. Currently, a User would need to purchase a service that includes either a 10 Gigabit (''Gb'') or 40 Gb connection to access a local area network in order to connect to the NMS feeds.[8] Users do not pay an additional charge to connect to the NMS feeds: It comes with their connection to the local area network.

The Exchange has been authorized to build the NMS network in the Mahwah data center that will only connect to the NMS feeds. The new network will connect to the NMS feeds faster than either of the existing local area networks. Because a User currently needs to purchase a service that includes access to one of the two local area networks in the data center via either a 10 Gb or 40 Gb connection to connect to the NMS feeds, the Exchange proposes to expand that service to include the option to also connect to the NMS network via a same-sized connection at no additional charge. Accordingly, with this proposed rule change, Users will have the option to use the NMS network or either of the existing local area networks to connect to the NMS feeds. The Exchange is not proposing any changes to its fees.

Because the NMS network has been built and tested and is ready to be implemented, subject to effectiveness of this proposed rule change, the Exchange proposes to implement the NMS network as soon as practicable. The Exchange will announce the implementation date through a customer notice.

Background

The Exchange's affiliate, SIAC, is engaged as the SIP for three separate Regulation NMS plans (collectively, the ''NMS Plans'').[9] SIAC operates as the SIP for the NMS Plans in the same data center where the Exchange and its Affiliate SROs operate. In that data center, Users can access SIAC as the SIP over the same network connections through which they access other services. Specifically, a User can access the SIAC SIP environment via either the internet protocol (''IP'') network or the Liquidity Center Network (''LCN''), which are the local area networks in the data center.[10]

The Exchange offers Users connectivity to the SIAC SIP environment at no additional charge when a User purchases access to a 10 Gb or 40 Gb LCN or IP network.[11] In connection with the services available over the local area networks, the SIAC feeds are referred to as the ''NMS feeds.'' As described in General Note 4 of the Fee Schedule, when a User purchases access to the LCN or IP network, it receives connectivity to certain market data products (the ''Included Data Products'') that it selects, subject to technical provisioning requirements and authorization from the provider of the data feed. The NMS feeds are included in the list of the Included Data Products that come with connections to the LCN or IP network. The remaining Included Data Products are proprietary feeds of the Exchange and its Affiliate SROs (together, the ''NYSE Exchanges'').

A User that purchases access to the LCN or IP network also receives the ability to access the trading and execution systems of the NYSE Exchanges (the ''Exchange Systems'') and the trading and execution systems of OTC Global, an alternative trading system (''ATS''), subject, in each case, to authorization by the relevant entity.[12]

Accordingly, without paying an additional connectivity fee, a User that purchases access to either the LCN or IP network can use such network to:

1. Access the trading and execution services of five registered exchanges (five equities markets, two options markets, and a fixed income market) and an ATS;

2. Connect to the market data of five registered exchanges (five equities exchanges, two options markets, and a fixed income market); and

3. Connect to the NMS feeds.

A User may connect to the NMS feeds through the IP network or LCN. Until recently the operating committee for the CTA and CQ Plans (''CTA/CQ Plans'') mandated use of the IP network to access the NMS feeds.[13] As a result, all LCN connections to the NMS feeds go through the IP network before reaching

[4] The Exchange initially filed rule changes relating to its co-location services with the Commission in 2019. *See* Securities Exchange Act Release No. 87408 (October 28, 2019), 84 FR 58778 (November 1, 2019) (SR–NYSECHX–2019–12). The Exchange operates a data center in Mahwah, New Jersey (the ''data center'') from which it provides co-location services to Users.

[5] For purposes of the Exchange's co-location services, a ''User'' means any market participant that requests to receive co-location services directly from the Exchange. *Id.* at note 6. As specified in the Fee Schedule of NYSE Chicago (the ''Fee Schedule''), a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates the New York Stock Exchange LLC (''NYSE''), NYSE American LLC (''NYSE American''), NYSE Arca, Inc. (''NYSE Arca''), and NYSE National, Inc. (''NYSE National'' and, together, the ''Affiliate SROs''). *See id.* at 58779.

[6] *See* Securities Exchange Act Release No. 88837 (May 7, 2020) (''Approval Order''), approving Securities Exchange Act Release Nos. 87927 (January 9, 2020), 85 FR 2468 (January 15, 2020) (SR–NYSE–2019–46); 87929 (January 9, 2020), 85 FR 2453 (January 15, 2020) (SR–NYSEAmer–2019–34); 87928 (January 9, 2020), 85 FR 2447 (January 15, 2020) (SR–NYSEArca–2019–61); and 87930 (January 9, 2020), 85 FR 2459 (January 15, 2020) (SR–NYSENAT–2019–19) (Notices of filing Amendment No. 1).

[7] The NMS feeds include the Consolidated Tape System and Consolidated Quote System data streams, as well as Options Price Reporting Authority (''OPRA'') feeds.

[8] Because of the volume of data, a 1 Gb connection is not sufficient to connect to an NMS feed.

[9] SIAC has been engaged as the SIP to, among other things, receive, process, validate and disseminate: (1) Last-sale price information in Tape A and Tape B-listed securities pursuant to the CTA Plan (''CTA Plan''), which is available here: *https://www.nyse.com/publicdocs/ctaplan/notifications/trader-update/CTA%20Plan%20-%20Composite%20as%20of%20August%2027,%202018.pdf;* (2) quotation information in Tape A and B-listed securities pursuant to the CQ Plan (''CQ Plan''), which is available here: *https://www.nyse.com/publicdocs/ctaplan/notifications/trader-update/CQ_Plan_Composite_as_of_July_9_2018.pdf;* and (3) quotation and last-sale price information in all exchange options trading pursuant to the OPRA Plan (''OPRA Plan''), which is available here: *https://uploads-ssl.webflow.com/5ba40927ac854d8c97bc92d7/5bf419a6b7c4f5085340f9af_opra_plan.pdf.*

[10] *See* 84 FR 58778, *supra* note 5, at 58780.

[11] The range of LCN and IP network connectivity options, including the bandwidth and latency profile of the applicable networks, are described on the Fee Schedule.

[12] *See id.* Information regarding the Included Data Products is currently set forth in the second paragraph of General Note 4.

[13] The Operating Committee of the CTA/CQ Plans mandated the use of the IP network to access the NMS feeds because the IP network was built as a secure network designed for resiliency and redundancy.

the NMS feeds,[14] and so using the LCN to connect to an NMS feed is slower than using the IP network.[15]

Alternate, Dedicated Network Connection for NMS Feeds

As the SIP for the NMS Plans, SIAC continually assesses the services it provides and has been working with the operating committees of the NMS Plans and the industry-based advisory committee to the CTA/CQ Plans to identify potential performance enhancements. Among other initiatives, this group identified that, because the IP network was not designed as a low-latency network, the requirement to use the IP network to access the NMS feeds introduces a layer of latency.

To reduce network latency, the Exchange sought and received approval from the operating committees for the CTA/CQ Plans to build an alternate to the LCN and IP network to connect to the NMS feeds.[16] As approved by the CTA/CQ Plans, the Exchange built the NMS network, a low-latency network in the data center that will provide Users with dedicated access to the NMS feeds.[17]

The Exchange currently anticipates that the low-latency network will have a one-way reduction in latency to access the NMS feeds from the IP network and LCN of over 140 microseconds.

Consistent with the current bandwidth needs to connect to the NMS feeds, connections to the NMS network will be available in 10 Gb and 40 Gb circuits. Because the NMS network will be an alternate network to access the NMS feeds, once it is available, Users would have the choice between continuing to use the LCN or IP network to connect to NMS feeds or switching to the NMS network.

Even though the NMS network will provide access only to the NMS feeds, the Exchange is funding the build of the NMS network and is not being reimbursed for such expenses by either CTA or OPRA. The Exchange's capital expenditure costs for the build are estimated to be $3.8 million, which includes procurement of new low-latency network switches, network devices, and analytics tools and the one-time operational expenditures to build this new network. In addition to this initial estimated approximately $3.8 million outlay, the Exchange anticipates that the ongoing costs to maintain and operate the NMS network will be approximately $215,000 annually.

Proposed Amendment To Add the NMS Network

The proposed structure for the NMS network has been designed so that the services available in co-location would be expanded so that a User can opt to connect to the NMS network at no additional charge.

To effect the proposed change, the Exchange proposes to amend the services available in co-location to provide that if a User purchases a service that includes a 10 Gb or 40 Gb connection to access either local area network, that access would include a connection to the NMS network of the same size. Although the Exchange is funding and expanding the types of local area network connections that would be available in the data center, the Exchange does not propose to change any of the fees related to purchasing a service that includes a connection to a local area network.

More specifically, the services available in co-location currently include LCN Access, IP Network Access, and Partial Cabinet Solution bundles. In order to implement the proposed change, the Exchange proposes the following amendments to Exchange Rules that describe the following services in co-location:

- In the column titled ''Type of Service,'' the Exchange proposes to amend the text describing the 10 Gb and 40 Gb LCN and IP Network Access options to include text referencing the NMS network.
- In the column titled ''Description,'' the Exchange proposes to amend the descriptions of the 10 Gb LX LCN Circuit, 40 Gb LCN Circuit, Partial Cabinet Solution bundle Option C and Option D, 10 Gb IP Network Circuit and 40 Gb IP Network Circuit to include text referencing the specific NMS Network connection that would be part of the service. In addition, because the descriptions of the LCN and IP network services do not currently reference either ''LCN'' or ''IP Network,'' respectively, the Exchange proposes to add text references as applicable.
- Finally, the Exchange proposes to amend text in the column titled ''Amount of Charge'' to specify that the current initial and monthly recurring charges would not change and that for purposes of such charges, the existing local area network connection and NMS network connection would be together considered one connection. These text changes would make clear that Users would not be subject to two initial or two monthly charges. The Partial Cabinet Solution bundle description already indicates that the charges are ''per bundle'' and therefore no similar clarifying language is proposed.

The Exchange proposes to set forth these changes as follows (proposed new text italicized and proposed text for deletion in brackets):

Type of service	Description	Amount of charge
LCN *and NMS Network* Access	10 Gb LX *LCN* Circuit *and 10 Gb NMS Network Circuit*.	$15,000 *initial charge* per connection [initial charge] *to both the LCN and NMS Network* plus $22,000 monthly *charge* per connection *to both the LCN and NMS Network*. *For purposes of these charges, the LCN Circuit and NMS Network Circuit are together considered to be one connection, and so Users are not subject to two initial or two monthly charges.*
LCN *and NMS Network* Access	40 Gb *LCN* Circuit and *40 Gb NMS Network Circuit*.	$15,000 *initial charge* per connection [initial charge] *to both the LCN and NMS Network* plus $22,000 monthly *charge* per connection *to both the LCN and NMS Network*.

[14] By contrast, the LCN does not connect to the IP network for access to the Exchange Systems or connectivity to the other Included Data Products.

[15] A User that uses the LCN to connect to an NMS feed does not need to separately purchase an IP network connection.

[16] The alternate network to access the NMS feeds will not be available outside of the data center.

[17] Because SIAC, as the SIP for the NMS Plans, is also responsible for collecting data from the participants of the CTA/CQ Plans and members of the OPRA Plan, Users that are participants of the applicable NMS Plans could use this alternate network connection for purposes of both transmitting and receiving data. Users that are not participants of the NMS Plans could use this alternate network connection for purposes of receiving data. This alternate network would not be available to connect to the other Included Data Products or to access the Exchange Systems or Global OTC.

Type of service	Description	Amount of charge
		For purposes of these charges, the LCN Circuit and NMS Network Circuit are together considered to be one connection, and so Users are not subject to two initial or two monthly charges.
Partial Cabinet Solution bundles	No change	No change.
Note: A User and its Affiliates are limited to one Partial Cabinet Solution bundle at a time. A User and its Affiliates must have an Aggregate Cabinet Footprint of 2 kW or less to qualify for a Partial Cabinet Solution bundle. See Note 2 under ''General Notes.''.	No change	No change.
	Option C: 1 kW partial cabinet, 1 LCN connection (10 Gb LX), 1 IP network connection (10 Gb), *2 NMS Network connections (10 Gb each),* 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol.	No change.
	Option D: 2 kW partial cabinet, 1 LCN connection (10 Gb LX), 1 IP network connection (10 Gb), *2 NMS Network connections (10 Gb each),* 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol.	No change.
IP Network *and NMS Network* Access	10 Gb *IP Network* Circuit *and 10 GB NMS Network Circuit*.	$10,000 *initial charge* per connection [initial charge] *to both the IP Network and NMS Network* plus $11,000 monthly *charge* per connection *to both the IP Network and NMS Network.* *For purposes of these charges, the IP Network Circuit and NMS Network Circuit are together considered to be one connection, and so Users are not subject to two initial or two monthly charges.*
IP Network *and NMS Network* Access	40 Gb *IP Network* Circuit *and 40 Gb NMS Network Circuit*.	$10,000 *initial charge* per connection [initial charge]*to both the IP Network and NMS Network* plus $18,000 monthly *charge* per connection *to both the IP Network and NMS Network.* *For purposes of these charges, the IP Network Circuit and NMS Network Circuit are together considered to be one connection, and so Users are not subject to two initial or two monthly charges.*

As noted above, Users that purchase access to the LCN or IP Network currently can use such networks to connect to the NMS feeds. Once the NMS Network is available, Users can continue to use either their existing LCN or IP Network connection or the new NMS network connection to connect to the NMS feeds.

The Exchange proposes to amend the current General Note 4 to describe what a User obtains when it purchases a service that includes access to the LCN, IP network, or NMS Network.

First, the Exchange proposes to split current Note 4 into three separate notes. The first paragraph of current Note 4 would continue to be numbered Note 4, and would specify which trading and execution services a User can access when it purchases a service that includes access to the LCN or IP network, which are not changing. Because the services that a User purchases may include access to the NMS network in addition to access to the LCN or IP network, the Exchange proposes a non-substantive amendment to the first sentence of this note to add the phrase ''a service that includes.''

Second, the Exchange proposes that the current second paragraph of Note 4 and following table would be renumbered as Note 5. As the paragraph does currently, Note 5 would specify the Included Data Products that a User can connect to if it purchases a service that includes access to the LCN or IP network. Similar to the proposed amendment to the first sentence of Note 4, the Exchange proposes a non-substantive amendment to add the phrase ''a service that includes'' to the first sentence of new Note 5. In addition, the Exchange proposes a non-substantive amendment to the table to clarify that the NMS feeds are the CTA, CQ, and OPRA feeds.

Finally, the Exchange proposes new Note 6, which would describe in more detail the NMS network. As proposed, Note 6 would provide that when a User purchases a service that includes access to the NMS Network, upon its request it would receive connectivity to the NMS network and any of the NMS feeds that it selects, subject to any technical provisioning requirements and authorization from the provider of the data feed. Consistent with existing Note 4 (proposed Note 5), Note 6 would provide that market data fees for the NMS feeds would be charged by the provider of the NMS data feed. The proposed note would further state that the NMS Network would provide connectivity to the NMS feeds only.

Expected Application of the Proposed Change

The proposed NMS network would be available to all Users that purchase a service that includes a 10 Gb or 40 Gb connection to access either the LCN or IP network, which are the networks currently available to provide connections to the NMS feeds.

General

As is the case with all Exchange co-location arrangements, (i) neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a member organization, a Sponsored Participant or an agent thereof (*e.g.,* a service bureau providing order entry services); (ii) use of the co-location services proposed herein would be completely voluntary and available to all Users on a non-discriminatory basis; [18] and (iii) a User would only incur one charge for the particular co-location service described herein, regardless of whether the User connects only to the Exchange or to the Exchange and one or more of the Affiliate SROs.[19]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[20] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[21] in particular, because it is 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 mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed change to include access to the NMS network as part of existing services available in co-location would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, protect investors and the public interest because, by offering access to the dedicated, low-latency NMS network, the Exchange will be providing Users with an additional option to connect to the NMS feeds. Until recently, SIAC was required to provide connectivity to the NMS feeds via only the IP network. As recently approved by the operating committees for the CTA/CQ Plans, SIAC is now authorized to offer connectivity to the NMS feeds in the data center via an alternate, dedicated, low-latency NMS network. The proposed NMS network has been designed consistent with this directive and will provide greater choice to Users that are seeking a low-latency network to connect to the NMS feeds. In addition, the proposed rule change is identical to the proposals approved for the Affiliate SROs.[22] The proposal therefore would provide market participants the ability to obtain consolidated market data in a more timely manner, which would enhance the utility of this critical component of the national market system for the benefit of market participants and investors that rely upon access to consolidated market data to effectuate trades and otherwise have confidence in the efficiency and integrity of that system.

For these reasons, the Exchange believes that the proposal is consistent with 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 that the proposed rule change would not impose any burden on competition because it is not designed to address any competitive issues. As described above, SIAC is the single plan processor for Tape A and B equities securities and all options securities and does not currently compete with any other providers for these processor services. The proposed rule change would amend the services available in co-location to include the NMS network when a User purchases a 10 Gb or 40 Gb connection to access either local area network service. Accordingly, the proposed rule change would expand the services available in co-location without changing any fees for the existing services, or adding fees for the expanded services. All Users would have access to the NMS network and it would be their choice of whether and at what level to subscribe to such services, including whether to utilize the NMS network connection. Accordingly, the Exchange does not believe that the proposed rule change would place any User at a relative disadvantage compared to other Users.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [23] and Rule 19b–4(f)(6) thereunder.[24] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [25] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[26] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange believes that such waiver would be consistent with the protection of investors and the public interest because the waiver of the operative delay would allow the Exchange to provide Users with access to the NMS network on the same schedule as the Affiliate SROs, for which the proposed

[18] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of other Users. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to all Users, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[19] *See* 84 FR 58778, *supra* note 5, at 58779. The NYSE, NYSE American, NYSE Arca, and NYSE National rule changes approved by the Commission in the Approval Order all contained substantially the same changes described herein. *See* Securities Exchange Act Release Nos. Nos. 87927 (January 9, 2020), 85 FR 2468 (January 15, 2020) (SR–NYSE–2019–46); 87929 (January 9, 2020), 85 FR 2453 (January 15, 2020) (SR–NYSEAmer–2019–34); 87928 (January 9, 2020), 85 FR 2447 (January 15, 2020) (SR–NYSEArca–2019–61); and 87930 (January 9, 2020), 85 FR 2459 (January 15, 2020) (SR–NYSENAT–2019–19) (Notices of filing Amendment No. 1).

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(5).

[22] *See* Approval Order, *supra* note 6.

[23] 15 U.S.C. 78s(b)(3)(A)(iii).

[24] 17 CFR 240.19b–4(f)(6).

[25] 17 CFR 240.19b–4(f)(6).

[26] 17 CFR 240.19b–4(f)(6)(iii).

rule change has already been approved in the Approval Order. The Exchange notes that the technology for the NMS network was available in production on May 18, 2020. The Exchange states that waiver of the operative delay would allow the Exchange to implement the NMS network without delay, thus enhancing the performance of the CTA/CQ and OPRA SIPs. For those reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change operative upon filing.[27]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[28] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSECHX–2020–18 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–NYSECHX–2020–18. 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–NYSECHX–2020–18 and should be submitted on or before June 25, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Matthew DeLesDernier,

Assistant Secretary.

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[27] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[28] 15 U.S.C. 78s(b)(2)(B).

[29] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2020–0004]

Privacy Act of 1974; System of Records

AGENCY: Office of Retirement and Disability Policy, Social Security Administration (SSA).

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act, we are issuing public notice of our intent to modify an existing system of records entitled, Electronic Disability Claim File (60–0320), hereinafter referred to as the eDib Claim File, last published on December 22, 2003. This notice publishes details of the modified system as set forth below under the caption, **SUPPLEMENTARY INFORMATION**.

DATES: The system of records notice (SORN) is applicable upon its publication in today's **Federal Register**, with the exception of the routine uses, which are effective July 6, 2020. We invite public comment on the routine uses or other aspects of this SORN. In accordance with 5 U.S.C. 552a(e)(4) and (e)(11), the public is given a 30-day period in which to submit comments. Therefore, please submit any comments by July 6, 2020.

ADDRESSES: The public, Office of Management and Budget (OMB), and Congress may comment on this publication by writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, SSA, Room G–401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, or through the Federal e-Rulemaking Portal at *http://www.regulations.gov,* please reference docket number SSA–2020–0004. All comments we receive will be available for public inspection at the above address and we will post them to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Anthony Tookes, Government Information Specialist, Privacy Implementation Division, Office of Privacy and Disclosure, Office of the General Counsel, SSA, Room G–401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, telephone: (410) 966–5855, email: *Anthony.Tookes@ssa.gov.*

SUPPLEMENTARY INFORMATION: We are modifying the system of records name from ''eDib Claim File, Social Security Administration, Deputy Commissioner for Disability and Income Security Programs'' to ''Electronic Disability (eDib) Claim File'' to accurately reflect the system. We are modifying the system manager to clarify the name of the office.

In addition, we are clarifying the categories of individuals covered by the system of records and expanding the categories of records to include vendor information concerning medical examiners or medical providers from whom SSA obtains medical records to support medical disability determinations. Specific identifying information concerning the vendor could include name, address, telephone number, tax identification number or employer identification number.

We are modifying the categories of records to include beneficiary notice control number (BNC). Section 2 of the Social Security Number Fraud Prevention Act of 2017 (H.R. 624, Pub. L. 115–59, hereafter referred to as P.L. 115–59), restricts the inclusion of Social

Security numbers (SSN) on documents the Federal government sends by mail. Some of our mailed documents include a placeholder for the responder to include the full SSN. Pursuant to P.L. 115–59, we will retain the SSN for mailed documents that we determined are ''mission critical'' and require an SSN to facilitate our business processes. The remaining mailed documents that are not mission critical will have the SSN removed and replaced with a BNC. We also clarified that this system contains data from other SSA systems of records.

We are modifying the eDib Claim File to include the Disability Case Processing System (DCPS). DCPS modernizes the technology infrastructure that supports disability case processing nationwide. DCPS contains information from SSA and Disability Determination Services (DDS) personnel, disability applicants, disability claimants or individuals authorized to represent them, beneficiaries, third parties (*e.g.,* medical examiners and medical providers). DCPS interfaces with existing SSA disability claims systems to gather information needed to process disability claims and make final disability determinations.

The Disability Vendor Repository (DVR) is maintained within DCPS. The DVR is where we maintain a list of medical examiners and medical providers. The DVR contains vendor information that supports the disability determination process; specifically, medical evidence requests, consultative exam requests, medical and non-medical assistance requests, and fiscal processes.

We are deleting routine use No. 17, of the prior version of the SORN, as it is no longer applicable and no longer a condition of the individual's eligibility for payment under section 1611(e)(3) of the Social Security Act. This routine use permitted disclosures to institutions or facilities approved for the treatment of drug addicts or alcoholics. We are also adding a routine use to permit disclosures to contractors, cooperative agreement awardees, Federal and State agencies, and Federal congressional support agencies for research and statistical activities. In the past, we disclosed information from this system of records to the entities listed above under our efficient administration routine use. We are establishing this new routine use to distinguish disclosures that we make specifically for research purposes. We are also modifying the policies and practices for the retrieval of records to clarify that we will also retrieve records by BNC.

Lastly, we are modifying the notice throughout to correct miscellaneous stylistic formatting and typographical errors of the previously published notice, and to ensure the language reads consistently across multiple systems. We are republishing the entire notice for ease of reference.

In accordance with 5 U.S.C. 552a(r), we provided a report to OMB and Congress on this modified system of records.

Matthew Ramsey,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

SYSTEM NAME:

Electronic Disability (eDib) Claim File, 60–0320.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The eDib Claim Files are virtually established in Social Security Administration (SSA) field offices when claims for benefits are filed, or a lead is expected to result in a claim. The electronic records are maintained at: Social Security Administration, Office of Systems, National Computer Center, 6401 Security Boulevard, Baltimore, MD 21235.

SYSTEM MANAGER(S):

Social Security Administration, Deputy Commissioner of Retirement and Disability Policy, Office of Disability Policy, 6401 Security Boulevard, Baltimore, MD 21235.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 202–205, 216, 221, 223, 226, 228, 1611, 1614, 1631, 1818, 1836, and 1840 of the Social Security Act, as amended.

PURPOSE(S) OF THE SYSTEM:

The eDib Claim File contains material related to the request for or continuation of benefit payments under Titles II and XVI of the Social Security Act. We will use the information in this system for purposes of pursuing claims; collecting, documenting, organizing and maintaining information and documents for making determinations of eligibility for disability benefits, the amount of benefits, the appropriate payee for benefits; reviewing continuing eligibility; holding hearings or administrative review processes; ensuring that proper adjustments are made based on events affecting entitlement; and answering inquiries. We may also use eDib claim files for quality review, evaluation, and measurement studies, and other statistical and research purposes. We may maintain extracts as interviewing tools, activity logs, records of claims clearance, and records of type or nature of actions taken.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information about claimants and those acting on their behalf, applicants, beneficiaries and potential claimants for disability benefits and payments administered by SSA. The system also maintains information about medical examiners and medical providers.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system maintains records that include, but are not limited to, the name, Social Security number (SSN), and date of birth of the claimant or potential claimant and may contain the application for benefits; supporting evidence and documentation for initial and continuing entitlement (*e.g.,* diagnosis, beginning and end dates of disability, basis for disability determination, copies of medical reports, work history, educational level, reexamination date (if applicable)); date of application; payment documentation; correspondence to and from claimants or representatives; information about representative payees; information received from third parties regarding claimants' potential entitlement; BNC; vendor information concerning medical examiners or medical providers from whom SSA obtains medical records to support medical disability determinations; data collected as a result of inquiries and complaints or evaluation and measurement studies, which assess the effectiveness of claims policies; records of certain actions entered directly into the computer processes, which include reports of changes of address, work status and other post-adjudicative actions; and abstracts used for statistical purposes (*e.g.,* disallowances, technical denials, and demographic and statistical information relating to disability decisions).

The system may also include names and titles of persons making or reviewing the determination and certain administrative data as well as data relative to the location of the file and the status of the claim.

Finally, this system includes medical examiners' and medical providers' names, address, tax identification number or employee identification number, and an indicator when the medical examiner or medical provider is listed on the Department of Health and Human Services Office of Inspector

General's List of Excluded Individuals and Entities (LEIE). The LEIE list identifies medical providers or medical examiners who may provide medical evidence to SSA that we cannot accept.

RECORD SOURCE CATEGORIES:

We obtain information in this system from claimants, beneficiaries, applicants and recipients; accumulated by SSA from reports of employers or self-employed individuals; various local, State, and Federal agencies, including from the LEIE; claimant representatives; and other sources that support factors of entitlement and continuing eligibility, (*i.e.,* information received from third parties regarding claimant's potential entitlement or eligibility). This system also contains data from other SSA systems of records, including the Claims Folder (SORN 60–0089).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

We will disclose records pursuant to the following routine uses; however, we will not disclose any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code (IRC), unless authorized by statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To the Office of the President in response to an inquiry from that office made on behalf of, and at the request of, the subject of the record or a third party acting on the subject's behalf.

2. To a congressional office in response to an inquiry from that office made on behalf of, and at the request of, the subject of the record or third party acting on the subject's behalf.

3. To the Department of Justice (DOJ), a court or other tribunal, or another party before such court or tribunal, when:

(a) SSA, or any component thereof; or

(b) Any SSA employee in his or her official capacity; or

(c) Any SSA employee in his or her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines the litigation is likely to affect SSA or any of its components,

is a party to the litigation or has an interest in such litigation, and we determine that the use of such records by DOJ, a court or other tribunal, or another party before the tribunal is relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosures of the records to DOJ, court or other tribunal, or another party is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

4. To third party contacts (*e.g.,* employers and private pension plans) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his or her benefits or payments, or his or her eligibility for or entitlement to benefits or eligibility for payments, under the Social Security program when:

(a) The individual is unable to provide information being sought. An individual is considered to be unable to provide certain types of information when:

i. He or she is incapable or of questionable mental capability;

ii. He or she cannot read or write;

iii. He or she cannot afford the cost of obtaining the information;

iv. He or she has a hearing impairment, and contacts us via telephone through a telecommunications relay system operator;

v. A language barrier exists; or

vi. The custodian of the information will not, as a matter of policy, provide it to the individual; OR

(b) The data is necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

i. His or her eligibility for benefits under the Social Security program;

ii. The amount of his or her benefit or payment; or

iii. Any case in which the evidence is being reviewed as a result of suspected abuse or fraud or concern for program integrity, quality appraisal, or evaluation and measurement activities.

5. To third party contacts, where necessary, to establish or verify information provided by representative payees or payee applicants.

6. To a person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls, *i.e.,*

(a) An award of benefits to a new claimant precludes an award to a prior claimant; or

(b) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls, but only for information concerning the facts relevant to the interest of each party in a claim.

7. To employers, current or former, for correcting or reconstructing earnings records and for Social Security tax purposes.

8. To the Department of Treasury for:

(a) Collecting Social Security taxes, or as otherwise pertinent to tax and benefit payment provisions of the Act, including SSN verification services; and

(b) Investigating alleged theft, forgery, or unlawful negotiation of Social Security checks.

9. To the United States Postal Service, for investigating the alleged theft or forgery of Social Security checks.

10. To DOJ, for the purposes of:

(a) Investigating and prosecuting violations of the Act to which criminal penalties attach;

(b) Representing the Commissioner of Social Security; and

(c) Investigating issues of fraud or violations of civil rights by officers or SSA employees.

11. To the Department of State, for administration of the Social Security Act in foreign countries through facilities and services of that agency.

12. To the American Institute, a private corporation under contract to the Department of State, for administering the Social Security Act in Taiwan through facilities and services of that agency.

13. To the Department of Veterans Affairs (VA), Regional Office, Manila, Philippines, for the administration of the Social Security Act in the Philippines and other parts of the Asia-Pacific region through services and facilities of that agency.

14. To the Department of Interior and its agents, for the purpose of administering the Social Security Act in the Northern Mariana Islands through facilities and services of that agency.

15. To State Social Security administrators, for administering agreements pursuant to section 218 of the Act.

16. To private medical and vocational consultants, for use in preparing for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by SSA or a State agency, in accordance with sections 221 or 1633 of the Social Security Act.

17. To specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e) of the Act.

18. To applicants, claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue Social Security claims and to representative payees when the information pertains to individuals for whom they serve as representative payees, for the purpose of assisting SSA in administering its

representative payment responsibilities under the Social Security Act and assisting the representative payees in performing their duties as payees, including receiving and accounting for benefits for individuals for whom they serve as payees.

19. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 460 of the Social Security Act.

20. To Federal, State, or local agencies (or agents on their behalf) for administering income or health maintenance programs, including programs under the Social Security Act. Such disclosures include the release of information to the following agencies, but are not limited to:

(a) Railroad Retirement Board, for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment, and for administering the Railroad Unemployment Insurance Act;

(b) VA, for administering 38 U.S.C. 1312, and upon request, for determining eligibility for, or amount of, veterans' benefits or verifying other information with respect thereto pursuant to 38 U.S.C. 5106;

(c) Department of Labor, for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act, as amended by the Black Lung Benefits Act;

(d) State agencies for administering the Medicaid program;

(e) State agencies for making determinations of food stamp eligibility under the food stamp program;

(f) State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations; and expenditures of Federal funds by the State in support of the Disability Determination Services (DDS);

(g) State welfare departments pursuant to agreements with SSA, for administration of State supplementation payments; for enrollment of welfare beneficiaries for medical insurance under section 1843 of the Social Security Act; and for conducting independent quality assurance reviews of SSI recipient records, provided that the agreement for Federal administration of the supplementation provides for such an independent review; and

(h) State vocational rehabilitation agencies, State health departments, or other agencies providing services to disabled children, for consideration of rehabilitation services, per sections 222 and 1615 of the Social Security Act.

21. To the Social Security agency of a foreign country, to carry out the purpose of an international Social Security agreement entered into between the United States and the other country, pursuant to section 233 of the Social Security Act.

22. To the IRS, Department of the Treasury, for the purpose of auditing SSA's compliance with the safeguard provisions of the IRC of 1986, as amended.

23. To third party contacts (including private collection agencies under contract with SSA), for the purpose of their assisting us in recovering overpayments.

24. To the Department of Homeland Security, upon request, to identify and locate aliens in the United States pursuant to section 290(b) of the Immigration and Nationality Act (8 U.S.C. 1360(b)).

25. To contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We disclose information under this routine use only in situations in which we may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

26. To the Department of Education, addresses of beneficiaries who are obligated on loans held by the Secretary of Education or a loan made in accordance with 20 U.S.C. 1071, *et seq.* (the Robert T. Stafford Student Loan Program), as authorized by section 489A of the Higher Education Act of 1965.

27. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for SSA, as authorized by law, and they need access to personally identifiable information (PII) in SSA records in order to perform their assigned agency functions.

28. To Federal, State and local law enforcement agencies and private security contractors, as appropriate, information necessary:

(a) To enable them to protect the safety of SSA employees and customers, the security of the SSA workplace, the operation of SSA facilities, or

(b) To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operations of SSA facilities.

29. To the National Archives and Records Administration (NARA) under 44 U.S.C. 2904 and 2906.

30. To appropriate agencies, entities, and persons when:

(a) SSA suspects or has confirmed that there has been a breach of the system of records;

(b) SSA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, SSA (including its information systems, programs, and operations), the Federal Government, or national security; and

(c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with SSA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

31. To another Federal agency or Federal entity, when SSA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in:

(a) Responding to a suspected or confirmed breach; or

(b) Preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

32. To contractors, cooperative agreement awardees, State agencies, Federal agencies, and Federal congressional support agencies for research and statistical activities that are designed to increase knowledge about present or alternative Social Security programs; are of importance to the Social Security program or the Social Security beneficiaries; or are for an epidemiological project that relates to the Social Security program or beneficiaries. We will disclose information under this routine use pursuant only to a written agreement with us.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

We will maintain records in this system in electronic and paper form.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

We will retrieve claim file records by SSN, name, or BNC. We will retrieve medical examiner and medical provider records by name and employer identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

In accordance with NARA rules codified at 36 CFR 1225.16, we maintain records in accordance with the approved NARA Agency-Specific Records Schedule N1–47–05–1.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

We retain electronic and paper files containing personal identifiers in secure storage areas accessible only by our authorized employees who have a need for the information when performing their official duties. Security measures include, but are not limited to, the use of codes and profiles, personal identification number and password, and personal identification verification cards. We restrict access to specific correspondence within the system based on assigned roles and authorized users. We will use audit mechanisms to record sensitive transactions as an additional measure to protect information from unauthorized disclosure or modification.

We annually provide our employees and contractors with appropriate security awareness training that includes reminders about the need to protect PII and the criminal penalties that apply to unauthorized access to, or disclosure of PII. See 5 U.S.C. 552a(i)(1). Furthermore, employees and contractors with access to databases maintaining PII must annually sign a sanction document that acknowledges their accountability for inappropriately accessing or disclosing such information.

RECORD ACCESS PROCEDURES:

Individuals may submit requests for information about whether this system contains a record about them by submitting a written request to the system manager at the above address, which includes their name, SSN, or other information that may be in this system of records that will identify them. Individuals requesting notification of, or access to, a record by mail must include: (1) A notarized statement to us to verify their identity; or (2) must certify in the request that they are the individual they claim to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

Individuals requesting notification of, or access to, records in person must provide their name, SSN, or other information that may be in this system of records that will identify them, as well as provide an identity document, preferably with a photograph, such as a driver's license. Individuals lacking identification documents sufficient to establish their identity must certify in writing that they are the individual they claim to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

These procedures are in accordance with our regulations at 20 CFR 401.40 and 401.45.

CONTESTING RECORD PROCEDURES:

Same as record access procedures. Individuals should also reasonably identify the record, specify the information they are contesting, and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate, or irrelevant. These procedures are in accordance with our regulations at 20 CFR 401.65(a).

NOTIFICATION PROCEDURES:

Same as record access procedures. These procedures are in accordance with our regulations at 20 CFR 401.40 and 401.45.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

68 FR 71210, Electronic Disability Claim File

72 FR 69723, Electronic Disability Claim File

83 FR 54969, Electronic Disability Claim File

[FR Doc. 2020–12067 Filed 6–3–20; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 11107]

60-Day Notice of Proposed Information Collection: Education and Cultural Affairs Monitoring and Evaluation Initiative

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. 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 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *August 3, 2020.*

ADDRESSES: You may submit comments by the following method:

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2020–0018'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, may be sent to Natalie Donahue, Chief of Evaluation, Bureau of Educational and Cultural Affairs, who may be reached at *ECAEvaluation@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Monitoring Data for ECA (MODE) Framework.
- *OMB Control Number:* None.
- *Type of Request:* New collection.
- *Originating Office:* Educational and Cultural Affairs (ECA/P/V).
- *Form Number:* No form.
- *Respondents:* ECA program participants, alumni, and host/home communities.
- *Estimated Number of Participant Post-Program Survey Respondents:* 66,691.
- *Estimated Number of Participant Post-Program Survey Responses:* 50,532.
- *Average Time per Participant Post-Program Survey:* 8 minutes.
- *Total Estimate Participant Post-Program Survey Burden Time:* 6,738 hours.
- *Estimated Number of Alumni Survey Respondents:* 13,591.
- *Estimated Number of Alumni Survey Responses:* 6,063.
- *Average Time per Alumni Survey:* 30 minutes.
- *Total Estimated Alumni Survey Burden Time:* 3,032 hours.
- *Estimated Number of Host/Home Community Survey Respondents:* 5,000.
- *Estimated Number of Host/Home Community Survey Responses:* 500.
- *Average Time per Host/Home Community Survey:* 20 minutes.
- *Total Estimated Host/Home Community Survey Burden Time:* 167 hours.
- *Frequency:* For participants, once after program participation; for Alumni, once every one, three and five years; for host/home communities, once every year.
- *Obligation to Respond:* Voluntary.

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

The Department of State's Bureau of Educational and Cultural Affairs (ECA) regularly monitors and evaluates its programs through the collection of data about program accomplishments in order to enable program staff to assess the results of its programs, where improvements may be necessary, and to modify/plan future programs. In order to more systematically assess the efficacy and impact of ECA funded-programs and to address the requirements of the Foreign Aid Transparency and Accountability Act (FATAA) and the Department of State's updated monitoring and evaluation guidance (18 FAM 300), ECA's Evaluation Division has created a robust performance monitoring framework that is responsive to these directives, measures programmatic goals and objectives, and provides a comprehensive view of overall Bureau activities. The Monitoring Data for ECA (MODE) Framework (*https://eca.state.gov/impact/eca-evaluation-division/monitoring-data-eca-mode-framework*) includes a results framework with indicators designed to track program performance and the direction, pace, and magnitude of change of ECA programs—leading to strengthened feedback mechanisms resulting in more effective programs. Each of these indicators has corresponding data collection questions defined so data will be collected uniformly whether by the program office, the Evaluation Division, or an award recipient. Implementation of the MODE Framework will enable ECA to standardize and utilize its data in the following ways:

- Assess data and performance metrics to enhance program performance
- Inform strategic planning activities at the Bureau, division, and individual exchange program levels
- Supplement the information ECA program officers receive from their award recipients and exchange participants to provide a comprehensive view of programmatic activities
- Respond quickly and reliably to ad-hoc requests from Congress, the Office of Management and Budget (OMB), and internal Department of State stakeholders

In order to collect data for the MODE Framework, the ECA Evaluation Division intends to conduct ongoing surveys of program participants, alumni, and participant host and home communities to monitor program performance, assess impact, and identify issues for further evaluation. Specifically, ECA will coordinate with award recipients to provide standard survey questions for both foreign national and U.S. citizen exchange participants immediately after completing the exchange (''Participant Post-Program Survey''). ECA's Evaluation Division also intends to administer standard surveys to foreign national and U.S. citizen exchange alumni roughly one year, three years and five years after completing their exchange experience. Conducting post-program surveys, particularly after three and five years, will provide information on the impact of ECA programs and insight into the achievements of participants.

To examine multiplier effects of ECA exchange programs on foreign and U.S. communities and institutions that sponsor, support, or provide exchange programs support or services, ECA intends to administer standard surveys to foreign and U.S. host community members (individuals or institutions) where feasible.

Methodology

In previous years, the ECA Evaluation Division surveyed foreign alumni from a sample of 10 ECA programs. The suggested MODE Framework data collections represent an expansion to include American participants and standardization of the data collection tools. Additionally, ECA has not collected these data in a systematic manner from U.S. and foreign host community members in the past.

Currently, ECA award recipients administer post-program surveys to their participants as part of their internal program monitoring data collection approach. ECA intends to leverage this ongoing survey process by providing program awardees standard indicators (we estimate anywhere from 10–15 for each award) and corresponding data collection questions, depending on the program orientation. In many instances, these standard indicators and questions will supplant existing awardee defined comparable indicators and questions with ECA defined uniform data requirements. This will ensure the data ECA gathers are valid and reliable across the range of exchange programs.

Kristin Roberts,

Acting Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2020–12035 Filed 6–3–20; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0300]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: General Operating and Flight Rules—FAR 91

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 31, 2020. The reporting and recordkeeping requirements of this collection are related to FAA rules governing the operation of aircraft (other than moored balloons, kites, rockets, unmanned free balloons, and small unmanned aircraft) within the United States. These reporting and recordkeeping requirements are necessary for the FAA to assure compliance with these provisions.

DATES: Written comments should be submitted by 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.

FOR FURTHER INFORMATION CONTACT: John L. Drago by email at: *john.l.drago@faa.gov;* phone: (330) 648–3887.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0005.

Title: General Operating and Flight Rules—FAR 91.

Form Numbers: None.

Type of Review: Renewal.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 31, 2020 (85 FR 17941). The reporting and recordkeeping requirements of Federal Aviation Regulation (FAR) part 91, General Operating and Flight Rules, are authorized by part A of subtitle VII of the revised title 49 of the United States Code.

FAR part 91 prescribes rules governing the operation of aircraft (other than moored balloons, kites, rockets, unmanned free balloons and small unmanned aircraft) within the United States. The reporting and recordkeeping requirements prescribed by various sections of FAR part 91 are necessary for FAA to assure compliance with these provisions. The information collected becomes a part of FAA's official records and is used only by the FAA for certification, compliance and enforcement, and when accidents, incidents, reports of noncompliance, safety programs, or other circumstances require reference to records. Without this information, the FAA would be unable to control and maintain the consistently high level of civil aviation safety we enjoy.

Respondents: Approximately 21,200 airmen, state or local governments, and businesses.

Frequency: On occasion.

Estimated Average Burden per Response: 30 minutes per response.

Estimated Total Annual Burden: 17,492 reporting hours; 212,074 recordkeeping hours; 229,566 total hours.

Issued in Washington, DC, on June 1, 2020.

Dwayne C. Morris,

Project Manager, Flight Standards Service, General Aviation and Commercial Division.

[FR Doc. 2020–12094 Filed 6–3–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0281]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Certification of Repair Stations, Part 145 of Title 14, CFR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 20, 2020, no comments were received. The collection involves the applicant entering information onto and submitting the FAA Form 8310–3, Application for Repair Station Certificate and/or Rating to the appropriate FAA field office. Persons requesting to obtain an initial Air Agency Certificate to operate as an FAA certificated repair station or request changes to an existing repair station (air agency) certificate do so by submitting the request through the submission of the FAA Form 8310–3. This form is available to the applicant/respondent via *www.faa.gov,* email, in person, or by mail.

The FAA Form 8310–3, Application for Repair Station Certificate and/or Ratings captures information such as, but not limited to; official name of repair station, location where business is conducted, official mailing address, any doing business as name, changes in ratings, or if initial certification, ratings sought, changes in location or housing and facilities, change in name or ownership, or any other purpose for which the applicant requests, including a request for approval to contract maintenance functions to outside entities.

The FAA has identified an inaccuracy in how burden calculations are determined associated with initial repair station certifications and subsequent changes to an existing repair station certificate. The FAA has identified that the information collected through the FAA Form 8310–3 does not capture the entire repair station certification activities or changes to an existing certificate. OMB Control Number 2120–0682 is not only authorizing the Agency to receive information collected on the FAA Form 8310–3, but should also encapsulate the entire calculation burden associated with repair station certification and subsequent changes to an existing certificate.

Once burden calculations associated with repair station certification activities are properly assessed, the FAA will publish a new notice to the **Federal Register** capturing the entire burden calculation for repair station certification and subsequent changes to an existing certificate.

DATES: Written comments should be submitted by 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.

FOR FURTHER INFORMATION CONTACT: Susan Traugott Ludwig, by email at: *susan.traugott.ludwig@faa.gov;* phone: 202–267–1684.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0682.

Title: Certification of Repair Stations, Part 145 of Title 14, CFR.

Form Numbers: FAA Form 8310–3.

Type of Review: Clearance of a renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 20, 2020 (85 FR 18325). The FAA's authority to issue rules on 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.

Rulemaking was promulgated under the authority described in title 49, subtitle VII, part A, subpart III, section 44701, General requirements, and section 44707, Examining and rating air agencies. Under section 44701, the FAA may prescribe regulations and standards in the interest of safety for inspecting, servicing, and overhauling aircraft, aircraft engines, propellers, and appliances. The FAA may also prescribe equipment and facilities for, and the timing and manner of, inspecting, servicing, and overhauling these items. Under section 44707, the FAA may examine and rate repair stations. 14 Part 145 is within the scope of section 44707.

14 CFR part 145 prescribes the requirements for the issuance of repair station certificates. The FAA Form 8310–3, Application for Repair Station Certificate and/or Rating is available to the applicant who wishes to obtain initial repair station certification or submit changes to an existing air agency certificate. The applicant voluntarily submits the application to the appropriate FAA office by mail or email for review and acceptance. The applicant enters the information required for certification or changes to the existing certificate, which consists of; official name of repair station, location where business is conducted, official mailing address, any doing business as name, changes in ratings, or if initial certification, ratings sought, changes in location or housing and facilities, change in name or ownership, or any other purpose for which the applicant requests, including a request for approval to contract maintenance functions to outside entities. Once the FAA reviews the submitted application and finds the applicant has the ability to comply with the 14 CFR part 145 requirements for certification, an air agency certificate and ratings is issued. The FAA retains a copy of the application in the FAA office that issued the certificate for an indefinite time or a time-period specified by the Agency's Records Management Order 1350.14B, mandated by the Federal Records Act of 1950, as amended. The applicant is not required to retain a copy of the form. The FAA does not provide other persons or entities with information contained in the form.

Respondents: There were a total of 129 applications submitted to the FAA in fiscal year (FY) 2019. Out of the 129 applications, 64 applications were for submitted for initial certification.

Frequency: Information is collected on occasion. One time for initial certification and when or if an existing certificated repair station request changes to their certificate.

Estimated Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: 32.25 hours annual burden for FY2019. There is no requirement for a respondent to submit this form annually.

Issued in Washington, DC, on June 1, 2020.

Susan Traugott Ludwig,

Aviation Safety Inspector, Federal Aviation Administration, Office of Safety Standards, Aircraft Maintenance Division, Repair Station Branch, AFS–340.

[FR Doc. 2020–12087 Filed 6–3–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0302]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Certification and Operations: Airplanes With Seating Capacity of 20 or More Passenger Seats or Maximum Payload of 6,000 Pounds or More—FAR 125

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 31, 2020. This collection involves the certification and operation of aircraft with seating capacity of 20 or more passengers, or maximum payload of 6,000 pounds or more, and includes the operator application requirements, maintenance requirements, and various operational requirements.

DATES: Written comments should be submitted by 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.

FOR FURTHER INFORMATION CONTACT: Ronald A. Forsyth by email at: *ronald.a.forsyth@faa.gov;* phone: (717) 712–1000.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0085.

Title: Certification and Operations: Airplanes with Seating Capacity of 20 or More Passenger Seats or Maximum Payload of 6,000 Pounds or More—FAR 125.

Form Numbers: None.

Type of Review: Renewal.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 31, 2020 (85 FR 17939). The reporting and recordkeeping requirements under this collection are necessary for the FAA to issue, reissue, and amend part 125 applicants' operating certificates and operation specifications. A letter of application and related documents which set forth an applicant's ability to conduct operations in compliance with the provisions of 14 CFR part 125 are submitted to the appropriate Flight Standards District Office (FSDO). Inspectors in FAA FSDOs review the submitted information to determine certificate eligibility. If the letter of application, related documents, and inspection show that the applicant satisfactorily meets acceptable safety standards, an operating certificate and operations specifications will be issued. If the information were not collected, the FAA could not discharge its responsibility to promote the safety of large airplane operators during such operations.

Respondents: 85 certificated part 125 operators (75 existing operators and 10 new applicants per year).

Frequency: On occasion.

Estimated Average Burden per Response: 13 minutes.

Estimated Total Annual Burden: 50,427 total hours; 593 hours per respondent.

Issued in Washington, DC, on June 1, 2020.

Dwayne C. Morris,

Project Manager, Flight Standards Service, General Aviation and Commercial Division.

[FR Doc. 2020–12083 Filed 6–3–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Aviation Rulemaking Advisory Committee (ARAC) meeting.

SUMMARY: This notice announces a meeting of the ARAC.

DATES: The meeting will be held on Thursday, June 18, 2020, from 1:00 p.m. to 4:00 p.m. Eastern Daylight Time.

Requests to attend the meeting must be received by Monday, June 8, 2020.

Requests for accommodations to a disability must be received by Monday, June 8, 2020.

Requests to submit written materials to be reviewed during the meeting must be received no later than Monday, June 8, 2020.

ADDRESSES: The meeting will be held virtually. Members of the public who wish to observe the meeting must RSVP by emailing *9-awa-arac@faa.gov.* General committee information including copies of the meeting minutes will be available on the FAA Committee website at *https://www.faa.gov/regulations_policies/rulemaking/committees/documents/.*

FOR FURTHER INFORMATION CONTACT: Lakisha Pearson, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, telephone (202) 267–4191; fax (202) 267–5075; email *9-awa-arac@faa.gov.* Any committee-related request should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The ARAC was created under the Federal Advisory Committee Act (FACA), in accordance with Title 5 of the United States Code (5 U.S.C. App. 2) to provide advice and recommendations to the FAA concerning rulemaking activities, such as aircraft operations, airman and air agency certification, airworthiness standards and certification, airports, maintenance, noise, and training.

II. Agenda

At the meeting, the agenda will cover the following topics:

- Status Report from the FAA
- Status Updates:
  - Active Working Groups
  - Transport Airplane and Engine (TAE) Subcommittee
- Recommendation Reports
- Any Other Business

Detailed agenda information will be posted on the FAA Committee website address listed in the **ADDRESSES** section at least one week in advance of the meeting.

III. Public Participation

The meeting will be open to the public on a first-come, first-served basis, as space is limited. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Please provide the following information: Full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are attending as a public citizen, please indicate so.

For persons participating by telephone, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by email or phone for the teleconference call-in number and passcode. Callers are responsible for paying long-distance charges.

The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

The FAA is not accepting oral presentations at this meeting due to time constraints. Any member of the public may present a written statement to the committee at any time. The public may present written statements to the Aviation Rulemaking Advisory Committee by providing a copy to the Designated Federal Officer via the email listed in the **FOR FURTHER INFORMATION CONTACT** section.

Issued in Washington, DC, on June 1, 2020.

Brandon Roberts,

Acting Executive Director Office of Rulemaking.

[FR Doc. 2020–12092 Filed 6–3–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0301]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Application for Certificate of Waiver or Authorization

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 31, 2020. This collection affects persons who have a need to deviate from certain regulations that govern use of airspace within the United States. The request also describes the burden associated with authorizations to make parachute jumps and operate unmanned aircraft (including moored balloons, kites, unmanned rockets, and unmanned free balloons).

DATES: Written comments should be submitted by 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.

FOR FURTHER INFORMATION CONTACT: Raymond Plessinger by email at: *raymond.plessinger@faa.gov;* phone: (717) 774–8271.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0027.

Title: Application for Certificate of Waiver or Authorization.

Form Numbers: FAA form 7711–2.

Type of Review: Renewal.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 31, 2020 (85 FR 17940). The information collected by FAA Form 7711–2, Application for Certificate of Waiver or Authorization, is reviewed and analyzed by FAA to determine the type and extent of the intended deviation from prescribed regulations. A certificate of waiver or authorization to deviate is generally issued to the applicant (individuals and businesses) if the proposed operation does not create a hazard to persons, property, or other aircraft, and includes the operation of unmanned aircraft. Applications for certificates of waiver to the provisions of Parts 91 and 101 are made by using FAA Form 7711–2. Application for authorization to make parachute jumps (other than emergency or military operations) under Part 105, Section 105.15 (airshows and meets) also uses FAA Form 7711–2. Application for other types of parachute jumping activities are submitted in various ways; *e.g.,* in writing, in person, by telephone, etc.

Persons authorized to deviate from provisions of Part 101 are required to give notice of actual activities. Persons operating in accordance with the provisions of Part 101 are also required to give notice of actual activities. In both instances, the notice of information required is the same. Therefore, the burden associated with applications for certificates of waiver or authorization and the burden associated with notices of actual aircraft activities are identified and included in this request for clearance.

Regarding operation of small unmanned aircraft systems under Part 107, applications for a certificate of waiver were previously covered by this information collection. However, such waiver requests are now covered by information collection 2120–0768. Therefore, unlike the 60-day **Federal Register** Notice, this 30-day **Federal Register** Notice does not include burden hours for waiver applications under Part 107.

Respondents: 21,661 airmen and aircraft operators.

Frequency: On occasion.

Estimated Average Burden per Response: 1.25 hours.

Estimated Total Annual Burden: 13,761 hours.

Issued in Washington, DC, on June 1, 2020.

Dwayne C. Morris,

Project Manager, Flight Standards Service, General Aviation and Commercial Division.

[FR Doc. 2020–12099 Filed 6–3–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2019–0756]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Aging Aircraft Program (Widespread Fatigue Damage)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the FAA invites public comments about our intention to request Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on October 21, 2019. The collection involves submittal of limits of validity of engineering data that supports the structural maintenance program (hereafter referred to as LOV) for certain airplane models. The information to be collected will be used to demonstrate compliance with FAA regulations requiring establishment and incorporation of LOV into the airplane's structural maintenance program.

DATES: Written comments should be submitted by July 6, 2020.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via email to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Walter M. Sippel by email at: *Walter.Sippel@faa.gov;* phone: (206) 231–3216.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0743.

Title: Aging Aircraft Program (Widespread Fatigue Damage).

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on October 21, 2019 (84 FR 56281). The FAA did not receive any comments.

The ''Aging Aircraft Program (Widespread Fatigue Damage)'' final rule amended FAA regulations pertaining to certification and operation of transport category airplanes to preclude widespread fatigue damage in those airplanes. This collection requires that design approval holders submit LOV to the responsible Aircraft Certification Service office for approval to demonstrate compliance with § 26.21 or § 26.23, as applicable. This collection also requires that operators submit the LOV to their Principal Maintenance Inspectors to demonstrate compliance with § 121.1115 or § 129.115, as applicable.

Respondents: Approximately 27 design approval holders and operators.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 2.72 hours.

Estimated Total Annual Burden: 408 hours.

Issued in Des Moines, WA, on May 29, 2020.

Paul R. Siegmund,

Acting Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2020–12020 Filed 6–3–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Rescinding the Notice of Intent To Prepare Environmental Impact Statement (EIS): South Kohala, Hawaii

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice to rescind notice of intent (NOI) to prepare an environmental impact statement (EIS).

SUMMARY: The FHWA is issuing this notice to advise the public that it is rescinding its NOI and will not be preparing an EIS to evaluate alternatives that would support the increase in traffic demands and special needs, including the movement of military and commercial truck traffic between Waimea Town and Kawaihae Harbor in South Kohala in the County of Hawaii. An NOI to prepare an EIS was published in the **Federal Register** on November 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ralph Rizzo, Division Administrator, Federal Highway Administration, 300 Ala Moana Boulevard, Box 50206, Honolulu, Hawaii 96850, Telephone: (808) 541–2700.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Hawaii Department of Transportation (HDOT), initiated an EIS with an NOI published in the **Federal Register** on November 29, 2002, at 67 FR 71231, to prepare an EIS.

As part of the EIS, a new highway approximately 14 miles in length, transportation system management, and the no build alternative would have been studied. Improvements were considered necessary to accommodate the anticipated traffic demands, and special needs including heavy truck traffic and military vehicles. The Project would impact a sizable number of historic and archaeological resources due to the sheer number of archaeological sites identified during the survey. Avoidance of all of these sites would be difficult and may not be feasible. Additionally, the cost for the estimated right-of-way and construction would likely be substantial because of limited funding availability. Therefore, HDOT has decided not to pursue the project and the preparation of the EIS is being terminated.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139, 23 CFR 771, and 40 CFR 1500–1508.

Issued on: May 29, 2020.

Ralph Rizzo,

Division Administrator, Honolulu, HI.

[FR Doc. 2020–12118 Filed 6–3–20; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Rescinding the Notice of Intent To Prepare Environmental Impact Statement (EIS): Kauai County, Hawaii

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice to rescind notice of intent (NOI) to prepare an environmental impact statement (EIS).

SUMMARY: The FHWA is issuing this notice to advise the public that it is rescinding its NOI and will not be preparing an EIS for the proposed Kuhio Highway Improvements, Hanamaulu to Kapaa, Kauai County, Hawaii. An NOI to prepare an EIS was published in the **Federal Register** on June 3, 2002.

FOR FURTHER INFORMATION CONTACT: Ralph Rizzo, Division Administrator, Federal Highway Administration, 300 Ala Moana Boulevard, Box 50206, Honolulu, Hawaii 96850, Telephone: (808) 541–2700.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Hawaii Department of Transportation (HDOT), initiated an EIS with an NOI published in the **Federal Register** on June 3, 2002, at 67 FR 38310, to prepare an EIS for the proposed improvements to Kuhio Highway (FAP 56) on the island of Kauai. This notice superseded an earlier notice for the same project published in the October 9, 1992 edition of the **Federal Register** (57 FR 46620).

The Project would impact a sizable number of historical and archaeological resources that were previously identified, including the Wailua Complex of Heiau National Historic Landmark. Additionally, the recent identified Wailua Traditional Cultural Property (TCP), which encompasses the entire Wailua Ahupuaa, would be impacted. This TCP is a highly important spiritual place for many Hawaiians. Given that the Project would include a new highway alignment and a new bridge over Wailua River that would go through the Wailua TCP, a Section 106 adverse effect and Section 4(f) use would likely occur. With no avoidance alternative being possible, mitigation of this adverse effect may not be feasible and prudent given the historical, cultural and religious significance of the area.

Because of the anticipated adverse impacts to archaeological and historical resources, impacts to wetlands and endangered species, and the estimated right-of-way and construction costs, HDOT has determined that the project, as currently configured and envisioned, is not warranted at this time. Therefore, the preparation of the EIS is being terminated.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139, 23 CFR 771, and 40 CFR 1500–1508.

Issued on: May 29, 2020.

Ralph Rizzo,

Division Administrator, Honolulu, HI.

[FR Doc. 2020–12114 Filed 6–3–20; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0025]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on May 12, 2020, Copper Basin Railway (CBR) petitioned the Federal Railroad Administration (FRA) to extend its special approval and request a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 215, Railroad Freight Car Safety Standards. FRA assigned the petition Docket Number FRA–2010–0025.

Specifically, CBR seeks to renew its special approval pursuant to 49 CFR 215.203, *Restricted cars,* to continue in service 10 open-top hopper cars built in 1958. CBR also seeks relief (not previously granted for these 10 cars) from § 215.303, *Stenciling of restricted cars.*

CBR states that these cars are captive ore cars used to haul ore from the mine at Ray Mine yard, in Ray, Arizona, to the Hayden smelter yard in Hayden, Arizona, in a local unit train with like-kind ore cars, never used with hazardous materials or other cars. These cars will not be interchanged with other railroads, and they have been in continuous duty and inspection cycles since their date of manufacture.

A copy of the petition, as well as any written communications concerning the

petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by July 20, 2020 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2020–12014 Filed 6–3–20; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2003–15010]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on May 19, 2020, Canadian Pacific Railway Company (CP) petitioned the Federal Railroad Administration (FRA) to modify a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 241, United States Locational Requirement for Dispatching of United States Rail Operations. FRA assigned the petition Docket Number FRA–2003–15010.

Specifically, CP requests relief from 49 CFR 241.7(c), *Fringe border dispatching,* which would allow Canadian dispatching from CP's Operations Center located in Calgary, Alberta, Canada (CP Calgary OC) for the recently acquired Central Maine and Québec Railway (CMQR) track segments on the Newport Subdivision within the U.S. The Newport Subdivision starts near Brookport, Quebec, Canada, and ends near Newport, Vermont, U.S., crossing the U.S./Canada border at three separate locations. In Canada, the Newport Subdivision connects to CMQR's Adirondack and Sherbrooke Subdivisions in Brookport, Quebec, Canada. This relief would apply to two track segments totaling 23.44 miles of the CMQR Newport Subdivision within the U.S.

In support of its petition, CP states that all trains operated in the U.S. will be under the control of a single crew, barring unforeseen circumstances, and that dispatching will be provided by train dispatchers that are bilingual in French and English to allow train crews to communicate with dispatchers in their primary language. CP also explains that dispatching will be transferred to a U.S. carrier at the point or yard where the interchange takes place. It further states that allowing the U.S. track segments of the Newport Subdivision to be under the control of the same operations center would allow for consistent procedures and oversight for the involved crews and train operations.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by July 20, 2020 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2020–12009 Filed 6–3–20; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Resolution for Transactions Involving Treasury Securities

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Resolution for Transactions Involving Treasury Securities.

DATES: Written comments should be received on or before August 3, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, PO Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Resolution for Transactions Involving Treasury Securities.

OMB Number: 1530–0049.

Form Number: FS Form 1010.

Abstract: The information is collected to establish an official's authority (by name and title) when conducting transactions involving Treasury Securities on behalf of an organization.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 2,580.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 430.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. 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; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 29, 2020.

Bruce A. Sharp,

Bureau PRA Clearance Officer.

[FR Doc. 2020–12011 Filed 6–3–20; 8:45 am]

BILLING CODE 4410–AS–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Legacy Treasury Direct Forms

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Legacy Treasury Direct Forms.

DATES: Written comments should be received on or before August 3, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, PO Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Legacy Treasury Direct Forms.

OMB Number: 1530–0042.

Form Number:

FS Form 5178—Transaction Request

FS Form 5179—Security Transfer Request

FS Form 5188—Durable Power of Attorney for Securities and Savings Bonds Transactions

FS Form 5191—Application for Recognition as Natural Guardian of a Minor

FS Form 5235—Report of Non-Receipt, Loss, Theft, or Destruction of a Fiscal Agency Check and Application for Replacement

FS Form 5236—Claim for Proceeds of a Fiscal Agency Check

Abstract: The information is requested to issue and maintain Treasury Bills, Notes, and Bonds.

Current Actions: Revision of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 5,100.

Estimated Time per Respondent: 13 minutes.

Estimated Total Annual Burden Hours: 1,105.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. 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; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 29, 2020.

Bruce A. Sharp,

Bureau PRA Clearance Officer.

[FR Doc. 2020–12010 Filed 6–3–20; 8:45 am]

BILLING CODE 4410–AS–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting Notice; Unified Carrier Registration Plan Board of Directors Meeting

TIME AND DATE: June 9, 2020, from Noon to 3:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and screen sharing.

Any interested person may call 877–853–5247 (US toll free), 888–788–0099 (US toll free), +1 669–900–6833 (US toll), or +1 929–205–6099 (US toll), Conference ID 996 1775 0976, to participate in the meeting.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the ''Board'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of the meeting will include:

Agenda

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, and facilitate self-introductions.

II. Verification of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Action

Agenda will be reviewed and the Board will consider adoption.

Ground Rules

➢ Board actions taken only in designated areas on agenda

IV. Approval of Minutes of the April 23, 2020 UCR Board Meeting—UCR Executive Director

For Discussion and Possible Action

Minutes of the April 23, 2020 Board meeting will be reviewed. The Board will consider action to approve.

V. Discussion of COVID–19 Impact on UCR—UCR Board Chair

The UCR Board Chair will lead a discussion on the impact of the COVID–19 pandemic on industry, state operations, and UCR collections.

VI. Report of FMCSA—FMCSA Representative

FMCSA will provide a report on any relevant activity.

VII. Updates Concerning UCR Legislation—UCR Board Chair

The UCR Board Chair will call for any updates regarding UCR legislation since the last Board meeting.

VIII. Chief Legal Officer Report—UCR Executive Director

The UCR Chief Legal Officer will provide an update on the status of the March 2019 data event and the Twelve Percent Logistics litigation.

IX. Subcommittee Reports

Audit Subcommittee—UCR Audit Subcommittee Chair

A. Update on 2020 State Compliance Reviews—UCR Depository Manager

The UCR Depository Manager will provide an update on the plans for the 2020 state compliance reviews, including contingency plans related to the COVID–19 pandemic.

B. Update on the 2020 New Entrant and Unregistered Solicitation Campaigns—Seikosoft

Seikosoft will provide an updated report on new entrant motor carrier campaigns managed by the National Registration System (NRS), new entrant motor carrier campaigns managed by the states, unregistered motor carrier campaigns managed by the NRS, and unregistered motor carrier campaigns managed by the states.

C. Update on the Non-Universe Motor Carrier Solicitation Campaigns—Seikosoft

Seikosoft will provide an updated report on the solicitation campaign targeting motor carriers identified through roadside inspections to be operating in interstate commerce but identified in MCMIS as either intrastate or inactive.

D. Update on the NRS Audit Report Tool and Transition to Excel Format—Seikosoft/UCR Audit Subcommittee Chair

Seikosoft and the UCR Audit Subcommittee Chair will provide an update on the NRS Audit Report Tool.

E. Update on the July 1st State Audit Report—UCR Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will provide an update to participating states with regards to reporting on the 2019 audits that must be completed by July 1, 2020.

F. Discussion on Focused Anomaly Reviews (FARs) and MCS–150 Audit Reporting Strategy—UCR Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will lead a discussion concerning the reporting strategy in regards to FARs and MCS–150 forms.

G. Update on the Audits of the Depository—UCR Depository Manager

The UCR Depository Manager will provide an update on the planned completion of the 2017–2018 Depository audits and discuss timing and actions for the upcoming Depository 2019 audit.

Finance Subcommittee—UCR Finance Subcommittee Chair

A. Status of 2020 Registration Year Fee Collections—UCR Depository Manager

The UCR Depository Manager will provide an update on the status of collections for the 2020 registration year and compare to 2019 registrations for the equivalent time-period one year ago, to provide perspective on the impact of the COVID–19 crisis. The Depository Manager will also provide additional insights regarding registration compliance rates for 2020 and compare against 2019.

B. Investment Accounts Update—UCR Depository Manager

The UCR Depository Manager will provide an update on the earnings from the UCR's investment accounts and provide insight on the continued reduction of the interest rates paid on the UCR's financial accounts.

C. 2020 Operating Costs—UCR Depository Manager

The UCR Depository Manager will provide an update on the year-to-date costs of operating the UCR Plan and provide insights into how actual costs compare with the 2020 operating budget.

D. Upcoming Depository Distribution and Timing of Next Registration Fee Disbursements—UCR Depository Manager

The UCR Depository Manager will discuss the near-term plans for disbursements of May registration fees collected, and the next planned distribution of funds to states that have not yet met revenue entitlements.

Education and Training Subcommittee—UCR Education and Training Subcommittee Chair

A. Update on Plans to Launch Training Modules—UCR Education and Training Subcommittee Chair

The UCR Education and Training Subcommittee Chair will provide an update on plans to launch an initial wave of training modules by June 2020.

X. Contractor Reports—UCR Executive Director

- UCR Executive Director

The UCR Executive Director will provide a report covering recent activity for the UCR Plan.

- DSL Transportation Services, Inc.

DSL will report on the latest data on state collections based on reporting from the FARs program.

- Seikosoft

Seikosoft will provide an update on recent/new activity related to the NRS.

- UCR Administrator Report (Kellen)—UCR Operations and Depository Managers

The UCR Administrator will provide its management report covering recent activity for the Depository, Operations, and Communications.

XI. Other Business—UCR Board Chair

The UCR Board Chair will call for any business, old or new, from the floor.

XII. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

This agenda will be available no later than 5:00 p.m. Eastern time, June 1, 2020 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2020–12211 Filed 6–2–20; 4:15 pm]

BILLING CODE 4910–YL–P

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Federal Register

Vol. 85, No. 108

Thursday, June 4, 2020

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FEDERAL REGISTER PAGES AND DATE, JUNE

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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