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Reader Aids

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

Rules and Regulations

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

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

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 34, 36, and 39

[NRC–2019–0031]

RIN 3150–AK29

Individual Monitoring Devices

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of June 16, 2020, for the direct final rule published in the **Federal Register** on March 18, 2020. The amendments in the direct final rule authorize the use of modern individual monitoring devices in industrial radiographic, irradiator, and well logging operations, and align personnel dosimetry requirements in these areas with the requirements for all other NRC licensees.

DATES: *Effective Date:* The effective date of June 16, 2020, for the direct final rule published March 18, 2020 (85 FR 15347), is confirmed.

ADDRESSES: Please refer to Docket ID NRC–2019–0031 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0031. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *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 McMurtray, telephone: 301–415–2746, email: *Anthony.McMurtray@nrc.gov*; or Edward Lohr, telephone: 301–415–0253, email: *Edward.Lohr@nrc.gov*. Both are staff of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: On March 18, 2020 (85 FR 15347), the NRC published a direct final rule amending part 34 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations''; 10 CFR part 36, ''Licenses and Radiation Safety Requirements for Irradiators''; and 10 CFR part 39, ''Licenses and Radiation Safety Requirements for Well Logging,'' to authorize the use of modern personnel dosimeters. The amendments align personnel dosimetry requirements in these areas with the requirements for all other NRC licensees.

The NRC also issued supplemental guidance (ADAMS package Accession No. ML19360A184) in conjunction with the direct final rule. The existing guidance for 10 CFR parts 34, 36, and 39 is provided in NUREG–1556, ''Consolidated Guidance About Materials Licenses,'' in the volumes for industrial radiography (Volume 2), irradiators (Volume 6), and well logging (Volume 14). The supplemental guidance documents are in a markup format to these NUREG–1556 volumes and reflect the provisions in the direct final rule. The NRC intends to incorporate this supplemental guidance into the next comprehensive revision of NUREG–1556. Beginning on June 16, 2020, licensees may use the supplemental guidance to comply with the provisions in the direct final rule.

In the direct final rule, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on June 16, 2020. As described more fully in the direct final rule, a significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.

The NRC received one comment from the public, which agreed with the proposed changes to the regulations. Because no significant adverse comments were received, the direct final rule will become effective as scheduled.

Dated on May 26, 2020.

For the Nuclear Regulatory Commission.

Cindy K. Bladey,

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

[FR Doc. 2020–11590 Filed 6–15–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2019–0224]

RIN 3150–AK40

List of Approved Spent Fuel Storage Casks: TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System, Certificate of Compliance No. 1042, Amendment No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of June 17, 2020, for the direct final rule that was published in the **Federal Register** on April 3, 2020. The direct final rule amends the NRC's spent fuel storage regulations by

revising the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 1 to Certificate of Compliance No. 1042. Amendment No. 1 makes the following changes: Adds a new basket type (Type 4) to allow for the loading of intact, damaged, or failed fuel; adds another new basket type (Type 5); accepts fuel assemblies with a minimum two-year cooling time, in selected locations within the basket; and adds the NUHOMS® MATRIX design as an alternative to the EOS horizontal storage module design for the storage of spent fuel. Amendment No. 1 also makes other additional revisions to the certificate of compliance and the technical specifications for consistency and clarity.

DATES:

Effective date: The effective date of June 17, 2020, for the direct final rule published April 3, 2020 (85 FR 18857), is confirmed.

ADDRESSES: Please refer to Docket ID NRC–2019–0224 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0224. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The proposed amendment to the certificate, the proposed changes to the technical specifications, and preliminary safety evaluation report are available in ADAMS under Accession No. ML19290H600. The final amendment to the certificate, final changes to the technical specifications, and final safety evaluation report can also be viewed in ADAMS under Accession No. ML20136A048.
- *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: Christian Jacobs, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–6825; email: *Christian.Jacobs@nrc.gov* or Nicole Fields, Office of Nuclear Material Safety and Safeguards, telephone: 630–829–9570; email: *Nichole.Fields@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: On April 3, 2020 (85 FR 18857), the NRC published a direct final rule amending its regulations in part 72 of title 10 of the *Code of Federal Regulations* by revising the TN Americas LLC NUHOMS® EOS Dry Spent Fuel Storage System listing within the ''List of approved spent fuel storage casks'' to include Amendment No. 1 to Certificate of Compliance No. 1042. Amendment No. 1 makes the following changes: Adds a new basket type (Type 4) to allow for the loading of intact, damaged, or failed fuel; adds another new basket type (Type 5); accepts fuel assemblies with a minimum two-year cooling time, in selected locations within the basket; and adds the NUHOMS® MATRIX design as an alternative to the EOS horizontal storage module design for the storage of spent fuel. Amendment No. 1 also makes other additional revisions to the certificate of compliance and the technical specifications for consistency and clarity.

In the direct final rule published on April 3, 2020, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on June 17, 2020. The NRC received and docketed two comments on the companion proposed rule (85 FR 18876; April 3, 2020). Electronic copies of these comments can be obtained from the Federal Rulemaking website *https://www.regulations.gov* under Docket ID NRC–2019–0224, and are also available in ADAMS under Accession Nos. ML20118C707 and ML20126G364.

The NRC evaluated the comments against the criteria described in the direct final rule and determined that they were not significant and adverse. Specifically, the comments were outside the scope of this rulemaking, did not oppose the rule, or did not propose a change to the rule, such that the rule would be ineffective or unacceptable without incorporation of the change. Therefore, the direct final rule will become effective as scheduled.

Dated: May 26, 2020.

For the Nuclear Regulatory Commission.

Cindy K. Bladey,

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

[FR Doc. 2020–11691 Filed 6–15–20; 8:45 am]

BILLING CODE 7590–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Docket No. SBA–2020–0035]

RIN 3245–AH49

Business Loan Program Temporary Changes; Paycheck Protection Program—Revisions to First Interim Final Rule

AGENCY: U.S. Small Business Administration.

ACTION: Interim final rule.

SUMMARY: On April 2, 2020, the U.S. Small Business Administration (SBA) posted on its website an interim final rule relating to the implementation of sections 1102 and 1106 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act or the Act) (published in the **Federal Register** on April 15, 2020). Section 1102 of the Act temporarily adds a new product, titled the ''Paycheck Protection Program,'' to the U.S. Small Business Administration's (SBA's) 7(a) Loan Program. Subsequently, SBA issued a number of interim final rules implementing the Paycheck Protection Program. On June 5, 2020, the Paycheck Protection Program Flexibility Act of 2020 (Flexibility Act) was signed into law, amending the CARES Act. This interim final rule revises SBA's interim final rule published in the **Federal Register** on April 15, 2020, by changing key provisions, such as the loan maturity, deferral of loan payments, and forgiveness provisions, to conform to the Flexibility Act. SBA also is making conforming amendments to the use of PPP loan proceeds for consistency with amendments made in the Flexibility Act. Several of these amendments are retroactive to the date of enactment of the CARES Act, as required by section 3(d) of the Flexibility Act.

DATES:

Effective Dates: The provisions in this interim final rule related to loan forgiveness and deferral periods for PPP

loans are effective March 27, 2020. The provision in this interim final rule relating to the maturity date of PPP loans is effective June 5, 2020. The remaining provisions in this interim final rule are effective June 12, 2020.

Comment Date: Comments must be received on or before July 16, 2020.

ADDRESSES: You may submit comments, identified by number SBA–2020–0035, through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

SBA will post all comments on *www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *www.regulations.gov,* please send an email to *ppp-ifr@sba.gov.* Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination whether it will publish the information.

FOR FURTHER INFORMATION CONTACT: A Call Center Representative at 833–572–0502, or the local SBA Field Office; the list of offices can be found at *https://www.sba.gov/tools/local-assistance/districtoffices.*

SUPPLEMENTARY INFORMATION:

I. Background Information

On March 13, 2020, President Trump declared the ongoing Coronavirus Disease 2019 (COVID–19) pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, territories, and the District of Columbia. With the COVID–19 emergency, many small businesses nationwide are experiencing economic hardship as a direct result of the Federal, State, and local public health measures that are being taken to minimize the public's exposure to the virus. These measures, some of which are government-mandated, have been implemented nationwide and include the closures of restaurants, bars, and gyms. In addition, based on the advice of public health officials, other measures, such as keeping a safe distance from others or even stay-at-home orders, have been implemented, resulting in a dramatic decrease in economic activity as the public avoids malls, retail stores, and other businesses.

On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act or the Act) (Pub. L. 116–136) to provide emergency assistance and health care response for individuals, families, and businesses affected by the coronavirus pandemic. The Small Business Administration (SBA) received funding and authority through the Act to modify existing loan programs and establish a new loan program to assist small businesses nationwide adversely impacted by the COVID–19 emergency.

Section 1102 of the Act temporarily permits SBA to guarantee 100 percent of 7(a) loans under a new program titled the ''Paycheck Protection Program.'' Section 1106 of the Act provides for forgiveness of up to the full principal amount of qualifying loans guaranteed under the Paycheck Protection Program. A more detailed discussion of sections 1102 and 1106 of the Act is found in section III below.

On April 24, 2020, the President signed the Paycheck Protection Program and Health Care Enhancement Act (Pub. L. 116–139), which provided additional funding and authority for the PPP. On June 5, 2020, the President signed the Paycheck Protection Program Flexibility Act of 2020 (Flexibility Act) (Pub. L. 116–142), which changes key provisions of the Paycheck Protection Program, including provisions relating to the maturity of PPP loans, the deferral of PPP loan payments, and the forgiveness of PPP loans. Section 3(d) of the Flexibility Act provides that the amendments relating to PPP loan forgiveness and extension of the deferral period for PPP loans shall be effective as if included in the CARES Act, which means that they are retroactive to March 27, 2020. Section 2 of the Flexibility Act provides that the amendment relating to the extension of the maturity date for PPP loans shall take effect on the date of enactment (June 5, 2020). Under the Flexibility Act, the extension of the maturity date for PPP loans is applicable to PPP loans made on or after that date, and lenders and borrowers may mutually agree to modify PPP loans made before such date to reflect the longer maturity.

II. Comments and Retroactive/Immediate Effective Date

This interim final rule is effective without advance notice and public comment because section 1114 of the CARES Act authorizes SBA to issue regulations to implement Title I of the Act without regard to notice requirements. In addition, SBA has determined that there is good cause for dispensing with advance public notice and comment on the grounds that that it would be contrary to the public interest. Specifically, advance public notice and comment would defeat the purpose of this interim final rule given that SBA's authority to guarantee PPP loans expires on June 30, 2020, and that many PPP borrowers can now apply for loan forgiveness following the end of their eight-week covered period. Providing borrowers and lenders with certainty on both loan requirements and loan forgiveness requirements following the enactment of the Flexibility Act will enhance the ability of lenders to make loans and process loan forgiveness applications, particularly in light of the fact that most of the Flexibility Act's provisions are retroactive to March 27, 2020. Specifically, small businesses that have yet to apply for and receive a PPP loan need to be informed of the terms of PPP loans as soon as possible, because the last day on which a lender can obtain an SBA loan number for a PPP loan is June 30, 2020. Borrowers who already have applied for and received a PPP loan need certainty regarding how loan proceeds must be used during the covered period, as amended by the Flexibility Act, so that they can maximize the amount of loan forgiveness. These same reasons provide good cause for SBA to dispense with the 30-day delayed effective date provided in the Administrative Procedure Act. Although this interim final rule is effective on or before date of filing, comments are solicited from interested members of the public on all aspects of the interim final rule, including section III below. These comments must be submitted on or before July 16, 2020. The SBA will consider these comments, comments received on the interim final rule posted on SBA's website April 2, 2020 (the First Interim Final Rule) and published in the **Federal Register** on April 15, 2020, and the need for making any revisions as a result of these comments.

III. Paycheck Protection Program—Revisions to First Interim Final Rule (85 FR 20811)

Overview

The CARES Act was enacted to provide immediate assistance to individuals, families, and businesses affected by the COVID–19 emergency. Among the provisions contained in the CARES Act are provisions authorizing SBA to temporarily guarantee loans under a new 7(a) loan program titled the ''Paycheck Protection Program.'' Loans guaranteed under the Paycheck Protection Program (PPP) will be 100 percent guaranteed by SBA, and the full principal amount of the loans may qualify for loan forgiveness. The Flexibility Act amends the CARES Act and amends provisions relating to loan terms and loan forgiveness. The purpose of this interim final rule is to make changes to the First Interim Final Rule,

posted on SBA's website on April 2, 2020, and published in the **Federal Register** on April 15, 2020 (85 FR 20811). The First Interim Final Rule, as amended by this interim final rule, should be interpreted consistent with the frequently asked questions (FAQs) regarding the PPP that are posted on SBA's website [1] and the other interim final rules issued regarding the PPP.[2]

1. Changes to the First Interim Final Rule

a. Covered Period for PPP Loans

Section 3(a) of the Flexibility Act amended the definition of ''covered period'' for a PPP loan from ''the period beginning on February 15, 2020 and ending on June 30, 2020'' to ''the period beginning on February 15, 2020 and ending on December 31, 2020.'' Therefore, Part III.2.g.iii. of the First Interim Final Rule (85 FR 20811, 20813) is revised by striking ''June 30, 2020'' and replacing it with ''December 31, 2020''. Section 3(d) of the Flexibility Act provides that this amendment shall be effective as if included in the CARES Act, which was signed into law on March 27, 2020.

This amendment by the Flexibility Act applies to the definition of ''covered period'' that appears in section 1102 of the CARES Act, governing loan use, loan eligibility, and related requirements. It does not alter the meaning of ''covered period'' that appears in section 1106 of the CARES Act governing loan forgiveness, which is addressed by a different provision of the Flexibility Act.

b. Maturity Date for PPP Loans

Section 2(a) of the Flexibility Act amended the CARES Act to provide a minimum maturity of five years for all PPP loans made on or after the date of enactment of the Flexibility Act. Therefore, Part III.2.j. of the First Interim Final Rule (85 FR 20811, 20813) is revised to read as follows:

j. What will be the maturity date on a PPP loan?

For loans made before June 5, 2020, the maturity is two years; however, borrowers and lenders may mutually agree to extend the maturity of such loans to five years. For loans made on or after June 5, the maturity is five years.

Section 2 of the Paycheck Protection Program Flexibility Act of 2020 (Flexibility Act) amended the CARES Act to provide a minimum maturity of 5 years for all PPP loans made on or after its enactment. The Administrator, in consultation with the Secretary, determined that the date SBA assigns a loan number to the PPP loan provides an efficient, transparent, and auditable means of determining when a PPP loan is ''made'' that provides certainty to lenders. While the CARES Act provides that a loan will have a maximum maturity of up to ten years from the date the borrower applies for loan forgiveness, the Administrator, in consultation with the Secretary, determined that a five-year loan term is sufficient in light of the temporary economic dislocations caused by the coronavirus. Specifically, the considerable economic disruption caused by the coronavirus is expected to abate well before the five-year maturity date such that borrowers will be able to resume business operations and pay off any outstanding balances on their PPP loans.

c. Deferral Period for PPP Loans

Section 3(c) of the Flexibility Act extended the deferral period on PPP loans. Therefore, Part III.2.n. of the First Interim Final Rule (85 FR 20811, 20813) is revised to read as follows:

n. When will I have to begin paying principal and interest on my PPP loan?

If you submit to your lender a loan forgiveness application within 10 months after the end of your loan forgiveness covered period, you will not have to make any payments of principal or interest on your loan before the date on which SBA remits the loan forgiveness amount on your loan to your lender (or notifies your lender that no loan forgiveness is allowed).

Your ''loan forgiveness covered period'' is the 24-week period beginning on the date your PPP loan is disbursed; however, if your PPP loan was made before June 5, 2020, you may elect to have your loan forgiveness covered period be the eight-week period beginning on the date your PPP loan was disbursed.[3] Your lender must notify you of remittance by SBA of the loan forgiveness amount (or notify you that SBA determined that no loan forgiveness is allowed) and the date your first payment is due. Interest continues to accrue during the deferment period.

If you do not submit to your lender a loan forgiveness application within 10 months after the end of your loan forgiveness covered period, you must begin paying principal and interest after that period. For example, if a borrower's PPP loan is disbursed on June 25, 2020, the 24-week period ends on December 10, 2020. If the borrower does not submit a loan forgiveness application to its lender by October 10, 2021, the borrower must begin making payments on or after October 10, 2021.

d. Loan Forgiveness

Section 3(b) of the Flexibility Act amended the requirements concerning forgiveness of PPP loans to reduce the amount of PPP loan proceeds that must be used for payroll costs in order to be forgivable, and the law also created a new exemption for borrowers to avoid a reduction in loan forgiveness amount when they have a reduction in full-time equivalent employees. While the Flexibility Act provides that a borrower shall use at least 60 percent of the PPP loan for payroll costs to receive loan forgiveness, the Administrator, in consultation with the Secretary, interprets this requirement as a proportional limit on nonpayroll costs as a share of the borrower's loan forgiveness amount, rather than as a threshold for receiving any loan forgiveness. This interpretation is consistent with the new safe harbor in the Flexibility Act. The new safe harbor provides that if a borrower is unable to rehire previously employed individuals or similarly qualified employees, the borrower will not have its loan forgiveness amount reduced based on the reduction in full-time equivalent employees. It would be incongruous to interpret the Flexibility Act's 60 percent requirement as a threshold for receiving any loan forgiveness, because in some cases it would directly conflict with the flexibility provided by the new safe harbor. Further, the 60 percent requirement in the Flexibility Act was enacted against the backdrop of SBA's existing rules governing the PPP, which Congress was aware of and which provided for proportional reductions in loan forgiveness for borrowers that used less than 75% of their loan amount during the eight-week covered period for payroll costs. In addition, this interpretation of the 60 percent requirement under the Flexibility Act is most consistent with Congress's purpose in that legislation—namely, to increase the flexibility provided to borrowers related to PPP loan forgiveness.

In addition, as noted in paragraph d. above, in seeking loan forgiveness, an eligible borrower whose loan was made before June 5, 2020 may elect to apply the original eight-week covered period under the CARES Act instead of the 24-week covered period referenced above. *See* Flexibility Act, section 3(b)(3).

[1] *See https://www.sba.gov/document/support--faq-lenders-borrowers.*

[2] *See https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program.*

[3] Under section 3(b)(1) of the Flexibility Act, the loan forgiveness covered period of any borrower will end no later than December 31, 2020.

SBA will be issuing revisions to its interim final rules on loan forgiveness and loan review procedures to address amendments the Flexibility Act made to the loan forgiveness requirements. SBA will also be issuing additional guidance on advance purchases of PPP loans, which will include any effect of the amendments made to the loan forgiveness requirements. For the reasons described above, Part III.2.o. of the First Interim Final Rule (85 FR 20811, 20813) is revised to read as follows:

o. Can my PPP loan be forgiven in whole or in part?

Yes. The amount of loan forgiveness can be up to the full principal amount of the loan and any accrued interest. An eligible borrower will not be responsible for any loan payment if the borrower uses all of the loan proceeds for forgivable purposes as described below and employee and compensation levels are maintained or, if not, an applicable safe harbor applies. The actual amount of loan forgiveness will depend, in part, on the total amount of payroll costs, payments of interest on mortgage obligations incurred before February 15, 2020, rent payments on leases dated before February 15, 2020, and utility payments for service that began before February 15, 2020, over the loan forgiveness covered period. However, to receive full loan forgiveness, a borrower must use at least 60 percent of the PPP loan for payroll costs, and not more than 40 percent of the loan forgiveness amount may be attributable to nonpayroll costs. For example, if a borrower uses 59 percent of its PPP loan for payroll costs, it will not receive the full amount of loan forgiveness it might otherwise be eligible to receive. Instead, the borrower will receive partial loan forgiveness, based on the requirement that 60 percent of the forgiveness amount must be attributable to payroll costs. For example, if a borrower receives a $100,000 PPP loan, and during the covered period the borrower spends $54,000 (or 54 percent) of its loan on payroll costs, then because the borrower used less than 60 percent of its loan on payroll costs, the maximum amount of loan forgiveness the borrower may receive is $90,000 (with $54,000 in payroll costs constituting 60 percent of the forgiveness amount and $36,000 in nonpayroll costs constituting 40 percent of the forgiveness amount).

e. Use of PPP Loan Proceeds

For consistency with the amendments made in the Flexibility Act regarding the percentage of loan proceeds that must be used for payroll costs in order to be forgiven, discussed in paragraph 2.e. above, Part III.2.r. of the First Interim Final Rule (85 FR 20811, 20814) is revised to read as follows:

r. How can PPP loans be used?

The proceeds of a PPP loan are to be used for:

i. payroll costs (as defined in the Act and in 2.f.);

ii. costs related to the continuation of group health care benefits during periods of paid sick, medical, or family leave, and insurance premiums;

iii. mortgage interest payments (but not mortgage prepayments or principal payments);

iv. rent payments;

v. utility payments;

vi. interest payments on any other debt obligations that were incurred before February 15, 2020; and/or

vii. refinancing an SBA EIDL loan made between January 31, 2020 and April 3, 2020. If you received an SBA EIDL loan from January 31, 2020 through April 3, 2020, you can apply for a PPP loan. If your EIDL loan was not used for payroll costs, it does not affect your eligibility for a PPP loan. If your EIDL loan was used for payroll costs, your PPP loan must be used to refinance your EIDL loan. Proceeds from any advance up to $10,000 on the EIDL loan will be deducted from the loan forgiveness amount on the PPP loan.

At least 60 percent of the PPP loan proceeds shall be used for payroll costs. For purposes of determining the percentage of use of proceeds for payroll costs, the amount of any EIDL refinanced will be included. For purposes of loan forgiveness, however, the borrower will have to document the proceeds used for payroll costs in order to determine the amount of forgiveness. While the Act provides that PPP loan proceeds may be used for the purposes listed above and for other allowable uses described in section 7(a) of the Small Business Act (15 U.S.C. 636(a)), the Administrator believes that finite appropriations and the structure of the Act warrant a requirement that borrowers use a substantial portion of the loan proceeds for payroll costs, consistent with Congress' overarching goal of keeping workers paid and employed. This percentage is consistent with the limitation on the forgiveness amount set forth in the Flexibility Act. This limitation on use of the loan funds will help to ensure that the finite appropriations available for these loans are directed toward payroll protection, as each loan that is issued depletes the appropriation, regardless of whether portions of the loan are later forgiven.

f. Borrower Certifications

For consistency with the changes discussed in paragraphs 2.e. and f. above, Parts III.2.t.iii., iv., and v. of the First Interim Final Rule (85 FR 20811, 20814) are revised to read as follows:

t. What certifications need to be made?

* * * * *

iii. The funds will be used to retain workers and maintain payroll or make mortgage interest payments, lease payments, and utility payments; I understand that if the funds are knowingly used for unauthorized purposes, the Federal Government may hold me legally liable such as for charges of fraud. As explained above, not more than 40 percent of loan proceeds may be used for nonpayroll costs.

iv. Documentation verifying the number of full-time equivalent employees on payroll as well as the dollar amounts of payroll costs, covered mortgage interest payments, covered rent payments, and covered utilities for the loan forgiveness covered period for the loan will be provided to the lender.

v. Loan forgiveness will be provided for the sum of documented payroll costs, covered mortgage interest payments, covered rent payments, and covered utility payments. As explained above, not more than 40 percent of the forgiven amount may be used for nonpayroll costs.

* * * * *

2. Additional Information

SBA may provide further guidance, if needed, through SBA notices which will be posted on SBA's website at *www.sba.gov.* Questions on the Paycheck Protection Program may be directed to the Lender Relations Specialist in the local SBA Field Office. The local SBA Field Office may be found at *https://www.sba.gov/tools/local-assistance/districtoffices.*

Compliance With Executive Orders 12866, 12988, 13132, 13563, and 13771, the Paperwork Reduction Act (44 U.S.C. Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Orders 12866, 13563, and 13771

This interim final rule is economically significant for the purposes of Executive Orders 12866 and 13563, and is considered a major rule under the Congressional Review Act. SBA, however, is proceeding under the emergency provision at Executive Order 12866 Section 6(a)(3)(D) based on the need to move expeditiously to mitigate the current economic conditions arising

from the COVID–19 emergency. This rule's designation under Executive Order 13771 will be informed by public comment.

This rule is necessary to implement Sections 1102 and 1106 of the CARES Act and the Flexibility Act in order to provide economic relief to small businesses nationwide adversely impacted under the COVID–19 Emergency Declaration. We anticipate that this rule will result in substantial benefits to small businesses, their employees, and the communities they serve. However, we lack data to estimate the effects of this rule.

Executive Order 12988

SBA has drafted this rule, to the extent practicable, in accordance with the standards set forth in section 3(a) and 3(b)(2) of Executive Order 12988, to minimize litigation, eliminate ambiguity, and reduce burden. The rule has no preemptive effect but does have a limited retroactive effect consistent with section 3(d) of the Flexibility Act.

Executive Order 13132

SBA has determined that this rule 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 layers of government. Therefore, SBA has determined that this rule has no federalism implications warranting preparation of a federalism assessment.

Paperwork Reduction Act, 44 U.S.C. Chapter 35

SBA has determined that this rule will modify existing recordkeeping or reporting requirements under the Paperwork Reduction Act. The amendments to the PPP made by the Flexibility Act and implemented in this interim final rule will require conforming revisions to the PPP Borrower Application Form (SBA Form 2483), the PPP Lender Application Form (SBA Form 2484), and the PPP Loan Forgiveness Application (SBA Form 3508). SBA will submit the modified forms to OMB for approval as a modification to the existing PPP information collection. This information collection is currently approved as an emergency request under OMB Control Number 3245–0407 until October 31, 2020.

Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (RFA) generally requires that when an agency issues a proposed rule, or a final rule pursuant to section 553(b) of the APA or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the **Federal Register**. 5 U.S.C. 603, 604. Specifically, the RFA normally requires agencies to describe the impact of a rulemaking on small entities by providing a regulatory impact analysis. Such analysis must address the consideration of regulatory options that would lessen the economic effect of the rule on small entities. The RFA defines a ''small entity'' as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA); (2) a nonprofit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000. 5 U.S.C. 601(3)–(6). Except for such small government jurisdictions, neither State nor local governments are ''small entities.'' Similarly, for purposes of the RFA, individual persons are not small entities.

The requirement to conduct a regulatory impact analysis does not apply if the head of the agency ''certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605(b). The agency must, however, publish the certification in the **Federal Register** at the time of publication of the rule, ''along with a statement providing the factual basis for such certification.'' If the agency head has not waived the requirements for a regulatory flexibility analysis in accordance with the RFA's waiver provision, and no other RFA exception applies, the agency must prepare the regulatory flexibility analysis and publish it in the **Federal Register** at the time of promulgation or, if the rule is promulgated in response to an emergency that makes timely compliance impracticable, within 180 days of publication of the final rule. 5 U.S.C. 604(a), 608(b).

Rules that are exempt from notice and comment are also exempt from the RFA requirements, including conducting a regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. Small Business Administration's Office of Advocacy guide: *How to Comply with the Regulatory Flexibility Ac. Ch.1. p.9.* Accordingly, SBA is not required to conduct a regulatory flexibility analysis.

Authority: 15 U.S.C. 636(a)(36); Paycheck Protection Program Flexibility Act of 2020, Pub. L. 116–142; Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116–136, Section 1114.

Jovita Carranza,

Administrator.

[FR Doc. 2020–12909 Filed 6–12–20; 11:15 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0466; Project Identifier MCAI–2020–00504–A; Amendment 39–21143; AD 2020–12–08]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. (Type Certificate Previously Held by Empresa Brasileira de Aeronáutica S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding airworthiness directive (AD) 2011–20–01 for certain Empresa Brasileira de Aeronáutica S.A. (now Embraer S.A.) Model EMB–505 airplanes. AD 2011–20–01 required replacing the bolts that attach the balance mass weights to the elevator structure. This AD requires inspections of the mass-balance weights of the elevators, ailerons, and rudder (flight control surfaces) and their attachment parts and corrective actions if necessary, and revising the airworthiness limitation section of the existing maintenance manual or instructions for continued airworthiness to incorporate new airworthiness limitations. This AD also adds airplanes to the applicability. This AD was prompted by reports of corrosion in the mass-balance weights of the flight control surfaces, and a determination that new airworthiness limitations are necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 1, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 1, 2020.

The FAA must receive any comments on this AD by July 31, 2020.

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

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Phenom Maintenance Support, Avenida Brigadeiro Faria Lima, 2170, P.O. Box 36/2, São José dos Campos, 12227–901, Brazil; phone: +55 12 3927 1000; email: *phenom.reliability@embraer.com.br;* website: *https://www.embraer.com.br/en-US/Pages/home.aspx.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0466.

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–2020–0466; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, Small Airplane Standards Branch, FAA, 901 Locust, Room 301, Kansas City, Missouri 64106; phone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued AD 2011–20–01, Amendment 39–16810 (76 FR 59240, September 26, 2011) (''AD 2011–20–01''), for certain serial-numbered Empresa Brasileira de Aeronáutica S.A. (now Embraer S.A.) Model EMB–505 airplanes. AD 2011–20–01 required replacing the bolts that attach the balance mass weights to the elevator structure. AD 2011–20–01 resulted from a determination that there was a possibility of freeplay between the mass-balance weight and the elevator structure. AD 2011–20–01 was prompted by MCAI issued by the Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil. The FAA issued AD 2011–20–01 to address this condition which, if not corrected, could lead to elevator flutter and loss of airplane control.

Actions Since AD 2011–20–01 Was Issued

Since the FAA issued AD 2011–20–01, there have been reports of corrosion in the mass-balance weights of the flight control surfaces. The FAA has determined that new airworthiness limitations are necessary for all Embraer S.A. Model EMB–505 airplanes.

The ANAC has issued Brazilian Emergency AD No. 2020–01–01, dated January 9, 2020 (referred to after this as ''the MCAI''), to address the unsafe condition on all Embraer S.A. Model EMB–505 airplanes. The MCAI states:

> It has been found the occurrence of corrosion in the mass-balance weights of the control surfaces. The corrosion may lead to loss of mass or the detachment of the mass-balance weights, resulting in an unbalanced control surface, which, in conjunction with certain flight conditions, could lead to flutter and possible loss of airplane control.

You may obtain further information by examining the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0466.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Embraer Alert Service Bulletin SB505–55–A004, Revision 5, dated December 12, 2019. The service information applies to certain serial-numbered Model EMB–505 airplanes and contains procedures for inspecting the mass-balance weights of the elevators, ailerons, and rudders (flight control surfaces) and their respective attachment parts for corrosion and fragmentation, and corrective actions. Corrective actions include installation of a stainless steel mass-balance, replacement of the mass-balance, and replacement of attachment parts. 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

Embraer has issued Embraer Alert Service Bulletin SB505–55–A004, Revision 2, dated November 6, 2019; Embraer Alert Service Bulletin SB505–55–A004, Revision 3, dated November 13, 2019; Embraer Alert Service Bulletin SB505–55–A004, Revision 4, dated November 21, 2019. The actions specified in these service bulletins are the same as those specified in Embraer Alert Service Bulletin SB505–55–A004, Revision 5, dated December 12, 2019; however, revision 5 was issued to add serial-numbered airplanes to the applicability.

FAA's Determination

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

AD Requirements

For certain serial-numbered airplanes, this AD requires accomplishing the actions specified in the service information described previously, except as specified in ''Differences Between this AD and the Service Information.'' This AD also requires sending certain inspection results to Embraer. For all Model EMB–505 airplanes, this AD requires revising the airworthiness limitations section of the existing maintenance manual or instructions for continued airworthiness to incorporate new airworthiness limitations.

Compliance with the airworthiness limitations section is required by 14 CFR 91.403(c). If an airplane has been previously modified, altered, or repaired in the areas addressed by this AD, and an operator is unable to accomplish the actions described in the revisions to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance using the procedures in paragraph (n)(1) of this AD.

Differences Between This AD and the Service Information

Embraer Alert Service Bulletin SB505–55–A004, Revision 5, dated December 12, 2019, contains procedures for inspecting for the integrity of the

mass-balance weights of the elevators, ailerons, and rudder (flight control surfaces) and their attachment parts. This AD does not include that requirement.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because of reports of corrosion in the mass-balance weights of the flight control surfaces, which may lead to loss of mass or the detachment of the mass-balance weights, resulting in an unbalanced control surface, which, could lead to flutter and possible loss of airplane control. Additionally, the compliance time for the required action is shorter than the time necessary for the public to comment and for publication of the final rule. Therefore, the FAA finds good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated above, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, the FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2020–0466 and project identifier MCAI–2020–00504–A at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 376 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	9 work-hours × $85 per hour = $765	$100	$865	$325,240
ALS revision	1 work hour × 85 per hour = $85	0	85	31,960
Reporting	1 work hour × 85 per hour = $85	0	85	31,960

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Installation or replacement	Up to 129 work-hours × $85 per hour = Up to $10,965.	Up to $18,118	Up to $29,083.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all costs in this cost estimate.

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (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) 2011–20–01, Amendment 39–16810 (76 FR 59240, September 26, 2011), and adding the following new AD:

2020–12–08 Embraer S.A. (Type Certificate Previously Held by Empresa Brasileira de Aeronáutica S.A.): Amendment 39–21143; Docket No. FAA–2020–0466; Project Identifier MCAI–2020–00504–A.

(a) Effective Date

This AD is effective July 1, 2020.

(b) Affected ADs

This AD replaces AD 2011–20–01, Amendment 39–16810 (76 FR 59240, September 26, 2011).

(c) Applicability

This AD applies to Embraer S.A. (type certificate previously held by Empresa Brasileira de Aeronáutica S.A.) Model EMB–505 airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 5520, ELEVATOR STRUCTURE; 5540, RUDDER STRUCTURE; 5751, AILERONS.

(e) Unsafe Condition

This AD was prompted by reports of corrosion in the mass-balance weights of the flight control surfaces and a determination that new airworthiness limitations are necessary. The FAA is issuing this AD to address corrosion in the mass-balance weights of the flight control surfaces. The unsafe condition, if not addressed, could result in loss of mass or the detachment of the mass-balance weights, resulting in an unbalanced control surface, which could lead to flutter and loss of airplane control.

(f) Compliance

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

(g) Compliance Times for the Actions Required by Paragraph (h) of This AD

For airplanes with a serial number listed in Embraer Alert Service Bulletin SB505–55–A004, Revision 5, dated December 12, 2019 (''SB505–55–A004R5''): At the applicable compliance time specified in paragraph (g)(1), (2), or (3) of this AD, accomplish the actions required by paragraph (h) of this AD.

(1) For airplanes with a serial number listed in Group 1 of Embraer Alert SB505–55–A004R5: Within 3 calendar days or 5 hours time-in-service (TIS), whichever occurs first, after July 1, 2020 (the effective date of this AD).

(2) For airplanes with a serial number listed in Group 3 of SB505–55–A004R5: Within 30 calendar days or 50 hours TIS, whichever occurs first, after July 1, 2020 (the effective date of this AD).

(3) For airplanes with a serial number listed in Group 2 of SB505–55–A004R5: Within 60 calendar days or 100 hours TIS, whichever occurs first, after July 1, 2020 (the effective date of this AD).

(h) Required Actions

For airplanes with a serial number listed in SB505–55–A004R5, at the applicable time specified in paragraph (g) of this AD: Do the inspections identified in paragraphs (h)(1) through (6) of this AD and, before further flight, install or replace the mass-balance, as applicable, and replace the attachment parts, in accordance with Parts I through VI and Part VIII, as applicable, of the Accomplishment Instructions of SB505–55–A004R5, except where SB505–55–A004R5 tells you to submit information to Embraer, instead you must comply with paragraph (k) of this AD.

(1) Do an inspection of the elevator horn mass-balance weights and attachments parts for corrosion and fragmentation, and weigh each mass-balance.

(2) Do an inspection of the elevator internal mass-balance weights and attachments parts for corrosion and fragmentation and, weigh each mass-balance. You must remove and weigh the mass-balance weight even if there is no sign of corrosion or material fragmentation.

(3) Do an inspection of the elevator adjustable mass-balance weights and attachments parts for corrosion and fragmentation, and weigh each mass-balance.

(4) Do an inspection of the aileron mass-balance weights and attachments parts for corrosion and fragmentation and, weigh each mass-balance. You must remove and weigh the mass-balance weight even if there is no sign of corrosion or material fragmentation.

(5) Do an inspection of the rudder adjustable mass-balance weights and attachments parts for corrosion and fragmentation, and weigh each mass-balance.

(6) Do an inspection of the rudder internal mass-balance weights and attachments parts for corrosion and fragmentation and, weigh each mass-balance. You must remove and weigh the mass-balance weight even if there is no sign of corrosion or material fragmentation.

(i) Revision of the Airworthiness Limitations Section

Within 10 days after July 1, 2020 (the effective date of this AD), revise the airworthiness limitations section (ALS) of the existing maintenance manual or instructions for continued airworthiness to add the information in Table 1 to paragraph (i) of this AD and the initial compliance time information in Table 2 to paragraph (i) of this AD.

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Table 1 to paragraph (i) – *New Airworthiness Limitations*

Maintenance Requirement	Inspection Type	Inspection Title	Interval
55-20-04-001	General visual inspection (GVI)	Internal GVI of Elevator Mass-Balance Weight and Attachments	60 Months (MO)
55-20-04-002	Special detailed inspection (SDI)	SDI (Borescope Method) of Elevator Mass-Balance Weight and Attachments	60 MO
55-40-04-002	GVI	Internal GVI of Rudder Adjustable Mass-Balance Weight and Attachments	60 MO
55-40-04-003	SDI	SDI (Borescope Method) of Rudder Fixed Mass-Balance Weight and Attachments	60 MO
57-60-00-001	Detailed visual inspection (DET)	External DET of the Aileron	60 MO

Table 2 to paragraph (i) – *Initial compliance time for the inspections listed in Table 1 to paragraph (i) of this AD*

Age of airplane on the effective date of this AD	Initial Compliance Time for Each Inspection
Less than 48 MO since the date of issuance of the original airworthiness certificate or the original export certificate of airworthiness	Within 60 MO after the date of issuance of the original airworthiness certificate or the original export certificate of airworthiness
Between 48 MO and 72 MO since the date of issuance of the original airworthiness certificate or the original export certificate of airworthiness	Within 12 MO after the effective date of this AD, or within 72 MO after the date of issuance of the original airworthiness certificate or the original export certificate of airworthiness, whichever occurs first
More than 72 MO since the date of issuance of the original airworthiness certificate or the original export certificate of airworthiness	Within 30 days after the effective date of this AD

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(j) No Alternative Actions or Intervals

After the ALS has been revised as required by paragraph (i) of this AD, no alternative inspection intervals may be approved, except as provided in paragraph (n)(1) of this AD.

(k) Reporting

For airplanes with a serial number listed in SB505–55–A004R5, at the applicable time specified in paragraph (k)(1) or (2) of this AD: For any inspection required by paragraph (h) of this AD, report findings to Embraer via email to *contact.center@embraer.com*. The report must include information specified in Appendix 1 of SB505–55–A004R5.

(1) If the inspection was done on or after July 1, 2020 (the effective date of this AD): Submit the report within 96 hours after the inspection.

(2) If the inspection was done before July 1, 2020 (the effective date of this AD): Submit the report within 5 days after July 1, 2020 (the effective date of this AD).

(l) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (h) or (i) of this AD, if you performed those actions before July 1, 2020 (the effective date of this AD) using the service information specified in paragraphs (l)(1), (2), or (3) of this AD.

(1) Embraer Alert Service Bulletin SB505–55–A004, Revision 2, dated November 6, 2019.

(2) Embraer Alert Service Bulletin SB505–55–A004, Revision 3, dated November 13, 2019.

(3) Embraer Alert Service Bulletin SB505–55–A004, Revision 4, dated November 21, 2019.

(m) Paperwork Reduction Act Burden Statement

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

(n) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, Small Airplane Standards Branch, FAA, 901 Locust, Room 301, Kansas City, Missouri 64106; phone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov*. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

(o) Related Information

(1) For more information about this AD, contact Jim Rutherford, Aerospace Engineer, Small Airplane Standards Branch, FAA, 901 Locust, Room 301, Kansas City, Missouri 64106; phone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov*.

(2) Refer to Mandatory Continuing Airworthiness Information (MCAI) Brazilian Emergency AD No. 2020–01–01, dated January 9, 2020, for more information. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating it in Docket No. FAA–2020–0466.

(p) Material Incorporated by Reference

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

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

(i) Embraer Alert Service Bulletin SB505–55–A004, Revision 5, dated December 12, 2019.

(ii) [Reserved]

(3) For Embraer service information identified in this AD, contact Phenom Maintenance Support, Avenida Brigadeiro Faria Lima, 2170, P.O. Box 36/2, São José dos Campos, 12227–901, Brazil; phone: +55 12 3927 1000; email: *phenom.reliability@embraer.com.br*; website: *https://www.embraer.com.br/en-US/Pages/home.aspx*.

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

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

Issued on June 9, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–12880 Filed 6–15–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–1081; Product Identifier 2019–NM–153–AD; Amendment 39–19918; AD 2020–11–14]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–100–1A10 airplanes. This AD was prompted by reports of the loss of all air data system information provided to the flightcrew, which was caused by icing at high altitudes. This AD requires revising the existing airplane flight manual (AFM) to provide the flightcrew with procedures to stabilize the airplane's airspeed and attitude. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 21, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 21, 2020.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com;* internet *https://www.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1081.

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–2019–1081; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Darren Gassetto, Aerospace Engineer, Mechanical Systems and Admin Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2019–24, dated July 5, 2019 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model BD–100–1A10 airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1081.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–100–1A10 airplanes. The NPRM published in the **Federal Register** on January 27, 2020 (85 FR 4614). The NPRM was prompted by reports of the loss of all air data system information provided to the flightcrew, which was caused by icing at high altitudes. The NPRM proposed to require revising the existing airplane flight manual (AFM) to provide the flightcrew with procedures to stabilize the airplane's airspeed and attitude. The FAA is issuing this AD to address the loss of all air data system information provided to the flightcrew. If not addressed, this condition may adversely affect continued safe flight and landing. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. Two commenters indicated support for the NPRM. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Allow Operators To Use Current AFM Revision

NetJets Inc. requested it be allowed to use Bombardier Challenger 350 Airplane Flight Manual (AFM), Publication No. CH 350 AFM, Revision 24, dated January 15, 2020, for accomplishing the proposed actions. The proposed AD referred to Revision 22, dated July 8, 2019.

The FAA acknowledges the commenter's request and provides the following clarification: This AD requires including the information that is provided in the referenced AFM revisions in paragraph (g) of this AD. The language in paragraph (g) of this AD is designed to allow incorporating the specific information, regardless of the revision level of the AFM in use, provided the language is identical to the referenced AFM revisions specified in paragraph (g) of this AD. The language in the latest AFM revisions is the same. We have not changed this AD in this regard.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and

• Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Bombardier has issued the following service information, which provides a procedure for ''Unreliable Airspeed'' in the Emergency Procedures section, and also provides a procedure for ''Go-Around'' in the Normal Procedures section of the applicable AFM. These documents are distinct since they apply to different airplane models.

• Bombardier Challenger 300 AFM, Publication No. CSP 100–1, Revision 56, dated July 8, 2019.

• Bombardier Challenger 350 AFM, Publication No. CH 350 AFM, Revision 22, dated July 8, 2019.

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.

Costs of Compliance

The FAA estimates that this AD affects 560 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$0	$85	$47,600

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(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.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–11–14 Bombardier, Inc.: Amendment 39–19918; Docket No. FAA–2019–1081; Product Identifier 2019–NM–153–AD.

(a) Effective Date

This AD is effective July 21, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, serial numbers 20001 through 20688 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 34, Navigation.

(e) Reason

This AD was prompted by reports of the loss of all air data system information provided to the flightcrew, which was caused by icing at high altitudes. The FAA is issuing this AD to address the loss of all air data system information provided to the flightcrew. If not addressed, this condition may adversely affect continued safe flight and landing.

(f) Compliance

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

(g) Revision of the Airplane Flight Manual (AFM)

Within 30 days after the effective date of this AD: Revise the Emergency Procedures—Avionics (section 03–17) of the existing AFM to include the information in the ''Unreliable Airspeed'' procedure of the applicable AFM specified in figure 1 to paragraph (g) of this AD, and revise the Normal Procedures—After Take-off (section 04–04) of the existing AFM to include the information in the ''Go-Around'' procedure of the applicable AFM specified in figure 1 to paragraph (g) of this AD.

Figure 1 to paragraph (g) – *AFM revisions*

Airplane Serial Numbers	AFM	AFM Revision	Issue Date
Serial numbers 20001 through 20500 inclusive	Bombardier Challenger 300 AFM, Publication No. CSP 100-1	Revision 56	July 8, 2019
Serial numbers 20501 through 20688 inclusive	Bombardier Challenger 350 AFM, Publication No. CH 350 AFM	Revision 22	July 8, 2019

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2019–24, dated July 5, 2019, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1081.

(2) For more information about this AD, contact Darren Gassetto, Aerospace Engineer, Mechanical Systems and Admin Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7323; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(j) Material Incorporated by Reference

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

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

(i) Bombardier Challenger 300 Airplane Flight Manual, Publication No. CSP 100–1, Revision 56, dated July 8, 2019.

(ii) Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 22, dated July 8, 2019.

(3) For service information identified in this AD, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; email *ac.yul@aero.bombardier.com*; internet *https://www.bombardier.com.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on June 5, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–12867 Filed 6–15–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0234; Airspace Docket No. 19–ANM–90]

RIN 2120–AA66

Establishment of Class E Airspace; Gold Beach, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet or more above the surface at Gold Beach Municipal Airport, Gold Beach, OR. The airspace supports the airport's transition from VFR to IFR operations. The first area extends upward from 700 feet above the surface and the second area extends upward from 1,200 feet above the surface.

DATES: Effective 0901 UTC, September 10, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator.

Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Gold Beach Municipal Airport, Gold Beach, OR, to ensure the safety and management of Instrument Flight Rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 17791; March 31, 2020) for Docket No. FAA–2020–0234 to establish Class E airspace at Gold Beach Municipal Airport, Gold Beach, OR. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E5 airspace designations are published in paragraph 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet or more above the surface at the Gold Beach Municipal Airport, Gold Beach, OR. The airspace supports the airport's transition from VFR to IFR operations.

The first airspace area extends upward from 700 feet above the surface within a 6.3-mile radius to the airport, and within 1 mile each side of the 325° bearing from the airport, extending from the 6.3-mile radius to 9.3 miles northwest of the airport.

The second airspace area extends upward from 1,200 feet above the surface within a 15-mile radius of the Gold Beach Municipal Airport, excluding that airspace that extends beyond 12 miles from the coast.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM OR E5 Gold Beach, OR

Gold Beach Municipal Airport, OR
(Lat. 42°24′55″ N, long. 124°25′30″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the airport, and within 1 mile each side of the 325° bearing from the airport, extending from the 6.3-mile radius to 9.3 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Gold Beach Municipal Airport, excluding that airspace that extends beyond 12 miles from the coast.

Issued in Seattle, Washington, on June 10, 2020.

Shawn M. Kozica,

Group Manager, Western Service Center, Operations Support Group.

[FR Doc. 2020–12901 Filed 6–15–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Chapter I

[Docket No. PL20–6–000]

Commission Action To Address Effects of COVID–19 on Oil Pipelines

AGENCY: Federal Energy Regulatory Commission.

ACTION: Policy statement.

SUMMARY: In this policy statement, the Federal Energy Regulatory Commission provides guidance regarding the Commission's response to the effects of the national emergency caused by COVID–19 on oil pipelines.

DATES: June 16, 2020.

FOR FURTHER INFORMATION CONTACT: Glenna Riley (Legal Information), Office of the General Counsel, 888 First Street NE, Washington, DC 20426, (202) 502–8620, *Glenna.Riley@ferc.gov*. Matthew Petersen (Technical Information), Office of Energy Markets Regulation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6845, *Matthew.Petersen@ferc.gov*.

SUPPLEMENTARY INFORMATION:

1. On March 13, 2020, the President issued a proclamation declaring a National Emergency concerning COVID–19. Measures to mitigate or slow the transmission of COVID–19 have substantially reduced travel and commercial activity, and U.S. consumption of petroleum products has dropped sharply as a result. Consequently, oil pipelines are facing unanticipated circumstances, including diminished demand for service and radically altered market conditions. In light of these circumstances, we offer the following guidance to oil pipelines.

2. We are committed to assisting oil pipelines in addressing the unprecedented impacts of COVID–19, particularly where such pipelines are encountering regulatory hurdles that may impede or delay attempts to respond to changing market dynamics during this difficult time. For example, an oil pipeline may be unable to comply with regulatory requirements or may require an extension due to steps it has taken to meet the emergency conditions, such as measures taken to protect the health and safety of its employees. We further recognize that due to the circumstances arising from COVID–19, an oil pipeline might seek to temporarily alter routes, reconfigure existing systems, or change flow direction to provide shippers access to storage. In addition, an oil pipeline that has not previously provided service subject to the Commission's jurisdiction might seek to temporarily provide service in interstate commerce, as opposed to intrastate commerce, to respond to current market demands, but may have difficulty meeting the Commission's regulatory requirements to begin providing interstate service for the first time. In these and other instances, oil pipelines may request temporary waivers of or extensions of time to comply with the following regulations where necessary and appropriate to address the unforeseen circumstances resulting from COVID–19:

- Cost-of-service filing requirements (18 CFR 342.2(a); part 346);
- Reporting requirements (part 357);
- Record-keeping requirements (part 356);
- Accounting regulations (part 352); and
- Depreciation studies (18 CFR 347.1).

We will review and act on such requests as expeditiously as possible based upon the circumstances and justification described in the pipeline's waiver or extension request.[1]

3. Moreover, to facilitate changes to operations and services on an expedited basis, oil pipelines may request a waiver for tariffs to become effective on less than 30 days' notice pursuant to § 341.14 of the Commission's regulations.[2] Such requests for waiver of prior notice made concurrently with tariff filings will be deemed conditionally granted subject to refund, and will also be deemed automatically granted at the conclusion of the 30-day notice period unless the Commission issues an order denying the request.[3]

4. We also recognize that oil pipelines' existing tariff rates and rules may be inadequate to address the drastic and unforeseen impacts of COVID–19. Oil pipelines are allowed to file changes to their rates and rules and regulations tariffs at any time. Under the Commission's regulations, pipelines with indexed rates can change their rates at any time so long as they remain at or below the ceiling level.[4] A pipeline may change a rate without regard to the ceiling level if the change is agreed to by each shipper using the service.[5] If a pipeline's costs substantially diverge from its indexed rates, it can file a cost-of-service rate change.[6] In addition, pipelines with market-based rate authority have the flexibility to respond to changes in market conditions by filing a tariff to change their rates at any time without regard to the indexed ceiling level.[7] Any pipeline that does not currently have market-based rate authority and serves sufficiently competitive markets may file an application at any time under Part 348 of the Commission's regulation to establish that it lacks significant market power.[8]

5. We understand that there could be instances where the above regulations for establishing and changing rates might not provide an appropriate means to address the current emergency circumstances, which may be drastic but only temporary.[9] If oil pipelines submit other proposals for temporary rate relief to address the emergency circumstances caused by COVID–19, we will give such proposals their due consideration on a case-by-case basis. Although any such proposals must be fully supported and consistent with the Interstate Commerce Act,[10] we recognize that these unprecedented circumstances might require unusual solutions. We will assess the appropriateness of any temporary rate relief proposals based on the facts and circumstances presented, including any issues raised in comments or protests from affected shippers.[11]

6. We acknowledge that in certain situations, oil pipelines may need to temporarily curtail jurisdictional transportation service due to the circumstances caused by COVID–19. In such instances, affected oil pipelines may file notices of temporary embargo.[12]

7. We recognize there may be oil pipelines facing disputes with shippers as a result of the unprecedented circumstances caused by COVID–19 and that they may want to explore the potential for a negotiated or mediated resolution. We encourage oil pipelines in that situation to consider using the Commission's alternative dispute resolution process.[13] We appreciate oil pipelines' efforts to pursue agreements with shippers to resolve issues where possible.

8. We encourage oil pipelines to contact the Commission with any concerns or issues related to the impacts of COVID–19. Oil pipelines may notify the Commission of any regulatory or compliance issues they are encountering in attempting to respond to the changed circumstances. We note that oil pipelines may use the Commission's pre-filing review process to informally submit tariffs or related material to Commission staff for suggestions.[14] We are sensitive to oil pipelines' needs for

[1] *See also Extension of Non-Statutory Deadlines,* Supplemental Notice Granting Extension of Time for Non-Statutory Deadlines, Waiving Regulations, and Shortening Answer Period, Docket No. AD20–11–000 (Apr. 2, 2020) (''Entities may seek waiver of Commission orders, regulations, tariffs, rate schedules, and service agreements, as appropriate, to address needs resulting from steps they take in response to the emergency conditions caused by COVID–19. Action on all such motions will be taken as expeditiously as possible.'').

[2] 18 CFR 341.14.

[3] *Id.*

[4] 18 CFR 342.3(a).

[5] 18 CFR 342.4(c).

[6] 18 CFR 342.4(a).

[7] 18 CFR 342.4(b).

[8] 18 CFR pt. 348.

[9] To the extent there are lasting changes that impact a pipeline's ability to recover its costs, such issues are appropriately addressed via the rate changing methodologies in Part 342 of the Commission's regulations.

[10] 49 U.S.C. app. 1 *et seq.* (1988).

[11] This policy statement is merely guidance, and we emphasize that nothing in this policy statement is intended to establish a binding rule or determination, or to alter shippers' rights to file complaints or protests in individual cases. 18 CFR 343.2, 343.3.

[12] Notices of embargo may be submitted through the eTariff portal using Type of Filing Code 840.

[13] The contact information for the alternative dispute resolution helpline is as follows: Toll-free: 1–844–238–1560, FAX: 202–219–3289, Email: *ferc.adr@ferc.gov.*

[14] 18 CFR 341.12.

feedback on an expedited basis given the emergency conditions.

9. We commend the industry's efforts to adapt to these unprecedented circumstances while continuing to uphold their common carrier duties under the Interstate Commerce Act.

Document Availability

10. 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://www.ferc.gov*). At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning COVID–19, issued by the President on March 13, 2020.

11. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

12. User assistance is available for eLibrary and the Commission's website during normal business hours from the Commission's Online Support at (202) 502–6652 (toll free at 1–866–208–3676), via email at *ferconlinesupport@ferc.gov,* or from the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov*.

By the Commission.

Issued: May 8, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–12945 Filed 6–15–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF STATE

22 CFR Part 42.34

[Public Notice: 11104]

RIN 1400–AE77

Visas: Special Immigrant Visas—U.S. Government Employee Special Immigrant Visas for Service Abroad

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Immigration and Nationality Act provides for the granting of special immigrant status for certain aliens who have been employed by, and performed faithful service for, the U.S. government abroad for at least fifteen years. This rule codifies in regulation the eligibility criteria for special immigrant status of such aliens and the application process for applicants.

DATES: This rule is effective December 16, 2020.

FOR FURTHER INFORMATION CONTACT: Taylor Beaumont, Acting Chief, Legislation and Regulations Division, Visa Services, Bureau of Consular Affairs, Department of State, *VisaRegs@state.gov.*

SUPPLEMENTARY INFORMATION:

What is the effect of this regulation?

Section 101(a)(27)(D) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(27)(D), authorizes the granting of special immigrant status in exceptional circumstances for employees, or honorably retired former employees, of the U.S. government abroad, or of the American Institute in Taiwan, who have performed faithful service for a total of fifteen years or more, in addition to their accompanying spouse and children. For special immigration status to be granted, this provision requires that the principal officer of a Foreign Service establishment recommend granting of special immigrant status in an exercise of discretion to aliens in exceptional circumstances. The statute provides that the Secretary of State may choose to approve such a recommendation after finding that it is in the national interest to grant such status, for the status to be conferred. Upon notification that the Secretary of State, or designee, has approved a recommendation and found that granting special immigrant status is in the national interest, the applicant must submit a completed Form DS–1884, *Petition to Classify Special Immigrant Under INA 203(b)(4) as an Employee or Former Employee of the U.S. Government Abroad,* to the Department of State (''Department'') within one year. Once the DS–1884 is submitted and approved, the employee must submit an immigrant visa application, which a consular officer adjudicates in accordance with relevant provisions in the INA. If the consular officer approves the visa application and issues the visa, the applicant then has six months to immigrate to the United States. To avoid potential confusion, the Department emphasizes that this regulation affects only the granting of special immigrant status to long term employees of the U.S. government abroad under INA section 101(a)(27)(D), 8 U.S.C. 1101(a)(27)(D); this regulation does not affect the granting of special immigrant status under any of the authorities for special immigrant status, including any of the other provisions in INA section 101(a)(27), 8 U.S.C. 1101(a)(27), or those specific to nationals of Iraq and Afghanistan.

This rule codifies the circumstances that will be considered ''exceptional'' for purposes of assessing special immigrant status qualification. The scope of ''exceptional circumstances'' set out in this rule departs, in certain respects, from the Department's policies that preceded this rule, which were articulated only in the Foreign Affairs Manual (FAM), specifically 9 FAM 502.5–3(C)(2)(d), not in the CFR. Specifically, the excluded criteria, formerly in 9 FAM 502.5–3(C)(2)(d)(3)(c)(ii)–(vi), that will no longer constitute exceptional circumstances, are: Recognition with multiple individual awards; high visibility in a sensitive position; control over key aspects of the operations or overall functioning of a Foreign Service post; valuable services and assistance to the U.S. community at post apart from performance of official duties; and faithful service in a country foreign to the employee that resulted in the employee losing economic and social ties to his or her home country. The regulation also adds two new criteria that will constitute exceptional circumstances moving forward, specifically: Recognition with a ''Foreign Service National of the Year'' award; and disclosure of waste, fraud, abuse, or other issues that result in significant action against an offending party. The FAM will be revised in accordance with this rule on the effective date of this rule.

The rule also makes several technical and organizational edits to 22 CFR 42.32. This rule moves relevant portions of 22 CFR 42.32(d)(2) on special immigrant status (specific to INA section 101(a)(27)(D), 8 U.S.C. 1101(a)(27)(d)) into a new section, 22 CFR 42.34; and 22 CFR 42.32(d)(2) is amended to include a cross reference to 22 CFR 42.34. The new 22 CFR 42.34 expands upon the application process and the qualifications for special immigrant status, and more clearly organizes these topics.

This rule also eliminates 22 CFR 42.32(d)(2)(ii), *Special immigrant status for certain aliens employed at the United States mission in Hong Kong,* because the window to apply for special immigrant status under this section closed on January 1, 2002. The remaining provisions of 22 CFR 42.32(d)(2), including 22 CFR

42.32(d)(2)(i) and 22 CFR 42.32(d)(2)(iii)–(vi), are revised and moved to 22 CFR 42.34 and consolidated with current guidance drawn from 9 FAM 502.5–3. Sections 42.32(d)(2)(i)(A) and (C) are moved to section 42.34(b), and the Department has revised the description of accompanying or following-to-join spouses and children to more precisely align with INA section 203(d), 8 U.S.C. 1153(d). The description of following-to-join spouses and children that is being superseded by this rule had stated they were ''entitled to a derivative status corresponding to the classification and priority date of the beneficiary of the petition.'' This language has been amended to remove reference to ''derivative status'' to more accurately reflect INA section 203(d), 8 U.S.C. 1153(d), which states that such spouses and children if not otherwise entitled to an immigrant status and the immediate issuance of a visa, are entitled to the same classification and priority date of the beneficiary of the petition. Text formerly in section 42.32(d)(2)(i)(B) is now consolidated with the definition of ''qualifying full-time service'' in section 42.34(c)(1).

In the definitions section, the rule clarifies what is meant by fulfilling 15 years of qualifying full-time service, explaining that it can be achieved in a number of ways. For example, working full-time for 10 years and half-time for at least 10 more would qualify the employee for consideration.

The rule also codifies a definition of ''faithful service,'' which is a statutory requirement for special immigrant status under INA section 101(a)(27)(D), 8 U.S.C. 1101(a)(27)(D). This definition reflects longstanding Department practice and guidance on what constitutes ''faithful service,'' and the responsibility of the principal officer to determine that the alien's service has been faithful. Department guidance that preceded this rule, and will continue, instructs principal officers at foreign service post to consider employees' disciplinary records and other similar factors in making this assessment.

The Department has also incorporated into the regulation, with some changes, guidance at 9 FAM 502.5–3(C)(2)(d)(3)(a)(iii) since March 27, 2019, explaining that ''exceptional circumstances'' includes situations where the United States and the host country have strained relations and the employee may be subjected to persecution or pressure to divulge information. Because the term ''persecution,'' as defined in certain other U.S. legal contexts, does not accurately reflect the Department's policy relative to finding exceptional circumstances for this special immigrant status, the regulation adopts a standard of ''retribution,'' to more accurately reflect the Department's policy and practice in this area. The Department does not anticipate this change in terminology will affect the application of this exceptional circumstance provision, because the Department, for the purposes of this provision, has historically considered conduct to be ''persecution'' within the meaning of the FAM guidance, as amended, despite not necessarily meeting the elements of ''persecution'' as defined in other contexts, such as in the asylum context, and as informed by the Board of Immigration Appeals and opinions by the Attorney General. Since the inception of this program, as a matter of policy, the Department has viewed 20 or more years of faithful service as prima facie evidence of ''exceptional circumstances,'' because the employee has devoted such a large portion of his or her career to the U.S. government. This rule retains that understanding.

Section 42.32(d)(2)(iii) is now § 42.34(b)(2). The last sentence from 22 CFR 42.32(d)(2)(iv), stating ''In cases described in § 42.33(d)(2)(ii), the validity of the petition shall not in any case extend beyond January 1, 2002'' is not included in this rule, because it no longer applies.

This rule makes technical, but non-substantive changes to the text previously in § 42.32(d)(2)(v), and now in § 42.32(b)(5). First, the rule adds ''or designee's'' after ''Secretary of State,'' and removes the ''s'' after ''Secretary of State.'' This rule also re-phrases the former reference to the Secretary of State's ''approval of special immigrant status'' to ''approval of the principal officer's recommendation'' for consistency with other references in this rule. Additional reorganization includes moving § 42.32(d)(2)(iv) to § 42.34(b)(4); § 42.32(d)(2)(vi) to § 42.34(b)(1); and § 42.32(d)(2)(vii) to § 42.34(b)(3).

What law or directive authorizes the rulemaking?

Pursuant to INA section 104(a), 8 U.S.C. 1104(a), the Secretary of State may establish regulations necessary for the administration of the INA. INA section 101(a)(27)(D), 8 U.S.C. 1101(a)(27)(D), provides for the granting of special immigrant status in exceptional circumstances to immigrants who are employees, or honorably retired former employees, of the U.S. government abroad, or of the American Institute in Taiwan, and who have performed faithful service for at least 15 years, as well as their accompanying spouse and children. Further, INA section 101(a)(27)(D), 8 U.S.C. 1101(a)(27)(D), provides that the Secretary of State must approve each recommendation and find that it is in the national interest to grant special immigrant status. INA section 203(b)(4), 8 U.S.C. 1153(b)(4), allocates visas to be made available to qualified special immigrants each fiscal year.

What problem does the rulemaking address, and how does this rulemaking address it?

Until now, Department regulations have not addressed the criteria used by the Department in implementing statutory eligibility standards for special immigrant status. Certain criteria that were included in Volume 9 of the FAM were subjective or otherwise led to inconsistency in recommendations submitted by different overseas posts. This likely resulted in uncertainty for special immigrant status applicants and, potentially, inconsistent results for similarly situated applicants. The Department is revising the eligibility criteria to exclude the most subjective of criteria and adding new objective bases for establishing exceptional circumstances. The Department aims to promote consistency in adjudications of applications for special immigrant status. Codifying these objective criteria is intended to increase the likelihood that similar service is rewarded similarly around the world and increase the fairness and integrity of the special immigrant status process through more consistent application of the law. These transparent standards will aid the U.S. government abroad in recruiting and retaining loyal and committed foreign nationals.

How will the Department implement this rule?

There is a six-month delay in the effective date of this rule for the Department to continue the orderly adjudication of cases that are ready or nearly ready for consideration by the principal officer or the Secretary, or designee. The new standards will apply to all recommendations from the principal officer of a Foreign Service establishment submitted to the Department for consideration by the Secretary of State, or designee, on or after the effective date. The Department considers a recommendation to be submitted when the Department has received the principal officer's recommendation through the proper submission methods from post. This rulemaking provides prospective applicants seeking to qualify under INA section 101(a)(27)(D), 8 U.S.C.

1101(a)(27)(D), for special immigrant status notice regarding the Department's implementation of the program.

Regulatory Findings

Administrative Procedure Act

This rule relates to a foreign affairs function, and consequently, in accordance with 5 U.S.C. 553(a)(1), it is not subject to the notice-and-comment rule making procedures set forth in 5 U.S.C. 553. This rule affects the U.S. government's ability to recruit and retain locally employed staff for its overseas missions. It also clearly and directly impacts foreign affairs functions of the United States and ''implicat[es] matters of diplomacy directly.'' *City of N.Y.* v. *Permanent Mission of India to the U.N.*, 618 F.3d 172, 202 (2d Cir. 2010).

This rule involves the Secretary of State's authority to determine that it is in the national interest to grant special immigrant status to a current or former employee of the U.S. government, a determination that involves a wide range of foreign affairs considerations and functions, including the U.S. government's bilateral relationship with the host country, the impact on the U.S. government's ability to recruit qualified personnel in the country, and the impact of special immigrant status availability on the willingness of foreign nationals to become, and remain as, employees of the U.S. government.

Special immigrant status eligibility is critical for the U.S. government to recruit and retain loyal, valuable local staff outside the United States, without which the Department could not efficiently function overseas. The Department alone employs approximately 50,000 local staff at over 200 Foreign Service posts overseas, excluding local staff employed on behalf of all the other U.S. government agencies operating overseas, for which we lack data.[1] Because special immigrant status is only available to locally employed staff with at least fifteen years of faithful service, and under exceptional circumstances, potential eligibility encourages employees to remain in their jobs and to provide long-term, institutional memory to U.S. government agencies abroad. This is particularly essential in countries where local staff members face retribution by the host government, making it even more challenging to recruit and retain a locally employed workforce. The potential for locally employed staff to obtain special immigrant status for their spouses and children, in particular, is central to the U.S. government's ability to recruit and retain loyal and committed foreign nationals to support U.S. missions overseas. Consequently, the approval of recommendations for special immigrant status, and the promulgation of standards for such approval under the Secretary of State's authority in INA section 101(a)(27)(D), 8 U.S.C. 1101(a)(27)(D), involve foreign affairs functions of the Department of State.

Regulatory Flexibility Act/Executive Order 13272: Small Business

Because this rule is exempt from notice and comment rulemaking under 5 U.S.C. 553, it is exempt from the regulatory flexibility analysis requirements set forth by the Regulatory Flexibility Act (5 U.S.C. 603 and 604). Nonetheless, consistent with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Department certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of $100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

Congressional Review Act

The Office of Information and Regulatory Affairs has determined that this rule is not a major rule as defined by 5 U.S.C. 804(2).

Executive Order 12866, 13563, and 13771

The Office of Information and Regulatory Affairs has determined that this is a significant regulatory action under Executive Order 12866 and has reviewed this document. The Department has also reviewed this rulemaking to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866. The Department has also considered this rule in light of Executive Order 13563 and affirms that this regulation is consistent with the guidance therein. This regulation is *de minimis* under Executive Order 13771.

This regulation is being promulgated to avoid unfair variation in the administration of the special immigrant status program and to ensure consistent application of certain provisions of immigration law to principal officer recommendations for special immigrant status at U.S. foreign missions around the world. The Department estimates that approximately 60 recommendations from a principal officer per year may be initially impacted by this rule, because an employee's qualifications will not demonstrate the requisite exceptional circumstances to qualify for special immigrant status due to the changes in standards implemented through this rule. The Department is unable to reliably estimate the number of dependents who may also be restricted in their ability to qualify for derivative status until their spouse or parent is recommended by a principal officer under this new rule. Assuming an average of 2 derivatives per principal applicant, the rule could affect approximately 180 people worldwide per year. The Department derived the estimate of affected principal officer recommendations from recent data regarding applicants who previously qualified for this program under the exceptional circumstances that are being removed or changed under this rule.[2]

The majority of the affected principal officer recommendations related to employee qualifications each year are likely to be delayed rather than permanently eliminated, as there are several other circumstances through which employees may receive principal officer recommendations and qualify for special immigrant status in the future. For example, some principal officer recommendations for applicants with at least 15 years of service, but less than 20 years of service, could previously qualify under the grounds of receiving at least two individual honor awards. This rule eliminates this category of exceptional circumstance. However, these same principal officer recommendations may still qualify under a separate exceptional circumstance in the future by reaching 20 years of service. As a result, while an

[1] Corey R Gill, *U.S. Department of State Personnel: Background and Selected Issues for Congress,* Congressional Research Service, 15 (May 18, 2018).

[2] Specifically, the Department analyzed a sample of cases reviewed from June 2018 to March 2019. Of the 508 principal officer recommendations reviewed during that 10-month period, 50 qualified for this program solely based on the categories of exceptional circumstances that are being removed or changed. The volume of applications reviewed during this period was consistent with historical precedent. Based on this sample, the Department estimates that approximately five potential principal officer recommendations per month, or 60 per year, will not be eligible for special immigrant status but may have been eligible under the previous eligibility criteria. However, the Department has no way to anticipate the number of aliens who might qualify in the future under the new categories of exceptional circumstances created in this regulation.

estimated 60 recommendations from principal officers regarding the qualification of applicants may be affected, the Department does not expect that a significant number of principal officer recommendations will be permanently affected.

The Department notes that there is a possibility that this rule may make it more difficult to hire foreign workers; however, as this program will remain intact and the effect is more likely to delay rather than eliminate eligibility, the Department expects this impact to be minimal. The Department will incur *de minimis* administrative costs to provide clear guidance and messaging regarding this change to all posts and to locally employed staff that may be impacted by the rule. While some locally employed staff may believe a principal officer would likely recommend them for special immigrant status on bases eliminated by this rule, there are several other categories, as discussed above, through which they may qualify in the future.

Executive Orders 12372 and 13132: Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. The rule will not have federalism implications warranting the application of Executive Orders 12372 and 13132.

Executive Order 12988: Civil Justice Reform

The Department has reviewed the regulation in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of section 5 of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

Special immigrant status applicants complete the DS–1884 (OMB Control Number 1405–0082) and the DS–260 (OMB Control Number 1405–0185) after the Secretary, or designee, approves the recommendation from the principal officer. This rule has no effect on the DS–1884 or the cost burdens for individual applicants completing these forms. Rather, this rule applies to the adjudication standards applied internally by the Department's personnel. The Department believes this rule may initially reduce the overall number of DS–1884, Petition to Classify Special Immigrant Under INA 203(b)(4), by approximately 60 per year due to a decrease either in the number of principal officer recommendations submitted to the Department or the number of recommendations approved by the Secretary, or his designee. However, many of the affected applicants will likely eventually qualify and file both the form DS–1884 and DS–260. Because this rule is likely to delay, rather than prevent, most affected applicants from completing these forms, the Department does not believe that this proposal will affect the burden of these forms.

The Department estimates a related reduction in the overall number of immigrant visa applications on form DS–260 by approximately 180 per year, based on the past average of approximately two derivative family members per applicant for this applicant pool. The Department is unable to reliably estimate the number of dependents of affected applicants for special immigrant status who will not file a DS–260, if the principal subsequently is approved for SIV status, because, *e.g.,* they will age out of dependent eligibility or they will be unable or unwilling to wait.

List of Subjects in 22 CFR Part 42

Aliens, Immigration, Passports and Visas.

Accordingly, for the reasons set forth in the preamble, the Department of State amends 22 CFR part 42 as follows:

PART 42 VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

■ 1. The authority citation for part 42 continues to read as follows:

Authority: 8 U.S.C. 1104 and 1182; Pub. L. 105–277, 112 Stat. 2681; Pub. L. 108–449, 118 Stat. 3469; The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at the Hague, May 29, 1993), S. Treaty Doc. 105–51 (1998), 1870 U.N.T.S. 167 (Reg. No. 31922 (1993)); 42 U.S.C. 14901–14954 (Pub. L. 106–279, 114 Stat. 825); 8 U.S.C. 1101 (Pub. L. 111–287, 124 Stat. 3058); 8 U.S.C. 1154 (Pub. L. 109–162, 119 Stat. 2960); 8 U.S.C. 1201 (Pub. L. 114–70, 129 Stat. 561).

Subpart D—Immigrants Subject to Numerical Limitations

■ 2. In § 42.32, revise paragraph (d)(2) to read as follows:

§ 42.32 Employment-based preference immigrants.

* * * * *

(d) * * *

(2) See 22 CFR 42.34.

* * * * *

■ 3. Add § 42.34 to read as follows:

§ 42.34 Special immigrant visas—certain U.S. Government employees.

(a) *General.* (1) An alien is classifiable under INA 203(b)(4) as a special immigrant described in INA 101(a)(27)(D) provided:

(i) The alien has performed faithful service to the United States Government abroad, or of the American Institute in Taiwan, for a total of fifteen years, or more;

(ii) The principal officer of a Foreign Service establishment (or, in the case of the American Institute in Taiwan, the Director), recommends granting special immigrant status to such alien in exceptional circumstances;

(iii) The Secretary of State, or designee, approves such recommendation and finds that it is in the national interest to grant such status.

(b) *Petition requirement.* An alien who seeks classification as a special immigrant under INA 203(b)(4) based on service as an employee to the U.S. government abroad or American Institute in Taiwan must file a Form DS–1884, Petition to Classify Special Immigrant under INA 203(b)(4) as an Employee or Former Employee of the U.S. Government Abroad, with the Department of State. An alien may file such a petition only after, but within one year of, notification from the Department that the Secretary of State or designee has approved a recommendation from the principal officer that special immigrant status be accorded the alien in exceptional circumstances, and has found it in the national interest to do so.

(1) *Petition fees.* The Secretary of State shall establish a fee for the filing of a petition to accord status under INA 203(b)(4) which shall be collected following notification that the Secretary of State, or designee, has approved the recommendation that the alien be granted status as a special immigrant under INA 101(a)(27)(D).

(2) *Establishing priority date.* The priority date of an alien seeking status under INA 203(b)(4) as a special immigrant described in 101(a)(27)(D) shall be the date on which the petition

to accord such classification, the DS–1884, is filed. The filing date of the petition is the date on which a properly completed form and the required fee are accepted by a Foreign Service post. Pursuant to INA 203(d), and whether or not named in the petition, the spouse or child of an alien classified under INA 203(b)(4), if not otherwise entitled to an immigrant status and the immediate issuance of a visa, is entitled to the classification and priority date of the beneficiary of the petition.

(3) *Delegation of authority to approve petitions.* The authority to approve petitions to accord status under INA 203(b)(4) to an alien described in INA 101(a)(27)(D) is hereby delegated to the chief consular officer at the post of recommendation or, in the absence of the consular officer, to any alternate approving officer designated by the principal officer. Such authority may not be exercised until the Foreign Service post has received formal notification of the Secretary of State or designee's approval of special immigrant status for the petitioning alien.

(4) *Petition validity.* Except as noted in this paragraph, the validity of a petition approved for classification under INA 203(b)(4) shall be six months beyond the date of the Secretary of State's approval thereof or the availability of a visa number, whichever is later.

(5) *Extension of special immigrant status and petition validity.* If the principal officer of a post concludes that circumstances in a particular case are such that an extension of validity of the Secretary of State or designee's approval of the principal officer's recommendation or of the petition would be in the national interest, the principal officer shall recommend to the Secretary of State or designee that such validity be extended for not more than one additional year.

(c) *Definitions*—(1) *Full-time service.* An alien must have been employed for a total of at least 15 full-time years, or the equivalent thereof, in the service of the U.S. government abroad. The number of hours per week that qualify an employee as full-time is dependent on local law and prevailing practice in the country where the alien is or was employed, as reflected in the employment documentation submitted with the application for special immigrant status. An alien may qualify as a special immigrant under INA 101(a)(27)(D) on the basis of employment abroad with one or more than one agency of the U.S. government provided the total amount of full-time service with the U.S. government is 15 years or more, or the equivalent thereof.

(2) *Faithful service.* An alien must have performed faithfully in the position held. The principal officer has the primary responsibility for determining whether the alien's service meets this requirement. A record of disciplinary actions that have been taken against the alien does not automatically disqualify the alien. The principal officer must assess the disciplinary action in light of the extent and gravity of the misconduct and when it occurred and determine whether the record as a whole, notwithstanding disciplinary actions, is one of faithful service.

(3) *Continuity.* The alien's period of service need not have been continuous.

(4) Abroad. The service must have occurred anywhere outside the United States, as the term ''United States'' is defined in INA 101(a)(38).

(5) Employment at the American Institute in Taiwan. INA 101(a)(27)(D) permits both present and former employees of the American Institute in Taiwan to apply for special immigrant status. An alien's service before and after the founding of the American Institute in Taiwan is counted toward the minimum 15 years of service requirement.

(6) Honorably retired. Separations within the meaning of ''honorably retired'' include, for example, those resulting from mandatory or voluntary retirement, reduction-in-force, or resignation for personal reasons. Separations not within the meaning of ''honorably retired'' would include a termination for cause or an involuntary termination or resignation in lieu of a termination for cause.

(7) Definition of exceptional circumstances. The principal officer must determine that an alien demonstrates at least one form of ''exceptional circumstances'' to support an application for special immigrant status.

(i) Prima facie indicators of exceptional circumstances. In the following situations an alien's service with the U.S. government generally will be deemed to have met exceptional circumstances.

(A) Diplomatic relations between the alien's country of nationality and the United States have been severed;

(B) Diplomatic relations between the country in which the alien was employed and the United States have been severed;

(C) The country in which the alien was employed and the United States have strained relations and the employee may be subjected to retribution by the local, State, Federal, or other official government body merely because of association with the U.S. government, or the alien may be pressured to divulge information contrary to U.S. national interests; or

(D) The alien was hired as an employee at the Consulate General at Hong Kong on or before July 1, 1999.

(ii) *Strong indicators of exceptional circumstances.* (A) It is believed that continued service to the U.S. government might endanger the life of the alien;

(B) The alien has, fulfilled responsibilities or given service in a manner that approaches the heroic;

(C) The alien has been awarded a global or a regional ''Foreign Service National of the Year'' Award;

(D) The alien has disclosed waste, fraud or abuse, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation within the Department or other U.S. government agency, if such disclosure results in significant action by the Department or other U.S. government agency against an offending party, such as termination or severance of a contractual relationship, or criminal charges against any person or entity;

(E) The employee has served the U.S. government for a period of twenty years or more.

(8) Immediate intent to immigrate. (i) The recommendation of the principal officer must certify that the employee being recommended is prepared to pursue an immigrant visa application within one year of the Department's notification to the post of approval of special immigrant status and, if the employee is not honorably retired, that the employee intends permanent separation from U.S. government employment abroad no later than the date of departure for the United States following issuance of an immigrant visa.

(ii) Employees of Hong Kong Consulate General hired on or before July 1, 1999, are not required to establish immediate intent to immigrate. Employees of the Hong Kong Consulate General who received or were approved for special immigrant status before July 1, 1999, also may continue employment with the U.S. government.

Carl C. Risch,

Assistant Secretary for Consular Affairs, U.S. Department of State.

[FR Doc. 2020–12344 Filed 6–15–20; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0339]

RIN 1625–AA00

Safety Zone; Barge PML2501, St. Marys River, De Tour Village, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 500-yard radius of an aground barge in the lower St. Marys River, in the vicinity of Sweets Point. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the aground barge. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sault Sainte Marie.

DATES: This rule is effective without actual notice from June 16, 2020 through June 24, 2020. For the purposes of enforcement, actual notice will be used from June 10, 2020 through June 16, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2020–0339 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Sean V. Murphy, Coast Guard Sector Sault Sainte Marie Waterways Management, U.S. Coast Guard; telephone 906–635–3223, email *Sean.V.Murphy@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. A barge is aground in the St. Marys River and immediate action is needed to mitigate the potential safety hazards associated with the response. It is impracticable to publish an NPRM because we must establish this safety zone immediately.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the aground vessel.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sault Sainte Marie (COTP) has determined that potential hazards associated in the navigable waters near an aground barge in the lower St. Marys River is a safety concern for anyone within a 500-yard radius. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the vessel is aground.

IV. Discussion of the Rule

This rule establishes a safety zone immediately until June 24, 2020. The safety zone will cover all navigable waters within 500 yards of the barge PML2501. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of the St. Marys River. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via CHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The

Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit entry within 500 yards of navigable waters of an aground barge in the St. Marys River. It is categorically excluded from further review under paragraph L[60(d)] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0339 to read as follows:

§ 165.T09–0339 Safety Zone; Barge PML2501, St. Marys River, De Tour Village, MI.

(a) *Location.* The following area is a safety zone: All navigable water within 500 yards of the Barge PML2501 in the lower St. Marys River, in the vicinity of Sweets Point.

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

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within the safety zone described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port, Sault Sainte Marie or his designated representative.

(2) Before a vessel operator may enter or operate within the safety zone, they must obtain permission from the Captain of the Port, Sault Sainte Marie, or his designated representative via VHF Channel 16 or telephone at (906) 635–3233. Vessel operators given permission to enter or operate in the safety zone must comply with all orders given to them by the Captain of the Port, Sault Sainte Marie or his designated representative.

(d) *Enforcement period.* This section will be enforced from June 10, 2020 to June 24, 2020.

Dated: June 10, 2020.

P.S. Nelson,

Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.

[FR Doc. 2020–12878 Filed 6–15–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2019–OSERS–0134]

Final Priority and Requirements—Technical Assistance on State Data Collection—National Technical Assistance Center To Improve State Capacity To Collect, Report, Analyze, and Use Accurate IDEA Part B and Part C Fiscal Data

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final priority and requirements.

SUMMARY: The Department of Education (Department) announces a funding priority and requirements under the Technical Assistance on State Data Collection program, Catalog of Federal Domestic Assistance (CFDA) number 84.373F. The Department may use this priority and these requirements for competitions in fiscal year (FY) 2020 and later years. We take this action to focus attention on an identified national need to provide technical assistance (TA) to improve the capacity of States to meet the data collection requirements under Parts B and C of the Individuals with Disabilities Education Act (IDEA).

DATES:

Effective Date: This priority and these requirements are effective July 16, 2020.

FOR FURTHER INFORMATION CONTACT: Jennifer Finch, U.S. Department of Education, 400 Maryland Avenue SW, Room 5016C, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–6610. Email: *Jennifer.Finch@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The purpose of the Technical Assistance on State Data Collection program is to improve the capacity of States to meet IDEA data collection and reporting requirements. Funding for the program is authorized under section 611(c)(1) of IDEA, which gives the Secretary the authority to reserve not more than ½ of 1 percent of the amounts appropriated under Part B for each fiscal year to provide TA activities authorized under section 616(i), where needed, to improve the capacity of States to meet the data collection requirements under Parts B and C of IDEA. The maximum amount the Secretary may reserve under this set-aside for any fiscal year is $25,000,000, cumulatively adjusted by the rate of inflation. Section 616(i) of IDEA requires the Secretary to review the data collection and analysis capacity of States to ensure that data and information determined necessary for the implementation of section 616 of IDEA are collected, analyzed, and accurately reported to the Secretary. It also requires the Secretary to provide TA (from funds reserved under section 611(c)(1)), where needed, to improve the capacity of States to meet the data collection requirements under Parts B and C of IDEA, which include the data collection and reporting requirements in sections 616 and 618 of IDEA. Additionally, the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019; and the Further Consolidated Appropriations Act, 2020 give the Secretary the authority to use funds reserved under section 611(c) to ''administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA.'' Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019, and Continuing Appropriations Act, 2019, Div. B, Title III of Public Law 115–245, 132 Stat. 3100 (2018); Further Consolidated Appropriations Act, 2020, Div. A, Title III of Public Law 116–94, 133 Stat. 2590 (2019).

Program Authority: 20 U.S.C. 1411(c), 1416(i), 1418(c), and 1442; the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019, and Continuing Appropriations Act, 2019, Div. B, Title III of Public Law 115–245, 132 Stat. 3100 (2018); Further Consolidated Appropriations Act, 2020, Div. A, Title III of Public Law 116–94, 133 Stat. 2590 (2019).

Applicable Program Regulations: 34 CFR 300.702.

We published a notice of proposed priority and requirements (NPP) for this program in the **Federal Register** on December 10, 2019 (84 FR 67395). The NPP contained background information and our reasons for proposing the priority and requirements.

There are no substantive differences between the proposed priority and requirements and the final priority and requirements, as discussed in the *Analysis of Comments and Changes* section of this document.

Public Comment: In response to our invitation to comment in the NPP, three parties submitted comments on the proposed priority and requirements.

Generally, we do not address technical and other minor changes. In addition, we do not address comments that raised concerns not directly related to the proposed priority and requirements.

Analysis of Comments and Changes: An analysis of the comments related to the priority and requirements follows. OSERS received comments on specific topics including support for the proposed center, recommendations for the funding of feasibility studies, and enhanced data collection and reporting. Each topic is addressed below.

General Comments

Comment: One commenter expressed support for the proposed Fiscal Data Center. The commenter further requested that additional resources be made available to support the Fiscal Data Center's expanded scope addressing IDEA Part C fiscal data.

Discussion: The Department appreciates the commenter's support. Centers funded under this program provide necessary and valuable technical assistance to States. The Department will establish a funding amount that is appropriate based on the outcomes and requirements outlined in this document.

Changes: None.

Comment: One commenter recommended that the Department support the implementation of feasibility studies to evaluate strengths and weaknesses of State fiscal reporting structures to meet the reporting requirements of IDEA.

Discussion: The Department appreciates the comment, and notes that the purpose of the priority is to support States in collecting, reporting, and determining how to best analyze and use their IDEA Parts B and C fiscal data to establish and meet high expectations for each child with a disability. Additionally, the Fiscal Data Center will customize its TA and support to meet each State's specific needs. This support frequently includes an evaluation of the strengths and weaknesses of State fiscal structures addressing IDEA fiscal reporting requirements.

Changes: None.

Comment: One commenter requested that the Department ensure an accurate count of students with disabilities, account for assistive technology utilization in classrooms, track student transitions for both the IDEA Part B and Part C programs, and invest in competitive integrated employment strategies.

Discussion: The Department appreciates the comment; however, we believe that the suggestions fall outside of the scope of the Fiscal Data Center. The commenter requested that the Department expand its data collection rather than indicating how the Fiscal Data Center can provide TA to States. We note that under IDEA section 618, the Department is required to collect from States their IDEA Part B and Part C annual child count data for infants, toddlers, and children with disabilities, and that, under IDEA sections 616 and 618, States report on IDEA Part B and Part C transitions through their exit data as well as their State Performance Plan (SPP) and Annual Performance Reports (APR).[1]

Changes: None.

Final Priority:

National Technical Assistance Center to Improve State Capacity to Collect, Report, Analyze, and Use Accurate IDEA Part B and Part C Fiscal Data.

The purpose of this priority is to fund a cooperative agreement to establish and operate the National Technical Assistance Center to Improve State Capacity to Collect, Report, Analyze, and Use Accurate IDEA Part B and Part C Fiscal Data (Fiscal Data Center).

The Fiscal Data Center will provide TA to improve the capacity of States to meet the IDEA Parts B and C fiscal data

[1] SPP/APR data can be found at *https://osep.grads360.org/#program.* Section 618 Child Count and Exiting data can be found at *https://www2.ed.gov/programs/osepidea/618-data/collection-documentation/index.html.*

collection requirements under IDEA section 618 and increase States' knowledge of the underlying IDEA fiscal requirements and calculations necessary to submit valid and reliable data for the following collections: (1) Maintenance of State Financial Support (MFS) in Section V of the IDEA Part B Annual State Application; (2) Local Educational Agency (LEA) Maintenance of Effort (MOE) Reduction and Coordinated Early Intervening Services (CEIS); (3) Description of Use of Federal IDEA Part C Funds for the State Lead Agency (LA) and the Interagency Coordinating Council (ICC) in Section III of the IDEA Part C Annual State Application; and (4) Restricted Indirect Cost Rate/Cost Allocation Plan Information in Sections III and IV of the IDEA Part C Annual State Application. States will also receive TA from the Fiscal Data Center on the underlying fiscal requirements of IDEA related to these collections and how they impact the States' ability to meet IDEA fiscal data collection requirements.

Note: The Fiscal Data Center may neither provide TA to States on negotiating indirect cost rate agreements with their cognizant Federal agencies nor act as an agent or representative of States in such negotiations.

The Fiscal Data Center must be designed to achieve, at a minimum, the following outcomes:

(a) Increased capacity of States to collect, report, analyze, and use high-quality IDEA Part B and Part C fiscal data;

(b) Increased State knowledge of underlying statutory and regulatory fiscal requirements and the calculations necessary to submit valid and reliable fiscal data under IDEA Part B and Part C;

(c) Improved fiscal infrastructure (*e.g.,* sample interagency agreements, standard operating procedures and templates) by coordinating and promoting communication and effective fiscal data collection and reporting strategies among relevant State offices, including SEAs, LAs and other State agencies, LEAs, schools, and early intervention service (EIS) programs or providers;

(d) Increased capacity of States to submit accurate and timely fiscal data to enhance current State validation procedures to prevent errors in State-reported IDEA data;

(e) Increased capacity of States to train personnel to meet the IDEA fiscal data collection and reporting requirements under sections 616 and 618 of IDEA through development of effective tools and resources (*e.g.,* templates, tools, calculators, and documentation of State data processes); and providing opportunities for in-person and virtual cross-State collaboration about IDEA fiscal data collection and reporting requirements (required under section 618 of IDEA);

(f) Improved capacity of SEAs, LEAs, LAs, and EIS programs or providers to collect and use IDEA fiscal data to identify issues and address those issues through monitoring, TA, and stakeholder involvement; and

(g) Improved IDEA fiscal data validation using results from data reviews conducted by the Department to work with States and generate tools that can be used by States to accurately communicate fiscal data to local consumers (*e.g.,* parents, LEAs, EIS programs or providers, the general public) and lead to improvements in the validity and reliability of fiscal data required by IDEA.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Requirements:

The Assistant Secretary establishes the following requirements for this program. We may apply one or more of these requirements in any year in which this program is in effect.

Requirements:

Applicants must—

(a) Describe, in the narrative section of the application under ''Significance,'' how the proposed project will—

(1) Use knowledge of how SEAs, LAs, LEAs, and EIS programs and providers are meeting IDEA Part B and Part C fiscal data collection and reporting requirements and the underlying statutory and regulatory fiscal requirements, as well as knowledge of State and local data collection systems, as appropriate;

(2) Examine applicable national, State, and local data to determine the current capacity needs of SEAs, LAs, LEAs, and EIS programs and providers to meet IDEA Part B and Part C fiscal data collection and reporting requirements;

(3) Train SEAs and LAs on how to use IDEA section 618 fiscal data as a means of both improving data quality and identifying programmatic strengths and areas for improvement; and

(4) Disseminate information regarding how SEAs and LAs are currently meeting IDEA fiscal data collection and reporting requirements and are using IDEA section 618 data as a means of both improving data quality and identifying programmatic strengths and areas for improvement.

(b) Demonstrate, in the narrative section of the application under ''Quality of project services,'' how the proposed project will—

(1) Ensure equal access and treatment for members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe how it will—

(i) Identify the needs of the intended recipients for TA and information; and

(ii) Ensure that services and products meet the needs of the intended recipients of the grant;

(2) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) In Appendix A, the logic model (as defined in 34 CFR 77.1) by which the proposed project will achieve its intended outcomes that depicts, at a minimum, the goals, activities, outputs, and intended outcomes of the proposed project;

(3) Use a conceptual framework to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework. Include a copy of the conceptual framework in Appendix A;

Note: The following websites provide more information on logic models and conceptual frameworks: *www.osepideasthatwork.org/logicModel* and *www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework.*

(4) Be based on current research and make use of evidence-based practices (EBPs).[2] To meet this requirement, the applicant must describe—

(i) The current research on fiscal data management and data system integration, and related EBPs; and

(ii) How the proposed project will incorporate current research and EBPs in the development and delivery of its products and services;

(5) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) How it proposes to identify or develop the knowledge base on fiscal data management and data system integration and the underlying fiscal requirements of IDEA;

(ii) Its proposed approach to universal, general TA,[3] which must identify the intended recipients, including the type and number of recipients, that will receive the products and services under this approach;

(iii) Its proposed approach to targeted, specialized TA,[4] which must identify—

(A) The intended recipients, including the type and number of recipients, that will receive the products and services under this approach;

(B) Its proposed approach to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their current infrastructure, available resources, and ability to build capacity at the State and local levels; and

(C) The process by which the proposed project will collaborate with the Office of Special Education Programs (OSEP)-funded centers and other federally funded TA centers to develop and implement a coordinated TA plan when such other centers are involved in a State; and

(iv) Its proposed approach to intensive, sustained TA,[5] which must identify—

(A) The intended recipients, including the type and number of recipients, that will receive the products and services under this approach;

(B) Its proposed approach to addressing States' challenges reporting high-quality IDEA fiscal data to the Department and the public, which should, at a minimum, include providing on-site consultants to the SEA or LA to—

(*1*) Assess all 57 IDEA Part C programs to determine LA organizational structure and their capacity to submit valid and reliable IDEA Part C fiscal data;

(*2*) Assess all 60 entities that receive IDEA Part B grants to determine their capacity to submit valid and reliable IDEA Part B fiscal data;

(*3*) Identify and document model practices for data management and data system integration policies, procedures, processes, and activities within the State;

(*4*) Develop and adapt tools and provide technical solutions to meet State-specific data needs; and

(*5*) Develop a sustainability plan for the State to continue the data management and data system integration work in the future;

(C) Its proposed approach to measure the readiness of SEAs and LAs to work with the project, including their commitment to the initiative, alignment of the initiative to their needs, current infrastructure, available resources, and ability to build capacity at the State and local levels;

(D) Its proposed plan to prioritize States with the greatest need for intensive TA to receive products and services;

(E) Its proposed plan for assisting SEAs and LAs to build or enhance training systems that include professional development based on adult learning principles and coaching;

(F) Its proposed plan for working with appropriate levels of the education system (*e.g.,* SEAs, regional TA providers, districts, local programs, families) to ensure that there is communication between each level and that there are systems in place to support the collection, reporting, analysis, and use of high-quality IDEA fiscal data as well as fiscal data management and data system integration; and

(G) The process by which the proposed project will collaborate with OSEP-funded centers and other federally funded TA centers to develop and implement a coordinated TA plan when they are involved in a State;

(6) Develop products and implement services that maximize efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration; and

(iii) How the proposed project will use non-project resources to achieve the intended project outcomes.

(c) In the narrative section of the application under ''Quality of the project evaluation,'' include an evaluation plan for the project developed in consultation with and implemented by a third-party evaluator.[6] The evaluation plan must—

(1) Articulate formative and summative evaluation questions, including important process and outcome evaluation questions. These questions should be related to the project's proposed logic model required in paragraph (b)(2)(ii) of these requirements;

(2) Describe how progress in and fidelity of implementation, as well as project outcomes, will be measured to answer the evaluation questions. Specify the measures and associated instruments or sources for data appropriate to the evaluation questions. Include information regarding reliability and validity of measures where appropriate;

(3) Describe strategies for analyzing data and how data collected as part of this plan will be used to inform and

[2] For the purposes of this priority, ''evidence-based'' means the proposed project component is supported, at a minimum, by evidence that demonstrates a rationale (as defined in 34 CFR 77.1), where a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

[3] ''Universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's website by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[4] ''Targeted, specialized TA'' means TA services based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

[5] ''Intensive, sustained TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA center staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

[6] A ''third-party'' evaluator is an independent and impartial program evaluator who is contracted by the grantee to conduct an objective evaluation of the project. This evaluator must not have participated in the development or implementation of any project activities, except for the evaluation activities, nor have any financial interest in the outcome of the evaluation.

improve service delivery over the course of the project and to refine the proposed logic model and evaluation plan, including subsequent data collection;

(4) Provide a timeline for conducting the evaluation and include staff assignments for completing the plan. The timeline must indicate that the data will be available annually for the APR; and

(5) Dedicate sufficient funds in each budget year to cover the costs of developing or refining the evaluation plan in consultation with a third-party evaluator, as well as the costs associated with the implementation of the evaluation plan by the third-party evaluator.

(d) Demonstrate, in the narrative section of the application under ''Adequacy of resources,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities;

(4) The proposed costs are reasonable in relation to the anticipated results and benefits, and how funds will be spent in a way that increases their efficiency and cost-effectiveness, including by reducing waste or achieving better outcomes; and

(5) The applicant will ensure that it will recover the lesser of: (i) Its actual indirect costs as determined by the grantee's negotiated indirect cost rate agreement with its cognizant Federal agency; and (ii) 40 percent of its modified total direct cost (MTDC) base as defined in 2 CFR 200.68.

Note: The MTDC is different from the total amount of the grant. Additionally, the MTDC is not the same as calculating a percentage of each or a specific expenditure category. If the grantee is billing based on the MTDC base, the grantee must make its MTDC documentation available to the program office and the Department's Indirect Cost Unit. If a grantee's allocable indirect costs exceed 40 percent of its MTDC as defined in 2 CFR 200.68, the grantee may not recoup the excess by shifting the cost to other grants or contracts with the U.S. Government, unless specifically authorized by legislation. The grantee must use non-Federal revenue sources to pay for such unrecovered costs.

(e) Demonstrate, in the narrative section of the application under ''Quality of the management plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key project personnel and any consultants and subcontractors will be allocated and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality, relevant, and useful to recipients; and

(4) The proposed project will benefit from a diversity of perspectives, including those of families, educators, TA providers, researchers, and policy makers, among others, in its development and operation.

(f) Address the following application requirements. The applicant must—

(1) Include, in Appendix A, personnel-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(2) Include, in the budget, attendance at the following:

(i) A one and one-half day kick-off meeting in Washington, DC, after receipt of the award, and an annual planning meeting in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period;

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative;

(ii) A two- and one-half-day project directors' conference in Washington, DC, during each year of the project period; and

(iii) Three annual two-day trips to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP;

(3) Include, in the budget, a line item for an annual set-aside of five percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with, and approved by, the OSEP project officer. With approval from the OSEP project officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period;

(4) Maintain a high-quality website, with an easy-to-navigate design, that meets government or industry-recognized standards for accessibility;

(5) Include, in Appendix A, an assurance to assist OSEP with the transfer of pertinent resources and products and to maintain the continuity of services to States during the transition to this new award period and at the end of this award period, as appropriate; and

(6) Budget at least 50 percent of the grant award for providing intensive, sustained TA.

This document does not preclude us from proposing additional priorities or requirements, subject to meeting applicable rulemaking requirements.

Note: This document does not solicit applications. In any year in which we choose to use this priority and these requirements, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

Under Executive Order 12866, the Office of Management and Budget (OMB) determines whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

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

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

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866. Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule

as not a ''major rule,'' as defined by 5 U.S.C. 804(2).

Under Executive Order 13771, for each new rule that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866, and that imposes total costs greater than zero, it must identify two deregulatory actions. For FY 2020, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions. Because this regulatory action is not significant, the requirements of Executive Order 13771 do not apply.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing the final priority and requirements only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with these Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Discussion of Potential Costs and Benefits

The potential costs associated with this final priority would be minimal, while the potential benefits are significant. The Department believes that this regulatory action does not impose significant costs on eligible entities. Participation in this program is voluntary, and the costs imposed on applicants by this regulatory action will be limited to paperwork burden related to preparing an application. The potential benefits of implementing the program—including improved capacity to collect, report, analyze, and use high-quality fiscal data—would outweigh the costs incurred by applicants, and the costs of carrying out activities associated with the application will be paid for with program funds. For these reasons, we have determined that the costs of implementation will not be excessively burdensome for eligible applicants, including small entities.

Paperwork Reduction Act of 1995

The final priority and requirements contain information collection requirements that are approved by OMB under OMB control number 1894–0006; the final priority and requirements do not affect the currently approved data collection.

Regulatory Flexibility Act Certification: The Secretary certifies that this final regulatory action would not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration (SBA) Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The small entities that this final regulatory action will affect are SEAs; LEAs, including charter schools that operate as LEAs under State law; institutions of higher education (IHEs); other public agencies; private nonprofit organizations; freely associated States and outlying areas; Indian Tribes or Tribal organizations; and for-profit organizations. We believe that the costs imposed on an applicant by the final priority and requirements will be limited to paperwork burden related to preparing an application and that the benefits of this final priority and these final requirements will outweigh any costs incurred by the applicant.

Participation in the Technical Assistance on State Data Collection program is voluntary. For this reason, the final priority and requirements will impose no burden on small entities unless they applied for funding under the program. We expect that in determining whether to apply for Technical Assistance on State Data Collection program funds, an eligible entity would evaluate the requirements of preparing an application and any associated costs, and weigh them against the benefits likely to be achieved by receiving a Technical Assistance on State Data Collection program grant. An eligible entity would probably apply only if it determines that the likely benefits exceed the costs of preparing an application.

We believe that the final priority and requirements will not impose any additional burden on a small entity applying for a grant than the entity would face in the absence of the final action. That is, the length of the applications those entities would submit in the absence of the final regulatory action and the time needed to prepare an application will likely be the same.

This final regulatory action will not have a significant economic impact on a small entity once it receives a grant because it would be able to meet the costs of compliance using the funds provided under this program.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a

strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Mark Schultz,

Commissioner, Rehabilitation Services Administration. Delegated the authority to perform the functions and duties of the Assistant Secretary for the Office of Special Education and Rehabilitative Services.

[FR Doc. 2020–11512 Filed 6–15–20; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. PTO–P–2019–0019]

RIN 0651–AD38

Patent Term Adjustment Reductions in View of the Federal Circuit Decision in Supernus Pharm., Inc. v. Iancu.

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Final rule.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) is revising the rules of practice pertaining to patent term adjustment in view of the decision by the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) in *Supernus Pharm., Inc.* v. *Iancu* (*Supernus*). The Federal Circuit in *Supernus* held that a reduction of patent term adjustment must be equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution of the application. The USPTO is revising the provisions pertaining to reduction of patent term adjustment for alignment with the Federal Circuit decision in *Supernus.*

DATES:

Effective date: This final rule is effective on July 16, 2020.

Applicability date: The changes in this final rule apply to original utility and plant patents issuing from applications filed on or after May 29, 2000, in which a notice of allowance was mailed on or after July 16, 2020.

FOR FURTHER INFORMATION CONTACT: Kery Fries, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, at telephone number 571–272–7757.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose: The USPTO is revising the rules of practice pertaining to the patent term adjustment provisions of 35 U.S.C. 154(b) in view of the decision by the Federal Circuit in *Supernus Pharm., Inc.* v. *Iancu,* 913 F.3d 1351 (Fed. Cir. 2019). The Federal Circuit in *Supernus* held that a reduction of patent term adjustment under 35 U.S.C. 154(b)(2)(C) must be equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution of the application. The regulations pertaining to a reduction of patent term adjustment due to a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application are set forth in 37 CFR 1.704. Several provisions in 37 CFR 1.704 (*i.e.,* 37 CFR 1.704(c)(2), (3), (6), (9), and (10)) specify a period of reduction corresponding to the consequences to the USPTO of the applicant's failure to engage in reasonable efforts to conclude prosecution, rather than ''the period from the beginning to the end of the applicant's failure to engage in reasonable efforts to conclude prosecution,'' as provided for in *Supernus.* 913 F.3d at 1359. Therefore, the USPTO is revising these provisions of 37 CFR 1.704 for consistency with the Federal Circuit's decision in *Supernus.*

Summary of Major Provisions: This rulemaking pertains to the patent term adjustment regulations establishing the circumstances that constitute a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application and resulting reduction of any patent term adjustment (37 CFR 1.704). This rulemaking specifically revises the period of reduction of patent term adjustment in the provisions of 37 CFR 1.704 pertaining to deferral of issuance of a patent (37 CFR 1.704(c)(2)), abandonment of an application (37 CFR 1.704(c)(3)), submission of a preliminary amendment (37 CFR 1.704(c)(6)), submission of papers after a decision by the Patent Trial and Appeal Board or by a Federal court (37 CFR 1.704(c)(9)), and submission of papers after a notice of allowance under 35 U.S.C. 151 (37 CFR 1.704(c)(10)) to specify a period of reduction corresponding to ''the period from the beginning to the end of the applicant's failure to engage in reasonable efforts to conclude prosecution'' (rather than corresponding to the consequences to the USPTO of the applicant's failure to engage in reasonable efforts to conclude prosecution) for consistency with the Federal Circuit's decision in *Supernus.* 913 F.3d at 1359. This rulemaking also revises 37 CFR 1.704(c)(10) to exclude after-allowance amendments or other after-allowance papers that are ''expressly requested by the Office'' from the after-allowance amendments or other after-allowance papers that will result in a reduction of patent term adjustment under 37 CFR 1.704(c)(10).

Costs and Benefits: This rulemaking is not economically significant under Executive Order 12866 (Sept. 30, 1993).

Background

Section 532(a) of the Uruguay Round Agreements Act, or URAA (Pub. L. 103–465, 108 Stat. 4809 (1994)), amended 35 U.S.C. 154 to provide that the term of a patent ends on the date that is twenty years from the filing date of the application, or the earliest filing date for which a benefit is claimed under 35 U.S.C. 120, 121, or 365(c). The URAA also contained provisions, codified at 35 U.S.C. 154(b), for patent term extension due to certain examination delays. Under the patent term extension provisions of 35 U.S.C. 154(b), as amended by the URAA, an applicant is entitled to patent term extension for delays due to interference (which has since been replaced by derivation), secrecy order, or successful appellate review. *See* 35 U.S.C. 154(b) (1995).

The American Inventors Protection Act of 1999, or AIPA (Pub. L. 106–113, 113 Stat. 1501, 1501A–552 through 1501A–591 (1999)), further amended 35

U.S.C. 154(b) to include additional bases for patent term extension (termed ''patent term adjustment'' in the AIPA). Generally, under the patent term adjustment provisions of 35 U.S.C. 154(b), as amended by the AIPA, an applicant is entitled to patent term adjustment for the following reasons: (1) If the USPTO fails to take certain actions during the examination and issue process within specified time frames (35 U.S.C. 154(b)(1)(A)) (known as ''A'' delays); (2) if the USPTO fails to issue a patent within three years of the actual filing date of the application (35 U.S.C. 154(b)(1)(B)) (known as ''B'' delays); and (3) for delays due to interference (and now derivation), secrecy order, or successful appellate review (35 U.S.C. 154(b)(1)(C)) (known as ''C'' delays). *See* 35 U.S.C. 154(b)(1). The AIPA, however, sets forth a number of conditions and limitations on any patent term adjustment accrued under 35 U.S.C. 154(b)(1). *See* 35 U.S.C. 154(b)(2). 35 U.S.C. 154(b)(2)(C) sets forth one such limitation, providing, in part, that ''[t]he period of adjustment of the term of a patent under [35 U.S.C. 154(b)(1)] shall be reduced by a period equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution of the application'' and that ''[t]he Director shall prescribe regulations establishing the circumstances that constitute a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application.'' 35 U.S.C. 154(b)(2)(C)(i) and (iii). The USPTO implemented the AIPA patent term adjustment provisions of 35 U.S.C. 154(b), including setting forth circumstances that constitute a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application and resulting in a reduction of any patent term adjustment, in a final rule published in September of 2000. *See Changes to Implement Patent Term Adjustment Under Twenty-Year Patent Term,* 65 FR 56365 (Sept. 18, 2000) (AIPA patent term adjustment final rule). The regulations establishing the circumstances that constitute a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application and resulting reduction of any patent term adjustment are set forth in 37 CFR 1.704.

In January 2019, the Federal Circuit issued a decision in *Supernus* pertaining to the patent term adjustment provisions of 35 U.S.C. 154(b)(2)(C). The Federal Circuit confirmed that 37 CFR 1.704(c)(8) '' 'is a reasonable interpretation of the [patent term adjustment] statute' insofar as it includes 'not only applicant conduct or behavior that result in actual delay, but also those having the potential to result in delay irrespective of whether such delay actually occurred.' '' *Supernus,* 913 F.3d at 1356 (quoting *Gilead Scis., Inc.* v. *Lee,* 778 F.3d 1341, 1349–50 (Fed. Cir. 2015)). The Federal Circuit, however, held that the USPTO may not reduce patent term adjustment by a period that exceeds the ''time during which the applicant failed to engage in reasonable efforts'' to conclude prosecution, specifically stating that ''[o]n the basis of the plain language of [35 U.S.C. 154(b)(2)(C)(i),] . . . the [USPTO] may not count as applicant delay a period of time during which there was no action that the applicant could take to conclude prosecution of the patent.'' *Id.* at 1358. The Federal Circuit specifically stated that:

> Thus, the statutory period of PTA reduction must be the same number of days as the period from the beginning to the end of the applicant's failure to engage in reasonable efforts to conclude prosecution. PTA cannot be reduced by a period of time during which there is no identifiable effort in which the applicant could have engaged to conclude prosecution because such time would not be ''equal to'' and would instead exceed the time during which an applicant failed to engage in reasonable efforts. *Id.* at 1359.

37 CFR 1.704(c)(1) through (c)(14) set forth: (1) The exemplary circumstances prescribed by the USPTO ''that constitute a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application'' pursuant to 35 U.S.C. 154(b)(2)(C)(iii); and (2) the resulting period of reduction of any patent term adjustment. The Federal Circuit decision in *Supernus* involved a reduction to patent term adjustment under the provisions of 37 CFR 1.704(c)(8). The period of reduction of patent term adjustment in 37 CFR 1.704(c)(8) is as follows: ''the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.'' 37 CFR 1.704(c)(8). This period corresponds to ''the period from the beginning to the end of the applicant's failure to engage in reasonable efforts to conclude prosecution,'' except in the rare situation in which such period includes ''a period of time during which there is no identifiable effort in which the applicant could have engaged to conclude prosecution.'' *Supernus,* 913 F.3d at 1359. The USPTO published a notice in May of 2019 setting out its implementation of *Supernus* with respect to the provisions of 37 CFR 1.704(c)(8) and other provisions of 37 CFR 1.704(c) that may include ''a period of time during which there is no identifiable effort in which the applicant could have engaged to conclude prosecution.'' *See Patent Term Adjustment Procedures in View of the Federal Circuit Decision in Supernus Pharm., Inc.* v. *Iancu,* 84 FR 20343 (May 9, 2019).

While the Federal Circuit decision in *Supernus* involved 37 CFR 1.704(c)(8), there are several provisions in 37 CFR 1.704(c)(1) through (c)(14) whose period of reduction corresponds to or includes the consequences to the USPTO of the applicant's failure to engage in reasonable efforts to conclude prosecution, rather than ''the period from the beginning to the end of the applicant's failure to engage in reasonable efforts to conclude prosecution.'' *Supernus,* 913 F.3d at 1359. Therefore, the USPTO is revising the periods of reduction of patent term adjustment in 37 CFR 1.704(c) for consistency with the Federal Circuit's decision in *Supernus.* The USPTO is also revising 37 CFR 1.704(c)(10) to exclude after-allowance amendments or other after-allowance papers that are ''expressly requested by the Office'' from the after-allowance amendments or other after-allowance papers that will result in a reduction of patent term adjustment under 37 CFR 1.704(c)(10).

Discussion of Specific Rules

The following is a discussion of amendments to title 37 of the Code of Federal Regulations, part 1:

Section 1.704(c)(2) is amended to change ''the date the patent was issued'' to ''the earlier of the date a request to terminate the deferral was filed or the date the patent was issued.'' The period of reduction of patent term adjustment in § 1.704(c)(2) is now as follows: ''the number of days, if any, beginning on the date a request for deferral of issuance of a patent under § 1.314 was filed and ending on the earlier of the date a request to terminate the deferral was filed or the date the patent was issued.''

Section 1.704(c)(3) is amended to change ''the earlier of: (i) The date of mailing of the decision reviving the application or accepting late payment of the issue fee; or (ii) The date that is four months after the date the grantable petition to revive the application or accept late payment of the issue fee was filed'' to ''the date the grantable petition to revive the application or accept late payment of the issue fee was filed.'' The period of reduction of patent term

adjustment in § 1.704(c)(3) is now as follows: ''the number of days, if any, beginning on the date of abandonment or the day after the date the issue fee was due and ending on the date the grantable petition to revive the application or accept late payment of the issue fee was filed.''

Section 1.704(c)(6) is amended to change ''the lesser of: (i) The number of days, if any, beginning on the day after the mailing date of the original Office action or notice of allowance and ending on the date of mailing of the supplemental Office action or notice of allowance; or (ii) Four months'' to ''the number of days, if any, beginning on the day after the date that is eight months from either the date on which the application was filed under 35 U.S.C. 111(a) or the date of commencement of the national stage under 35 U.S.C. 371(b) or (f) in an international application and ending on the date the preliminary amendment or other preliminary paper was filed.'' This eight-month period corresponds to the eight-month period in § 1.704(c)(13) for placing an application in condition for examination. *See Changes to Implement the Patent Law Treaty,* 78 FR 62367, 62385 (Oct. 21, 2013) (an application is expected to be in condition for examination no later than eight months from its filing date (or date of commencement of the national stage in an international application)). The period of reduction of patent term adjustment in § 1.704(c)(6) is now as follows: ''the number of days, if any, beginning on the day after the date that is eight months from either the date on which the application was filed under 35 U.S.C. 111(a) or the date of commencement of the national stage under 35 U.S.C. 371(b) or (f) in an international application and ending on the date the preliminary amendment or other preliminary paper was filed.''

Section 1.704(c)(9) is amended to change ''the lesser of: (i) The number of days, if any, beginning on the day after the mailing date of the original Office action or notice of allowance and ending on the mailing date of the supplemental Office action or notice of allowance; or (ii) Four months'' to ''the number of days, if any, beginning on the day after the date of the decision by the Patent Trial and Appeal Board or by a Federal court and ending on date the amendment or other paper was filed.'' The period of reduction of patent term adjustment in § 1.704(c)(9) is now as follows: ''the number of days, if any, beginning on the day after the date of the decision by the Patent Trial and Appeal Board or by a Federal court and ending on date the amendment or other paper was filed.''

Section 1.704(c)(10) is amended to change ''the lesser of: (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or (ii) Four months'' to ''the number of days, if any, beginning on the day after the date of mailing of the notice of allowance under 35 U.S.C. 151 and ending on the date the amendment under § 1.312 or other paper was filed.'' The period of reduction of patent term adjustment in § 1.704(c)(10) is now as follows: ''the number of days, if any, beginning on the day after the date of mailing of the notice of allowance under 35 U.S.C. 151 and ending on the date the amendment under § 1.312 or other paper was filed.''

Section 1.704(c)(10) is also amended to exclude ''an amendment under § 1.312 or other paper expressly requested by the Office'' from the amendments under § 1.312 or other papers filed after a notice of allowance that will result in a reduction of patent term adjustment under § 1.704(c)(10). Thus, an amendment under § 1.312 or other paper not expressly requested by the USPTO (*i.e.,* a ''voluntary'' amendment under § 1.312 or other paper) after the notice of allowance will result in a reduction of patent term adjustment under § 1.704(c)(10). An amendment under § 1.312 or other paper going beyond what was requested by the USPTO (*i.e.,* including material not expressly requested by the USPTO in addition to what was requested by the USPTO) would not be considered ''an amendment under § 1.312 or other paper expressly requested by the Office'' under § 1.704(c)(10). In addition, the phrase ''expressly requested by the Office'' requires a specific request in an Office action or notice, or in an Examiner's Interview Summary (PTOL–413), for the amendment under § 1.312 or other paper. For example, generic language in an Office action or notice, such as a statement in a notice of allowability containing an examiner's amendment indicating that if the changes and/or additions are unacceptable to applicant, an amendment may be filed as provided by § 1.312 (section 1302.04 of the Manual of Patent Examining Procedure (MPEP)), is not a basis for considering an amendment under § 1.312 to be ''expressly requested by the Office'' within the meaning of § 1.704(c)(10) as adopted in this final rule. Similarly, the provisions of §§ 1.56, 1.97, and 1.98 are not a basis for considering an information disclosure statement including information that has come to the attention of the applicant after a notice of allowance has been given or mailed to be a paper ''expressly requested by the Office'' within the meaning of § 1.704(c)(10). An information disclosure statement in compliance with §§ 1.97 and 1.98, however, will not be considered a failure to engage in reasonable efforts to conclude prosecution of the application under § 1.704(c)(10) (or § 1.704(c)(6), (8), or (9) if the information disclosure statement is accompanied by a statement under § 1.704(d)). Finally, an amendment under § 1.312 or other paper expressly requested by the USPTO not filed within three months from the date of mailing or transmission of the USPTO communication notifying the applicant of such request will result in a reduction of patent term adjustment under § 1.704(b).

Section 1.704(c) is also amended to change ''mailing date'' to ''date of mailing'' throughout for consistency with the other regulations pertaining to AIPA patent term adjustment (§§ 1.702 through 1.705) and URAA patent term extension (§ 1.701). The USPTO has been issuing Office actions and notices through the Electronic Office Action Program since June of 2009 for patent applicants choosing this form of notification. *See Electronic Office Action,* 1343 *Off. Gaz. Pat. Office* 45 (June 2, 2009). The term ''date of mailing'' as used in the regulations pertaining to AIPA patent term adjustment and URAA patent term extension means the mailroom/notification date indicated on the form PTOL–90 accompanying the Office action or notice communication. *See Electronic Office Action,* 1343 *Off. Gaz. Pat. Office* at 46 (''The mailroom/notification date will also be considered the date of mailing of the correspondence for all other purposes (*e.g.,* [§§] 1.71(g)(2), 1.97(b), 1.701 through 1.705)'').

Applicability of the Changes in This Final Rule

The AIPA patent term adjustment provisions apply to original utility and plant patents issuing from applications filed on or after May 29, 2000 (applications and patents eligible for patent term adjustment). The changes in this final rule apply to all applications and patents eligible for patent term adjustment in which a notice of allowance was mailed on or after July 16, 2020. The USPTO makes the patent term adjustment determination indicated in the patent by a computer

program that uses the information recorded in the USPTO's Patent Application Locating and Monitoring (PALM) system (except when an applicant requests reconsideration pursuant to § 1.705(b)). *See* 65 FR at 56381 (response to comment 25). The USPTO is in the process of modifying its patent term adjustment program to implement the changes in this final rule. The USPTO calculates the patent term adjustment manually when an applicant requests reconsideration of a patent term adjustment determination pursuant to § 1.705(b) (the fee required for a reconsideration of a patent term adjustment determination pursuant to § 1.705(b) partially covers the USPTO's cost of performing a manual patent term adjustment determination). The USPTO will decide any timely request for reconsideration in compliance with § 1.705(b) of a patent term adjustment determination in applications and patents eligible for patent term adjustment in which a notice of allowance was mailed on or after July 16, 2020, consistent with the changes in this final rule.

While the USPTO has adopted *ad hoc* procedures for seeking reconsideration of the patent term adjustment determination in the past when there have been changes to the interpretation of the provisions of 35 U.S.C. 154(b) as a result of court decisions, these *ad hoc* procedures were adopted because former 35 U.S.C. 154(b)(4) provided a time period for seeking judicial review that was not related to the filing of a request for reconsideration of the USPTO's patent term adjustment determination or the date of the USPTO's decision on any request for reconsideration of the USPTO's patent term adjustment determination. *See Revisions to Implement the Patent Term Adjustment Provisions of the Leahy-Smith America Invents Act Technical Corrections Act,* 79 FR 27755, 27759 (May 15, 2014). As § 1.705(b) now provides that its two-month time period may be extended under the provisions of § 1.136(a) (permitting an applicant to request reconsideration of the patent term adjustment indicated on the patent as late as seven months after the date the patent was granted), the USPTO is not adopting an *ad hoc* procedure for requesting a patent term adjustment recalculation directed to the changes in this final rule. The USPTO will decide any timely request for reconsideration in compliance with § 1.705(b) of a patent term adjustment determination in applications and patents eligible for patent term adjustment in which a notice of allowance was mailed before July 16, 2020, consistent with the changes in this final rule, if requested by the patentee.

Comments and Responses to Comments

The USPTO published a notice proposing changes to the rules of practice pertaining to patent term adjustment in view of the decision by the Federal Circuit in *Supernus. See Patent Term Adjustment Reductions in View of the Federal Circuit Decision in Supernus Pharm., Inc.* v. *Iancu,* 84 FR 53090 (Oct. 4, 2019). In response to the notice of proposed rulemaking, the USPTO received seven comments from three submitters, more particularly, from an intellectual property organization, a healthcare company, and an individual patent practitioner. The comments were supportive of the proposed changes to § 1.704(c) but included specific suggestions and questions. The comments and the USPTO's responses thereto follow:

Comment (1): One comment suggests that the USPTO confirm that the patent term reduction under § 1.704(c)(3) does not apply where a notice of abandonment has been withdrawn by the USPTO, either *sua sponte* or as the result of a petition.

Response: Section 1.704(c)(3) addresses the situation in which an abandoned application has been revived (§ 1.137), whereas § 1.704(c)(4) addresses the situation in which a holding of abandonment is withdrawn, and § 1.704(c)(4) has not been amended in this final rule. Section 1.704(c)(4) continues to provide that the failure to file a petition to withdraw the holding of abandonment or to revive an application within two months from the date of mailing of a notice of abandonment will result in the period of adjustment set forth in § 1.703 being reduced by ''the number of days, if any, beginning on the day after the date two months from the date of mailing of a notice of abandonment and ending on the date a petition to withdraw the holding of abandonment or to revive the application was filed.''

Comment (2): One comment seeks clarification whether the USPTO would extend the eight-month period to respond to the next business day if the eight-month period ends on a Saturday, Sunday, or Federal holiday under proposed § 1.704(c)(6).

Response: Under 35 U.S.C. 21(b), ''[w]hen the day, or the last day, for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, the action may be taken, or fee paid, on the next succeeding secular or business day.'' Accordingly, any reduction under § 1.704(c)(6), as adopted in this final rule, would begin on the day after the next succeeding secular or business day in this situation. For example, if an application was filed on May 18, 2019, and the USPTO mailed an Office action on February 28, 2020, but the applicant had filed a preliminary amendment on February 17, 2020, that required a supplemental Office action addressing the preliminary amendment, the eight-month period would end on Tuesday January 21, 2020, under § 1.704(c)(6), as adopted in this final rule, because January 18 and 19, 2020, were weekend days and January 20, 2020, was a Federal holiday. Thus, the period of reduction under § 1.704(c)(6), as adopted in this final rule, would begin on Wednesday, January 22, 2020 (*i.e.,* Wednesday, January 22, 2020, would be ''day one''), and end on February 17, 2020.

Comment (3): One comment requests clarification whether an applicant could avoid a reduction of patent term adjustment under § 1.704(c)(6) for the submission of a preliminary amendment or other paper by having the examiner expressly request that the applicant submit the preliminary amendment or other paper.

Response: Section 1.706(c)(6) does not contain a provision for preliminary amendments or other papers expressly requested by the examiner (like § 1.704(c)(8)). Section 1.704(c)(6), however, does not result in a reduction of patent term adjustment unless the preliminary amendment or other preliminary paper: (1) Is submitted less than one month before the mailing of an Office action under 35 U.S.C. 132 or notice of allowance under 35 U.S.C. 151; and (2) requires the mailing of a supplemental Office action or notice of allowance. A preliminary amendment or other paper expressly requested by the examiner should not require the mailing of a supplemental Office action or notice of allowance.

Comment (4): One comment suggests that the USPTO do a further study of the impact to § 1.704(c)(6).

Response: The eight-month period in § 1.704(c)(6), as adopted in this final rule, is consistent with the eight-month period in § 1.704(c)(13), which is the time period at which an application is expected to be in condition for examination. *See* 78 FR at 62385. The USPTO's first action pendency has been decreasing in recent years, and the USPTO expects that trend to continue. The USPTO will monitor the impact that delays in placing an application in condition for examination have on first action pendency and will adjust the

time periods in § 1.704(c)(6) and (c)(13) as appropriate.

Comment (5): Several comments request clarification regarding § 1.704(c)(10) and the submission of drawings and other papers in response to a notice received from the USPTO. The comments suggest that the USPTO should make a distinction as to whether the papers are being voluntarily submitted or are being submitted in response to an Office action or notice from the USPTO.

Response: Section 1.704(c)(10), as adopted in this final rule, excludes ''an amendment under § 1.312 or other paper expressly requested by the Office'' from the amendments under § 1.312 or other papers filed after a notice of allowance that will result in a reduction of patent term adjustment. Thus, only an amendment under § 1.312 or other paper not expressly requested by the USPTO (*i.e.,* a ''voluntary'' amendment under § 1.312 or other paper) after the notice of allowance will result in a reduction of patent term adjustment under § 1.704(c)(10), as adopted in this final rule. An amendment under § 1.312 or other paper expressly requested by the USPTO filed more than three months from the date of mailing or transmission of the USPTO communication notifying the applicant of such request, however, will result in a reduction of patent term adjustment under § 1.704(b). Thus, an amendment under § 1.312 or other paper expressly requested by the USPTO submitted within three months of the date of mailing or transmission of the Office action or notice requiring such an amendment under § 1.312 or other paper will not result in a reduction of patent term adjustment.

Comment (6): One comment asks whether the proposed change to § 1.704(c)(10) affects the list of other papers not considered to be a failure to engage in unreasonable efforts under this provision.

Response: The USPTO has previously indicated that the submission of the following papers after a notice of allowance will not result in a reduction of patent term adjustment under § 1.704(c)(10): (1) Fee(s) Transmittal (PTOL–85B); (2) power of attorney; (3) power to inspect; (4) change of address; (5) change of entity status (micro/small/not small entity status); (6) a response to the examiner's reasons for allowance or a request to correct an error or omission in the ''Notice of Allowance'' or ''Notice of Allowability''; (7) status letters; (8) requests for a refund; (9) an inventor's oath or declaration; (10) an information disclosure statement with a statement in compliance with § 1.704(d); (11) the resubmission by the applicant of unlocatable paper(s) previously filed in the application (§ 1.251); (12) a request for acknowledgment of an information disclosure statement in compliance with §§ 1.97 and 1.98, provided that the applicant had requested that the examiner acknowledge the information disclosure statement prior to the notice of allowance, or the request for acknowledgement was the applicant's first opportunity to request that the examiner acknowledge the information disclosure statement; (13) comments on the substance of an interview where the applicant-initiated interview resulted in a notice of allowance; and (14) letters related to government interests (*e.g.,* those between NASA and the USPTO). *See Changes to Patent Term Adjustment in View of the Federal Circuit Decision in Novartis* v. *Lee,* 80 FR 1346, 1354 (Jan. 9, 2015); *see also* MPEP 2732. The USPTO is not changing this indication of papers submitted after a notice of allowance that will not result in a reduction of patent term adjustment under § 1.704(c)(10), except to also exclude ''an amendment under § 1.312 or other paper expressly requested by the Office'' from the amendments under § 1.312 or other papers filed after a notice of allowance that will result in a reduction of patent term adjustment under § 1.704(c)(10).

Comment (7): One comment suggests that the rule change be applied prospectively because it will alter patent prosecution. The comment also asks the USPTO to clarify what impact the rule changes would have on issued patents.

Response: The changes to § 1.704 in this final rule apply to applications and patents eligible for patent term adjustment in which a notice of allowance was mailed on or after July 16, 2020. The USPTO, however, will decide any timely request for reconsideration in compliance with § 1.705(b) of a patent term adjustment determination in applications and patents eligible for patent term adjustment in which a notice of allowance was mailed before July 16, 2020 consistent with the changes in this final rule if requested by the patentee.

Rulemaking Considerations

A. Administrative Procedure Act

The changes in this rulemaking involve rules of agency practice and procedure and/or interpretive rules. *See Perez* v. *Mortg. Bankers Ass'n,* 575 U.S. 92, 97 (2015) (Interpretive rules ''advise the public of the agency's construction of the statutes and rules which it administers.'' (citation and internal quotation marks omitted)); *Nat'l Org. of Veterans' Advocates* v. *Sec'y of Veterans Affairs,* 260 F.3d 1365, 1375 (Fed. Cir. 2001) (Rule that clarifies interpretation of a statute is interpretive.); *Bachow Commc'ns Inc.* v. *FCC,* 237 F.3d 683, 690 (D.C. Cir. 2001) (Rules governing an application process are procedural under the Administrative Procedure Act.); *Inova Alexandria Hosp.* v. *Shalala,* 244 F.3d 342, 350 (4th Cir. 2001) (Rules for handling appeals were procedural where they did not change the substantive standard for reviewing claims.). Specifically, this rulemaking revises USPTO rules that interpret certain statutory provisions pertaining to patent term adjustment to specify a period of reduction corresponding to ''the period from the beginning to the end of the applicant's failure to engage in reasonable efforts to conclude prosecution'' (rather than to the consequences to the USPTO of the applicant's failure to engage in reasonable efforts to conclude prosecution) for consistency with the Federal Circuit's decision in *Supernus.* 913 F.3d at 1359.

Accordingly, prior notice and opportunity for public comment for the changes in this rulemaking are not required pursuant to 5 U.S.C. 553(b) or (c) or any other law. *See Perez,* 575 U.S. at 101 (Notice-and-comment procedures are required neither when an agency ''issue[s] an initial interpretive rule'' nor ''when it amends or repeals that interpretive rule.''); *Cooper Techs. Co.* v. *Dudas,* 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice and comment rulemaking for ''interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice'' (quoting 5 U.S.C. 553(b)(A))). However, the USPTO chose to seek public comment before implementing the rule to benefit from the public's input.

B. Regulatory Flexibility Act

For the reasons set forth herein, the Senior Counsel for Regulatory and Legislative Affairs in the Office General Law of the USPTO has certified to the Chief Counsel for Advocacy of the Small Business Administration that the changes adopted in this notice will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b).

This rulemaking does not impose any additional requirements or fees on applicants. This rulemaking also does not change the circumstances defined as constituting a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an

application (35 U.S.C. 154(b)(2)(C)(iii)). This rulemaking implements the Federal Circuit's ruling on the provisions of 35 U.S.C. 154(b)(2)(C)(i) in *Supernus* to reflect the applicable period of reduction in the event that there is a failure of an applicant to engage in reasonable efforts to conclude processing or examination. This rulemaking specifically revises the period of reduction of patent term adjustment in the provisions of 37 CFR 1.704 pertaining to deferral of issuance of a patent (37 CFR 1.704(c)(2)), abandonment of an application (37 CFR 1.704(c)(3)), submission of a preliminary amendment (37 CFR 1.704(c)(6)), submission of papers after a decision by the Patent Trial and Appeal Board or by a Federal court (37 CFR 1.704(c)(9)), and submission of papers after a notice of allowance under 35 U.S.C. 151 (37 CFR 1.704(c)(10)) to specify a period of reduction corresponding to ''the period from the beginning to the end of the applicant's failure to engage in reasonable efforts to conclude prosecution'' (rather than to the consequences to the USPTO of the applicant's failure to engage in reasonable efforts to conclude prosecution) for consistency with the Federal Circuit's decision in *Supernus.* 913 F.3d at 1359. The changes in this rulemaking will not have a significant economic impact on a substantial number of small entities because applicants are not entitled to patent term adjustment that have not been reduced by a period equal to the period of the applicant's failure to engage in reasonable efforts to conclude processing or examination (35 U.S.C. 154(b)(2)(C)(i) and 37 CFR 1.704(a)), and because applicants may avoid adverse patent term adjustment consequences by refraining from actions or inactions defined as constituting a failure of an applicant to engage in reasonable efforts to conclude processing or examination.

For the foregoing reasons, the changes in this notice will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12866 (Regulatory Planning and Review)

This rulemaking has been determined to be not significant under Executive Order 12866 (Sept. 30, 1993).

D. Executive Order 13563 (Improving Regulation and Regulatory Review)

The USPTO has complied with Executive Order 13563 (Jan. 18, 2011). Specifically, the USPTO has, to the extent feasible and applicable: (1) Made a reasoned determination that the benefits justify the costs of the rule; (2) tailored the rule to impose the least burden on society consistent with obtaining the regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole, and provided online access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across Government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens and maintain flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes.

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

This rulemaking is not an Executive Order 13771 (Jan. 30, 2017) regulatory action because it is not significant under Executive Order 12866 (Sept. 30, 1993).

F. Executive Order 13132 (Federalism)

This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

G. Executive Order 13175 (Tribal Consultation)

This rulemaking will not: (1) Have substantial direct effects on one or more Indian tribes; (2) impose substantial direct compliance costs on Indian tribal governments; or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

H. Executive Order 13211 (Energy Effects)

This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

I. Executive Order 13783 (Promoting Energy Independence and Economic Growth)

This rulemaking does not potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources under Executive Order 13783 (Mar. 28, 2017).

J. Executive Order 13772 (Core Principles for Regulating the United States Financial System)

This rulemaking does not involve regulation of the United States financial system under Executive Order 13772 (Feb. 3, 2017).

K. Executive Order 12988 (Civil Justice Reform)

This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden, as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

L. Executive Order 13045 (Protection of Children)

This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

M. Executive Order 12630 (Taking of Private Property)

This rulemaking will not effect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

N. Congressional Review Act

Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801–808), the USPTO will submit a report containing the final rule resulting from this rulemaking and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the Government Accountability Office.

O. Unfunded Mandates Reform Act of 1995

The changes set forth in this rulemaking do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of $100 million (as adjusted) or more in any one year, or a Federal private-sector mandate that will result in the expenditure by the private sector of $100 million (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1501 *et seq.*

P. National Environmental Policy Act

This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. *See* 42 U.S.C. 4321 *et seq.*

Q. National Technology Transfer and Advancement Act

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions that involve the use of technical standards.

R. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) requires that the USPTO consider the impact of paperwork and other information collection burdens imposed on the public. The rules of practice pertaining to patent term adjustment and extension have been reviewed and approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) under OMB control number 0651–0020.

This rulemaking does not impose any additional requirements (including information collection requirements) or fees for patent applicants or patentees. Therefore, the USPTO is not resubmitting information collection packages to OMB for its review and approval because the changes in this rulemaking do not affect the information collection requirements associated with the information collections approved under OMB control number 0651–0020 or any other information collections.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and record keeping requirements, Small businesses.

For the reasons set forth in the preamble, 37 CFR part 1 is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

■ 2. Section 1.704 is amended by revising paragraph (c) to read as follows:

§ 1.704 Reduction of Period of Adjustment of Patent Term.

* * * * *

(c) Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(1) Suspension of action under § 1.103 at the applicant's request, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the date a request for suspension of action under § 1.103 was filed and ending on the date of the termination of the suspension;

(2) Deferral of issuance of a patent under § 1.314, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the date a request for deferral of issuance of a patent under § 1.314 was filed and ending on the earlier of the date a request to terminate the deferral was filed or the date the patent was issued;

(3) Abandonment of the application or late payment of the issue fee, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the date of abandonment or the day after the date the issue fee was due and ending on the date the grantable petition to revive the application or accept late payment of the issue fee was filed;

(4) Failure to file a petition to withdraw the holding of abandonment or to revive an application within two months from the date of mailing of a notice of abandonment, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date two months from the date of mailing of a notice of abandonment and ending on the date a petition to withdraw the holding of abandonment or to revive the application was filed;

(5) Conversion of a provisional application under 35 U.S.C. 111(b) to a nonprovisional application under 35 U.S.C. 111(a) pursuant to 35 U.S.C. 111(b)(5), in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the date the application was filed under 35 U.S.C. 111(b) and ending on the date a request in compliance with § 1.53(c)(3) to convert the provisional application into a nonprovisional application was filed;

(6) Submission of a preliminary amendment or other preliminary paper less than one month before the mailing of an Office action under 35 U.S.C. 132 or notice of allowance under 35 U.S.C. 151 that requires the mailing of a supplemental Office action or notice of allowance, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is eight months from either the date on which the application was filed under 35 U.S.C. 111(a) or the date of commencement of the national stage under 35 U.S.C. 371(b) or (f) in an international application and ending on the date the preliminary amendment or other preliminary paper was filed;

(7) Submission of a reply having an omission (§ 1.135(c)), in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed;

(8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed;

(9) Submission of an amendment or other paper after a decision by the Patent Trial and Appeal Board, other than a decision designated as containing a new ground of rejection under § 41.50(b) of this title or statement under § 41.50(c) of this title, or a decision by a Federal court, less than one month before the mailing of an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 that requires the mailing of a supplemental Office action or supplemental notice of allowance, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date of the decision by the Patent Trial and Appeal Board or by a Federal court and ending on date the amendment or other paper was filed;

(10) Submission of an amendment under § 1.312 or other paper, other than an amendment under § 1.312 or other paper expressly requested by the Office or a request for continued examination

in compliance with § 1.114, after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date of mailing of the notice of allowance under 35 U.S.C. 151 and ending on the date the amendment under § 1.312 or other paper was filed;

(11) Failure to file an appeal brief in compliance with § 41.37 of this chapter within three months from the date on which a notice of appeal to the Patent Trial and Appeal Board was filed under 35 U.S.C. 134 and § 41.31 of this chapter, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date three months from the date on which a notice of appeal to the Patent Trial and Appeal Board was filed under 35 U.S.C. 134 and § 41.31 of this chapter, and ending on the date an appeal brief in compliance with § 41.37 of this chapter or a request for continued examination in compliance with § 1.114 was filed;

(12) Submission of a request for continued examination under 35 U.S.C. 132(b) after any notice of allowance under 35 U.S.C. 151 has been mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date of mailing of the notice of allowance under 35 U.S.C. 151 and ending on the date the request for continued examination under 35 U.S.C. 132(b) was filed;

(13) Failure to provide an application in condition for examination as defined in paragraph (f) of this section within eight months from either the date on which the application was filed under 35 U.S.C. 111(a) or the date of commencement of the national stage under 35 U.S.C. 371(b) or (f) in an international application, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is eight months from either the date on which the application was filed under 35 U.S.C. 111(a) or the date of commencement of the national stage under 35 U.S.C. 371(b) or (f) in an international application and ending on the date the application is in condition for examination as defined in paragraph (f) of this section; and

(14) Further prosecution via a continuing application, in which case the period of adjustment set forth in § 1.703 shall not include any period that is prior to the actual filing date of the application that resulted in the patent.

* * * * *

Andrei Iancu,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2020–11786 Filed 6–15–20; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2019–0699; FRL–10009–87–Region 5]

Air Plan Approval; Wisconsin; Second Maintenance Plans for 1997 Ozone NAAQS; Door County, Kewaunee County, Manitowoc County and Milwaukee-Racine Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the Wisconsin State Implementation Plan (SIP). On December 13, 2019, the Wisconsin Department of Natural Resources (WDNR) submitted the State's plans for maintaining the 1997 ozone National Ambient Air Quality Standard (NAAQS or standard) in the following areas: Kewaunee County, Door County, Manitowoc County, and Milwaukee-Racine area (Kenosha, Milwaukee, Ozaukee, Racine, Washington and Waukesha counties). EPA is approving these maintenance plans because they provide for the maintenance of the 1997 ozone NAAQS through the end of the second 10-year maintenance period. This action makes certain commitments related to maintenance of the 1997 ozone NAAQS in these areas federally enforceable as part of the Wisconsin SIP. EPA proposed to approve this action on March 24, 2020 and received no adverse comments.

DATES: This final rule is effective on July 16, 2020.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2019–0699. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This 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 Emily Crispell, Environmental Scientist, at (312) 353–8512 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Emily Crispell, Environmental Scientist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8512, *crispell.emily@epa.gov.*

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

I. Background Information

On March 24, 2020, EPA proposed to approve the 1997 ozone NAAQS maintenance plans for the Door County, Kewaunee County, Manitowoc County, and Milwaukee-Racine areas (85 FR 16590). An explanation of the Clean Air Act (CAA) requirements, a detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the proposed rulemaking and will not be restated here. The public comment period for this proposed rule ended on April 23, 2020. EPA received no comments on the proposal.

II. Final Action

EPA is approving the Kewaunee County, Door County and Manitowoc County, and the Milwaukee-Racine area second maintenance plans for the 1997 Ozone NAAQS, submitted by WDNR on December 13, 2019, as a revision to the Wisconsin SIP. These second maintenance plans are designed to keep the Kewaunee County area in attainment of the 1997 ozone NAAQS through 2028, Door County and Manitowoc County in attainment of the 1997 ozone NAAQS though 2030, and the Milwaukee-Racine area in attainment of the 1997 ozone NAAQS through 2032.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 17, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: May 26, 2020.

Cheryl Newton,

Deputy Regional Administrator, Region 5.

Accordingly, 40 CFR part 52 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.*

■ 2. Section 52.2585 is amended by adding paragraph (kk) to read as follows:

§ 52.2585 Control strategy: Ozone.

* * * * *

(kk) *Second maintenance plan.* Approval—On December 13, 2019 Wisconsin submitted 1997 Ozone NAAQS second maintenance plans for the Kewaunee County, Door County, Manitowoc County, and Milwaukee-Racine areas. These second maintenance plans are designed to keep the Kewaunee County area in attainment of the 1997 ozone NAAQS through 2028, Door County and Manitowoc County in attainment of the 1997 ozone NAAQS though 2030, and the Milwaukee-Racine area in attainment of the 1997 ozone NAAQS through 2032.

[FR Doc. 2020–11690 Filed 6–15–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2018–0042; FRL–10009–54–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving portions of a state implementation plan (SIP) submittal from the State of Maryland. The submittal pertains to the basic program elements referred to as infrastructure requirements for the 2010 sulfur dioxide (SO_2) National Ambient Air Quality Standard (NAAQS or standard). EPA is approving certain elements of the infrastructure SIP submittal in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on July 16, 2020.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2018–0042. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (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 through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2308. Ms. Powers can also be reached via electronic mail at *powers.marilyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On May 8, 2019 (84 FR 20070), EPA published a notice of proposed rulemaking (NPRM) for the State of Maryland. In the NPRM, EPA proposed approval of portions of Maryland's infrastructure SIP submittal for the 2010 SO_2 NAAQS. The formal SIP revision (16–11) was submitted by Maryland on August 17, 2016.

II. Summary of SIP Revision and EPA Analysis

On August 17, 2016, Maryland, through the Maryland Department of the Environment (MDE) formally submitted a SIP revision to satisfy certain infrastructure requirements of section 110(a) of the CAA for the 2010 SO_2 NAAQS. The SIP submittal addressed the following infrastructure elements for the 2010 SO_2 NAAQS: CAA section 110(a)(2)(A), (B), (C), (D)(i)(I), (D)(i)(II), D(ii), (E), (F), (G), (H), (J), (K), (L), and (M). As explained in the NPRM, EPA is not taking action in this rulemaking related to Maryland's submittal for the interstate transport requirement of section 110(a)(2)(D)(i)(I). EPA is taking action on Maryland's 2010 1-hour SO_2 NAAQS infrastructure submission related to the section 110(a)(2)(D)(i)(I) requirements in a separate rulemaking.

The NPRM and the Technical Support Document (TSD) provided EPA's review and rationale for proposing approval of portions of Maryland's submittal and will not be restated here. The TSD is available online at *www.regulations.gov,* Docket ID Number EPA–R03–OAR–2018–0042.

III. Public Comments and EPA's Responses

One anonymous commenter provided comments in response to the May 8, 2019 proposed approval. EPA's responses to the comments are provided in this document. The full text of the comment is in the docket for this final rule.

Comment 1: The commenter questions the validity of EPA's statement in the TSD under CAA section 110(a)(2)(B) that Maryland maintains and operates a network of ambient monitors throughout the State to measure ambient air quality levels and to determine compliance with the NAAQS, in light of the requirements under the Data Requirements Rule (DRR) for SO_2. The commenter believes that section 110(a)(2)(B) should be disapproved until SO_2 monitors are installed at Brandon Shores, CP Crane, Chalk Point, Herbert Wagner, Luke Paper (Luke) and Morgantown, and that the data should be captured and reported to EPA and the public. The commenter also states that EPA has failed to take the DRR into consideration in its determination that section 110(a)(2)(G) is approvable, despite its finding that Maryland has shown under section 110(a)(2)(B) that it has the ability and authority to perform SO_2 air quality monitoring in accordance with EPA's requirements. The commenter believes that installation of monitors at the six sources in Maryland are required under the DRR so that ambient SO_2 levels near those sources can be evaluated for comparison to significant harm levels for SO_2, and that EPA should not approve section 110(a)(2)(B) and (G) until Maryland installs more SO_2 monitors and reports the monitored data to EPA and the public.

Response 1: The commenter refers to the section 110(a)(2)(G) requirement in the context of SO_2 air quality monitoring and the DRR. Section 110(a)(2)(G) requires that state implementation plans have emergency authority comparable to that contained in section 303 of the CAA, and adequate contingency plans to implement such authority. In the proposed rule for this action, the technical support document lays out EPA's rationale for proposing approval of Maryland's submittal for section 110(a)(2)(G). The SIP-approved Maryland regulations COMAR 26.11.05.03 and 26.11.05.04 establish criteria for addressing emergency episodes of SO_2 in the State. However, because the comment pertains to air quality monitoring, EPA believes that the commenter mistakenly cited to section 110(a)(2)(G) and instead meant to cite to the monitoring requirements under section 110(a)(2)(F), which pertain to the installation, maintenance, and replacement of equipment, and the implementation of stationary source monitoring, periodic reports on emissions and emissions-related data from such sources, and correlation of the reports with any emissions limitations or standards. The section 110(a)(2)(F) requirement is discussed later in this response. EPA agrees that the six sources identified by the commenter were listed by the State under the DRR requirements, 40 CFR part 51, subpart BB, for characterization of SO_2 emissions,[1] [2] but EPA disagrees that the DRR requires installation of SO_2 monitors at all six of the sources. Under the DRR, states were required to submit a list to EPA that identified all sources within the state having SO_2 emissions that exceeded a 2,000 tons per year (tpy) annual threshold during the most recent year for which emissions data for that source was available, plus any additional sources identified by the air agency or by EPA as also warranting air quality characterization. For each of the listed sources, a state was required to indicate by July 1, 2016, whether air quality around the source would be characterized through ambient monitoring or through air quality modeling. *See* 40 CFR 51.1203(b). Alternatively, the state could indicate that documentation would be provided by January 13, 2017, that the listed source was subject to federally-enforceable and in effect emission limit(s) below 2,000 tpy or a shutdown. If the state chose to install new SO_2 monitor(s), the state was required to include information about the new monitors in the annual monitoring network plan (AMNP) by July 1, 2016, and to ensure that the new monitor(s) were operational by January 1, 2017. If the state chose to model a source, the modeling protocol was required to be submitted by July 1, 2016.

On June 30, 2016, Maryland submitted a letter notifying EPA of the State's selected methods for characterizing the SO_2 emissions for the six sources named by the commenter.[3] The letter identified modeling as the method for characterizing five of the sources, and monitoring for characterizing the Luke facility.[4]

[1] Letter dated January 5, 2016 from Larry Hogan, Maryland Governor to Shawn Garvin, Regional Administrator recommending sources in Maryland subject to the DRR, available in the docket for this rulemaking action or at *https://www.epa.gov/sites/production/files/2016-06/documents/md.pdf.*

[2] Letter dated March 16, 2016 from Shawn Garvin, Regional Administrator to Benjamin H. Grumbles, Maryland Secretary, agreeing with the Maryland recommendation, available in the docket for this rulemaking action, or at *https://www.epa.gov/sites/production/files/2016-06/documents/md-response.pdf.*

[3] Available at *https://www.epa.gov/sites/production/files/2016-07/documents/maryland_source_characterization.pdf.*

[4] Three of the listed sources (Brandon Shores, CP Crane, and Herbert A. Wagner) that the State chose the modeling pathway for are located in an area that EPA designated nonattainment under the 2010 SO_2 NAAQS in July 2016 after consideration of all available modeling, including modeling submitted by the State. See Air Quality Designations for the 2010 Sulfur Dioxide (SO_2) Primary National Ambient Air Quality Standard—Round 2 (81 FR 45039, July 12, 2016). For the reasons explained in this response regarding listed sources for which a state chose the modeling pathway, EPA disagrees

Maryland's 2016 AMNP includes the following narrative of the chosen option to characterize SO_2 concentrations around each of these sources, as follows: ''This final rule gives air agencies the flexibility to characterize air quality using either modeling of actual source emissions or using appropriately sited ambient air quality monitors. At the time of this publication, all sources except Verso Luke Mill are expected to model their emissions. Verso Luke Mill submitted a draft monitoring plan to MDE in March 2016. When Verso Luke Mill has submitted a complete package of material describing their proposed monitoring plan, an addendum to this Network Plan will be published and made available for a separate 30-day public comment period. The same July 2016 submission deadline to EPA will apply to this addendum.'' [5] This language in the AMNP notes that the DRR provides Maryland the flexibility to choose between modeling and monitoring for each source subject to the requirements of the DRR, which Maryland exercised in its decision to use air quality modeling to characterize five sources' SO_2 emissions and monitoring to characterize Luke's SO_2 emissions. The DRR does not mandate installation of SO_2 monitors at the sources Maryland chose to characterize through air quality modeling. To meet the modeling pathway for Chalk Point and Morgantown Generating Stations, Maryland submitted a modeling analysis for the area surrounding each source on December 19, 2016, prior to the January 13, 2017 submission date required by the DRR. Before the modeling analysis was submitted to EPA, a modeling protocol was developed to outline the procedures to follow for the modeling analysis. To meet the monitoring pathway for Luke in Allegany County, Maryland installed three monitors to characterize the SO_2 emissions around Luke, including one monitor in West Virginia. The new monitors began operation on January 1, 2017.

EPA also disagrees with the comment that section 110(a)(2)(B) and 110(a)(2)(F) should be disapproved because of a lack of SO_2 monitors, which the commenter believes is required under the DRR. As discussed above, the DRR provides states the option to either model or monitor SO_2 emissions around listed DRR sources, and Maryland chose to model for certain sources. With this in mind, EPA found that for SO_2, Maryland's monitoring network is sufficient under section 110(a)(2)(B) to monitor, compile and analyze data on SO_2 ambient data, and Maryland does provide monitored or modeled data to EPA upon request. The TSD for the NPRM provides EPA's analysis of how Maryland's submittal met the requirements for section 110(a)(2)(B) and 110(a)(2)(F). Maryland's authority to monitor and analyze ambient air quality is found in sections 2–103(b)(2) and 2–301(a)(1) of the Environment Article, Annotated Code of Maryland. The ambient air quality standards, definitions, reference conditions, and methods of measurement have been approved into the SIP and are found under COMAR 26.11.04.02. Regarding the validity of Maryland's SO_2 monitoring network under 110(a)(2)(B), EPA affirms that Maryland maintains and operates a network of ambient SO_2 monitors throughout the State meeting the requirements of the DRR and other applicable requirements, to measure ambient air quality levels and to determine compliance with the NAAQS. As required by 40 CFR 58.10, Maryland submits an AMNP annually to EPA that details any modifications to the sampling network. Maryland also submits a periodic network assessment to EPA every five years to determine if the network meets the monitoring objectives defined in 40 CFR part 58, appendix D, and to determine whether (1) new sites are needed, (2) existing sites are no longer needed and can be terminated, and (3) new technologies are appropriate for inclusion into the network. As required by 40 CFR 51.320, Maryland submits all ambient air quality data and associated quality assurance data for SO_2 to EPA's Air Quality System (AQS) in accordance with the schedule prescribed by EPA in 40 CFR 58.16. The 2016, 2017, and 2018 AMNP plans are provided in the docket for this rulemaking.[6] Therefore, the NPRM proposed to determine that Maryland met the requirements under section 110(a)(2)(B) of the CAA.

Regarding section 110(a)(2)(F), EPA finds that Maryland's SIP contains authority meeting the requirements to require sources to install, maintain and replace equipment necessary to monitor emissions from sources, the requirements to provide for periodic reports on the nature and amount of emissions from sources, and correlation of reports to the standard. Section 2–103 and 2–301 of the Environment Article, Annotated Code of Maryland, provides the authority for monitoring of air emissions for sources in the State and for adopting regulations to control air pollution, including testing, monitoring, record keeping, and emissions reporting requirements. Under this authority, Maryland has adopted, and EPA has approved into the Maryland SIP, provisions of Code of Maryland (COMAR) 26.11—*Air Quality* that require the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps by stationary sources for testing, monitoring, recordkeeping, and reporting of emissions. This SIP-approved requirement of COMAR 26.11 also establishes the authority needed to require sources to provide for periodic reports on the nature and amount of emissions from such sources. Also relevant to the requirements of section 110(a)(2)(F) is section .04(B)(4) of Maryland regulation COMAR 26.11.01—*Testing and Monitoring,* which requires that all testing and monitoring reports submitted to MDE under this section be available for public inspection, and Maryland makes the monitoring data available to the public in real time at this site: *https://mde.maryland.gov/programs/Air/AirQualityMonitoring/Pages/index.aspx.* The TSD for the NPRM details EPA's analysis of Maryland's submission related to section 110(a)(2)(B) and 110(a)(2)(F), and EPA's determination that the Maryland's submittal meets the requirements for these sections.

Comment 2: The commenter stated that EPA should provide air quality data to the public so the public does not have to guess when facilities are polluting the air, and that monitoring network plans and modifications to the plans should be made public as well. The commenter also states that EPA should require monitoring network plans be made available to the public for comment so the public can litigate based on unbiased publicly available data.

Response 2: The quality-assured, certified monitoring data collected by the State is provided to the public. Maryland makes the monitoring data available to the public in real time at this site: *https://mde.maryland.gov/programs/Air/AirQualityMonitoring/Pages/index.aspx.* After Maryland submits the certified monitoring data to EPA, EPA reviews the data, then posts the emissions data to EPA's AQS. The AQS air monitoring data can be found at this site: *https://www.epa.gov/aqs.* EPA posts monitoring data and

that the DRR required monitors to characterize SO_2 emissions around Brandon Shores, CP Crane, and Herbert A. Wagner.

[5] The ''publication'' referred to is the AMNP as published in the Maryland Register. The AMNP lists all six of the sources named by the commenter, with Luke as the only source to be characterized by monitoring.

[6] The 2016, 2017, and 2018 AMNP Plans were approved by EPA November 10, 2016, November 17, 2017, and October 26, 2018, respectively.

summary reports at this site: *https://www.epa.gov/outdoor-air-quality-data.*

Regarding public notice for the AMNP, EPA regulations at 40 CFR part 58, subpart B, require among other things that the state provide the AMNP for public inspection for at least 30 days prior to submission to EPA. 40 CFR 58.10(a)(1). Maryland did provide a 30-day public comment period on the 2016 AMNP, therefore, the public does have an opportunity to comment on Maryland's AMNP at the state level. The monitors installed to characterize SO_2 emissions around the Luke facility are required to continue in operation to report ambient data and may not be shut down unless the monitor meets specific criteria under § 51.1203(c)(3) and 40 CFR part 58. Under 40 CFR 58.10, AMNPs must go through Maryland's public process. Under 40 CFR 58.14, modifications to the SO_2 monitoring network outside of the AMNP require approval by the Regional Administrator of EPA.

Comment 3: The commenter questions why EPA has not yet taken action on section 110(a)(2)(D)(i)(I), and also questions EPA's policy of taking separate, later action on the portion of the Maryland submittal related to this section. In particular, the commenter notes that EPA has had the submittal since August 17, 2016, should have taken action by now, and should not be delaying action for a later date. The commenter notes that Maryland had until June 2, 2013 to submit this SIP and that EPA had 18 months after that to take final action on these SIPs, *i.e.* December 2, 2014. The commenter states that EPA must take action on this section as soon as possible to prevent harmful air pollution from negatively impacting neighboring states like Delaware, the District of Columbia, Pennsylvania, New Jersey, West Virginia, and Virginia. The commenter also states that this comment serves as a notice of intent to sue on EPA's failure to act on this section of the CAA within the statutory time frame.

Response 3: EPA's approach to reviewing and taking action on infrastructure SIPs is discussed in numerous past infrastructure rulemaking actions.[7] In these past actions, EPA explained an ambiguity in section 110(a)(1) and (2) with respect to infrastructure SIPs pertaining to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit ''a plan'' to meet these requirements, EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, EPA can elect to act on such submissions either individually or in a larger combined action. Similarly, EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. Therefore, EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.

This is discussed in the guidance issued on September 13, 2013 (2013 Infrastructure Guidance).[8] The 2013 Infrastructure Guidance explains that EPA has historically, when reviewing infrastructure SIP submissions, operated on the basis that the elements and sub-elements of section 110(a)(2) for a given NAAQS are, for the most part, severable. EPA intends to continue its practice of acting on infrastructure SIP elements together or separately, as appropriate, including in this instance, where EPA is taking separate action on the section 110(a)(2)(D)(i)(I) portion of Maryland's submittal.[9]

EPA acknowledges that it has not met the statutory date for action on this Maryland submittal. However, this action will discharge EPA's statutory obligation related to section 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) of the CAA. With regard to this comment as a notice of intent to sue on the section 110(a)(2)(D)(i)(I) portion of the submittal, section 304(a) of CAA sets forth the circumstances under which a citizen can sue under the CAA. However, section 304(b) states that no action can be commenced ''prior to 60 days after the plaintiff has given notice of such action to the Administrator.'' Section 304(b)(2) stipulates that such notice ''shall be given in such manner as the Administrator may prescribe by regulation.'' The regulations at 40 CFR part 54 require that a notice of intent to sue be served on the Administrator by certified mail. 40 CFR 54.2(a). Title 40 CFR 54.3 specifies the content of such notice and requires, among other things, the full name and address of the person giving notice. So, a citizen intending to file a notice of intent to sue on EPA's mandatory duty to act on any portion of the Maryland submittal is required to do so via certified mail directly to Administrator, which would also need to meet the other requirements specified in 40 CFR part 54. EPA, therefore, does not consider this comment as meeting the requirements for notice of a mandatory duty suit.

Comment 4: The commenter questions EPA's proposed approval of section 110(a)(2)(E) based on Maryland's staff of 43 people, and that EPA needs to clarify whether these 43 individuals are working on only the SO_2 SIP or if they also have other work responsibilities. The commenter believes that EPA should show that these 43 people are able to handle all their assigned duties. The commenter also questions EPA's determination that MDE has adequate funding without an analysis of MDE's revenue and expenses and believes that EPA should perform a financial audit of MDE to ensure the State has adequate funding to perform their obligations under the CAA.

Response 4: As stated in the TSD for the NPRM, EPA's evaluation indicates that the State of Maryland has the staffing and funding resources to meet SIP obligations under section 110(a)(2)(E). Maryland's budget and staff level has been consistent over the past number of years and over these years, Maryland has been able to meet its statutory commitments, including submission of required air quality data and annual monitoring network plans. Maryland has an EPA-approved fee program under CAA title V which is used to support title V program elements such as permitting, monitoring, testing, inspections, and enforcement. EPA conducts periodic title V fee and program audits in accordance with generally accepted government auditing standards. Maryland regulation COMAR 26.11.02.19 provides fee schedules and other relevant fee information regarding title V permits and state permits to operate. Additionally, MDE receives grant funding annually from EPA through CAA section 105 to assist the State with the costs of implementing programs for the prevention and control of air pollution or implementation of national primary and secondary ambient

[7] As an example, *See* Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Infrastructure Requirements for the 2010 Nitrogen Dioxide and 2012 Fine Particulate Matter National Ambient Air Quality Standards (80 FR 26461, May 8, 2015).

[8] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' Memorandum from Stephen D. Page, September 13, 2013.

[9] In a separate action on April 22, 2020 (85 FR 22381), EPA proposed to disapprove the portion of Maryland's August 17, 2016 infrastructure SIP submittal for section 110(a)(2)(D)(i)(II) related to interstate transport of emissions.

air quality standards. The CAA section 105 grant funding MDE receives goes through an evaluation process under the requirements of 40 CFR part 35, subpart A, which call for the State and EPA to jointly evaluate and report progress and accomplishments under the work plan. Maryland also has various permit programs that are self-funded as they apply fees for permit applications. Most of these permit program fees can be adjusted if the State determines that the fee does not cover the reasonable costs of reviewing and acting upon the permit applications.

In addition to the EPA programs through which funding is received, MDE's infrastructure SIP submission identifies the organizations that participate in developing, implementing, and enforcing the EPA-approved SIP provisions related to a new or revised NAAQS and the associated resources. Maryland's Environmental Trust Fund, administered by the Maryland Department of Natural Resources (DNR), provides Maryland with annual funding that is used by the State to conduct air quality modeling, and also funds the Maryland Power Plan Research Program. Also, the Public Service Commission (PSC) collects application fees from power plants to fund its regulatory program. Based on a review of the existing resources, EPA has concluded that Maryland has met the funding requirements of section 110(a)(2)(E) and has adequate personnel to implement the SIP.

IV. Final Action

EPA is approving Maryland's August 17, 2016 infrastructure SIP submission which addresses the basic program elements, or portions thereof, specified in sections 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) of the CAA, necessary to implement, maintain, and enforce the 2010 SO_2 NAAQS. EPA is approving Maryland's infrastructure SIP submittal for the 2010 SO_2 NAAQS for these elements. As noted previously, EPA is taking separate action on the portion of the MDE submittal related to transport *i.e.,* section 110(a)(2)(D)(i)(I). Maryland's submittal did not address section 110(a)(2)(I) or the nonattainment new source review (NNSR) permitting program requirements of section 110(a)(2)(C), which pertain to the nonattainment planning requirements of part D of the CAA. States are required to submit those nonattainment area requirements under a different timeline as statutorily required under part D of the CAA.

V. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 17, 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 approving portions of Maryland's infrastructure SIP submittal for the 2010 SO_2 NAAQS may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 26, 2020.

Cosmo Servidio,

Regional Administrator, Region III.

Accordingly, 40 CFR part 52 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 V—Maryland

■ 2. In § 52.1070, the table in paragraph (e) is amended by adding the entry ''Section 110(a)(2) Infrastructure Requirements for the 2010 SO_2 NAAQS'' at the end of the table to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	* * *
Section 110(a)(2) Infrastructure Requirements for the 2010 SO_2 NAAQS.	Statewide	08/17/16	6/16/20, [*insert* ***Federal Register*** *citation*].	§ 52.1070 is amended. This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II), D(ii), (E), (F), (G), (H), (J), (K), (L), and (M). This action does not address CAA sections 110(a)(D)(i)(I) and 110(a)(2)(I), nor does it address the portion of section 110(a)(2)(C) related to NNSR.

[FR Doc. 2020–11643 Filed 6–15–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 804, 805, 849, and 852

RIN 2900–AQ77

VA Acquisition Regulation: Administrative and Information Matters; Publicizing Contract Actions; and Termination of Contracts

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending and updating its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VAAM, and to incorporate any new agency specific regulations or policies. These changes seek to align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates portions of the removed VAAR as well as other internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish them in the **Federal Register**. In particular, this rulemaking revises VAAR coverage concerning Administrative and Information Matters, Publicizing Contract Actions, and Termination of Contracts, as well as an affected part concerning Solicitation Provisions and Contract Clauses.

DATES: This rule is effective on July 16, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. Rafael N. Taylor, Senior Procurement Analyst, Procurement Policy and Warrant Management Services, 003A2A, 425 I Street NW, Washington, DC 20001, (202) 382–2787. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

On February 13, 2020, VA published a proposed rule in the **Federal Register** (85 FR 8242) which announced VA's intent to amend regulations for VAAR Case RIN 2900–AQ77 (parts 804, 805, 849, and 852). VA provided a 60-day comment period for the public to respond to the proposed rule and submit comments. The comment period for the proposed rule ended on April 13, 2020 and VA received no comments. This rule adopts as a final rule, without changes, the proposed rule published in the **Federal Register** on February 13, 2020.

Technical Non-Substantive Changes to the Proposed Rule

This rule makes one non-substantive change to the proposed rule to ensure compliance with the FAR. A recent update in 84 FR 40220, dated Aug. 13, 2019, revised the FAR part 4 heading from ''Administrative Matters'' to ''Administrative and Information Matters.'' This final rule includes this technical non-substantive change to the heading under 804 to ''Administrative and Information Matters.''

Executive Orders 12866, 13563, and 13771

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). E.O. 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under Executive Order 12866.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.''

This final rule is not subject to the requirements of E.O. 13771 because this rule is not significant under E.O. 12866.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). This rulemaking does not change VA's policy regarding small businesses, does not have an economic impact to individual businesses, and there are no increased or decreased costs to small business entities. On this basis, the final rule would not have an economic impact on

a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule would have no such effect on State, local, and tribal governments or on the private sector.

Congressional Review Act

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

List of Subjects

48 CFR Parts 804, 805, and 849

Government procurement.

48 CFR Part 852

Government procurement, Reporting and recordkeeping requirements.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Pamela Powers, Acting Deputy Secretary, Department of Veterans Affairs, approved this document on May 3, 2020, for publication.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons set out in the preamble, VA amends 48 CFR parts 804, 805, 849, and 852 as follows:

PART 804—ADMINISTRATIVE AND INFORMATION MATTERS

■ 1. The authority citation for part 804 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

■ 2. Revise the heading for part 804 to read as set forth above.

Subpart 804.1—[Removed and Reserved]

■ 3. Subpart 804.1, consisting of sections 804.101 and 804.1102, is removed and reserved.

■ 4. Subpart 804.13 is added to read as follows:

Subpart 804.13—Personal Identity Verification

804.1303 Contract clause.

The contracting officer shall insert the clause at 852.204–70, Personal Identity Verification of Contractor Personnel, in solicitations and contracts that require contractor employees to have routine access to a VA facility or to VA information systems. This clause is used in conjunction with FAR clause 52.204–9, Personal Identity Verification of Contractor Personnel.

PART 805—[Removed and Reserved]

■ 5. Part 805, consisting of sections 805.202, 805.205, and 805.207, is removed and reserved under the authority of 40 U.S.C. 121(c) and 48 CFR 1.301 through 1.304.

PART 849—TERMINATION OF CONTRACTS

■ 6. The authority citation for part 849 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

Subpart 849.1—[Removed and Reserved]

■ 7. Subpart 849.1, consisting of sections 849.101, 849.106, 849.111, 849.111–70, and 849.111–71, is removed and reserved.

■ 8. Subpart 849.5 is revised to read as follows:

Subpart 849.5—Contract Termination Clauses

849.504 Termination of fixed-price contracts for default.

849.504–70 Termination of mortuary services.

Use the clause at 852.249–70, Termination for Default—Supplement for Mortuary Services, in all solicitations and contracts for mortuary services containing the FAR clause 52.249–8, Default (Fixed-Price Supply and Service).

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 9. The authority citation for part 852 continues to read as follows:

Authority: 38 U.S.C. 8127–8128, and 8151–8153; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3), 41 U.S.C. 1303; 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

Subpart 852.2—Text of Provisions and Clauses

■ 10. Section 852.204–70 is added to read as follows:

852.204–70 Personal Identity Verification of Contractor Personnel.

As prescribed in 804.1303, insert the following clause:

PERSONAL IDENTITY VERIFICATION OF CONTRACTOR PERSONNEL (MAY 2020)

(a) The Contractor shall comply with current Department of Veterans Affairs policy for personal identity verification of all employees performing under this contract when frequent and continuing access to VA facilities or information systems is required.

(b) The Contractor shall insert this clause in all subcontracts when the subcontractor's employees will require frequent and continuing access to VA facilities or information systems.

(End of clause)

■ 11. Section 852.249–70 is revised to read as follows:

852.249–70 Termination for Default—Supplement for Mortuary Services.

As prescribed in 849.504–70, insert the following clause:

TERMINATION FOR DEFAULT—SUPPLEMENT FOR MORTUARY SERVICES (MAY 2020)

The FAR clause entitled Default (Fixed-Price Supply and Service), at 52.249–8, is supplemented as follows:

The Contracting Officer may terminate this contract for default by written notice without the ten-day notice required by paragraph (a)(2) of the Default clause if—

(a) The Contractor, through circumstances reasonably within its control or that of its employees, performs any act under or in connection with this contract, or fails in the performance of any service under this contract and the act or failures may reasonably be considered to reflect discredit upon the Department of Veteran Affairs in fulfilling its responsibility for proper care of remains;

(b) The Contractor, or its employees, solicits relatives or friends of the deceased to purchase supplies or services not under this contract. (The Contractor may furnish supplies or arrange for services not under this contract, only if representatives of the deceased voluntarily request, select, and pay for them.);

(c) The services or any part of the services are performed by anyone other than the Contractor or the Contractor's employees without the written authorization of the Contracting Officer;

(d) The Contractor refuses to perform the services required for any particular remains; or

(e) The Contractor mentions or otherwise uses this contract in its advertising in any way.

(End of clause)

[FR Doc. 2020–11608 Filed 6–15–20; 8:45 am]

BILLING CODE 8320–01–P

Proposed Rules

Federal Register
Vol. 85, No. 116
Tuesday, June 16, 2020

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2020–0519; Notice No. 25–20–06–SC]

Special Conditions: Aerospace Design and Compliance, LLC, Bombardier, Inc. Model CL–600–2B19 Airplane; Installation of a Therapeutic Oxygen System for Medical Use

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Bombardier Inc. (Bombardier) Model CL–600–2B19 airplane. This airplane, as modified by Aerospace Design and Compliance, LLC (Aerospace Design and Compliance), will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The design feature is an installation of a therapeutic oxygen system for medical use. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send comments on or before July 6, 2020.

ADDRESSES: Send comments identified by Docket No. FAA–2020–0519 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert Hettman, Propulsion & Mechanical Systems, AIR–672, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3171; email *Robert.Hettman@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On November 20, 2019, Aerospace Design and Compliance applied for a supplemental type certificate for the installation of a therapeutic oxygen system for medical use in the executive interiors of the Bombardier Model CL–600–2B19 airplane. The Model CL–600–2B19 airplane, which is currently approved under Type Certificate No. A21EA, is a twin-engine transport airplane with a maximum takeoff weight of 47,450 lbs. The Model CL–600–2B19 airplane will have 55 seats approved for taxi, takeoff, and landing.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Aerospace Design and Compliance must show that the Bombardier Model CL–600–2B19 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A21EA, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Bombardier Model CL–600–2B19 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Bombardier Model CL–600–2B19 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Bombardier Model CL–600–2B19 airplane will incorporate the following novel or unusual design features:

A therapeutic oxygen system for medical use.

As a part of the executive interior installation, the gaseous passenger oxygen system will be outfitted with a therapeutic oxygen system. The therapeutic oxygen system shares the same supply of oxygen with the existing passenger oxygen system and consists of multiple constant flow oxygen outlets located throughout the cabin. The flightcrew can turn the therapeutic oxygen system on and off from the flightdeck to allow use at any point during the flight, and to preserve a sufficient remaining oxygen reserve, in the event therapeutic oxygen is used for medical purposes, to accommodate the passengers in the event of an emergency oxygen situation.

Discussion

No specific regulations address the design and installation of required passenger oxygen systems that share a supply source with an optional oxygen system used specifically for therapeutic applications. Therapeutic oxygen systems have been previously certified, and were generally considered an extension of the passenger oxygen system for the purpose of defining the applicable regulations. As a result, existing requirements, such as §§ 25.1309, 25.1441(b) and (c), 25.1451, and 25.1453, in the Bombardier Model CL–600–2B19 airplanes' certification basis applicable to this STC project, provide some design standards appropriate for oxygen system installations. In addition, § 25.1445 includes standards for oxygen distribution systems when oxygen is supplied to flightcrew and passengers. If a common source of supply is used, § 25.1445(a)(2) requires a means to separately reserve the minimum supply required by the flightcrew.

Section 25.1445 is intended to protect the flightcrew by ensuring that an adequate supply of oxygen is available to complete a descent and landing following a loss of cabin pressure. When the regulation was written, the only passenger oxygen system designs were supplemental oxygen systems intended to protect passengers from hypoxia in the event of a decompression. Existing passenger oxygen systems did not include design features that would allow the flightcrew to control oxygen to passengers during flight. There are no similar requirements in § 25.1445 when oxygen is supplied from the same source to passengers for use during a decompression, and for discretionary or first-aid use any time during the flight. In the proposed design, the passenger and therapeutic oxygen systems use the same source of oxygen. The special conditions contain additional design requirements for the equipment involved in this dual therapeutic oxygen plus gaseous oxygen installation.

Furthermore, the potential hazard that can exist when the oxygen content of an enclosed area becomes too high because of system leaks, malfunction, or damage from external sources, make it necessary to ensure that adequate safety standards are applied to the design and installation of the oxygen system in Bombardier Model CL–600–2B19 airplanes. These potential hazards also necessitate development and application of appropriate additional design and installation standards.

The proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Bombardier Model CL–600–2B19 airplane as modified by Aerospace Design and Compliance. Should Aerospace Design and Compliance apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A21EA, to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Certification of the Bombardier Model CL–600–2B19 airplane is currently scheduled for May 2020. The substance of these special conditions has been subject to the notice and public comment procedure in several prior instances with no public comments received. Therefore, because a delay would significantly affect the applicant's installation of the system and the certification of the airplane, the FAA is shortening the public comment period to 20 days.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Bombardier Model CL–600–2B19 airplanes, as modified by Aerospace Design and Compliance, LLC.

The distribution system for the passenger therapeutic oxygen systems must be designed and installed to meet requirements as follows:

1. When oxygen is supplied to passengers for both supplemental and therapeutic purposes, the distribution system must be designed for either—

a. A source of supplemental oxygen for protection following a loss of cabin pressure, and a separate source for therapeutic purposes: or

b. A common source of supply with means to separately reserve the minimum supply required by the passengers for supplemental use following a loss of cabin pressure.

Issued in Des Moines, Washington, on May 21, 2020.

James E. Wilborn,

Acting Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2020–11437 Filed 6–15–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0465; Product Identifier 2020–NM–074–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for The Boeing Company Model 787–8, 787–9, and 787–10 airplanes powered by Rolls Royce Trent 1000 engines. This proposed AD was prompted by reports

of damage to the inner fixed structure (IFS) forward upper fire seal and damage to thermal insulation blankets in the forward upper area of the thrust reverser (TR). This proposed AD would require repetitive inspections of the IFS forward upper fire seal and thermal insulation blankets in the forward upper area of the TR for damage and applicable on-condition actions. 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 31, 2020.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0465.

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–2020–0465; 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: Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA; phone: 206–231–3553; email: *Takahisa.Kobayashi@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–2020–0465; Product Identifier 2020–NM–074–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 proposed AD.

Discussion

The FAA has received reports of damage to the IFS forward upper fire seal and damage to thermal insulation blankets in the forward upper area of the TR. Investigation revealed that structural gapping could occur at the interface between the leading edge of the IFS and the engine splitter structure during flight. This gapping condition exposes the IFS forward upper fire seal to excessive airflow pressure and also allows airflow to pass between the engine splitter structure and the IFS forward upper fire seal, resulting in damage to the IFS forward upper fire seal and thermal blanket. Failure of the IFS forward upper fire seal could cause the loss of seal pressurization and degrade the ability to detect and extinguish an engine fire, resulting in an uncontrolled fire. Damage to the TR insulation blanket could result in thermal damage to the TR inner wall, the subsequent release of engine exhaust components, and consequent damage to critical areas of the airplane.

Relationship Between This Proposed AD and AD 2018–15–03

This proposed AD does not supersede or terminate any requirement of AD 2018–15–03, Amendment 39–19335 (83 FR 34753, July 23, 2018) (''AD 2018–15–03''). AD 2018–15–03 requires an inspection to determine the part number of the IFS forward upper fire seals, and applicable on-condition actions. The on-condition actions include replacement of any IFS forward upper fire seal having part number (P/N) 725Z3171–127 or P/N 725Z3171–128 with a fire seal having P/N 725Z3171–151 or P/N 725Z3171–152, as applicable. After any IFS forward upper fire seal replacement, AD 2018–15–03 requires updating the part number of the thrust reverser half (two thrust reverser halves per engine). AD 2018–15–03 also prohibits the installation of IFS forward upper fire seals having P/N 725Z3171–127 or P/N 725Z3171–128, as of August 27, 2018 (the effective date of AD 2018–15–03).

This proposed AD would require repetitive inspections of the IFS forward upper fire seal and thermal insulation blankets in the forward upper area of the TR for damage, and applicable on-condition actions. During the inspections specified in this proposed AD, if damage is found on any IFS forward upper fire seal, and that fire seal has P/N 725Z3171–127 or P/N 725Z3171–128, that damaged fire seal must be replaced with a fire seal having P/N 725Z3171–151 or P/N 725Z3171–152, as applicable. After the IFS forward upper fire seal replacement, operators may update the part number of the thrust reverser half to get credit for compliance with the requirements of AD 2018–15–03, provided that action is accomplished within the compliance time of AD 2018–15–03, which is 36 months after August 27, 2018 (the effective date of AD 2018–15–03).

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB780041–00 RB, Issue 001, dated March 31, 2020. The service information describes procedures for repetitive inspections of the IFS forward upper fire seal and thermal insulation blankets of the TR for damage and applicable on-condition actions. Damage to a forward upper fire seal includes cuts, splits, nicks, punctures, and missing sections. Damage to an upper thermal blanket includes tears, cuts, missing metal skin, missing insulation, and over-temperature conditions shown by discoloration or scorching. The on-condition actions include replacing any damaged forward upper fire seal with a new fire seal having an appropriate part number, and replacing any damaged forward upper thermal blanket with a new thermal blanket.

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

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified in Boeing Alert Requirements Bulletin B787–81205–SB780041–00 RB, Issue 001, dated March 31, 2020, described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information,'' and except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0465.

Explanation of Requirements Bulletin

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement is a process for annotating which steps in the service information are ''required for compliance'' (RC) with an AD. Boeing has implemented this RC concept into Boeing service bulletins.

In an effort to further improve the quality of ADs and AD-related Boeing service information, a joint process improvement initiative was worked between the FAA and Boeing. The initiative resulted in the development of a new process in which the service information more clearly identifies the actions needed to address the unsafe condition in the ''Accomplishment Instructions.'' The new process results in a Boeing Requirements Bulletin, which contains only the actions needed to address the unsafe condition (*i.e.,* only the RC actions).

Differences Between This Proposed AD and the Service Information

Boeing Alert Service Bulletin B787–81205–SB780041–00, Issue 001, dated March 31, 2020, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB780041–00 RB, Issue 001, dated March 31, 2020, specifies 0.5 task hours for replacing the fire seal and 0.5 task hours for replacing the thermal blanket. Boeing notified the FAA that these estimates are not accurate and the correct estimated task hours are 2 work-hours per TR half for replacing the fire seal and 1 work-hour per TR half for replacing the thermal blanket. The Costs of Compliance section in this proposed AD reflects the corrected estimated costs.

Interim Action

The FAA considers this proposed AD interim action. If final action is later identified, the FAA might consider further rulemaking at that time.

Costs of Compliance

The FAA estimates that this proposed AD affects 14 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	4 work-hours × $85 per hour = $340 per inspection cycle.	$0	$340 per inspection cycle.	$4,760 per inspection cycle

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Action	Labor cost	Parts cost	Cost per product
Fire seal replacement.	2 work-hours × $85 per hour = $170 per TR half.	$1,365 per TR half	$1,535 per TR half (4 TR halves per airplane)
Thermal blanket replacement.	1 work-hour × $85 per hour = $85 per TR half.	$17,855 per TR half	$17,940 per TR half (4 TR halves per airplane)

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty by Goodrich, thereby reducing the cost impact on affected operators. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2020–0465; Product Identifier 2020–NM–074–AD.

(a) Comments Due Date

The FAA must receive comments by July 31, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category, powered by Rolls Royce Trent 1000 engines.

(d) Subject

Air Transport Association (ATA) of America Code 78, Engine Exhaust System.

(e) Unsafe Condition

This AD was prompted by reports of damage to the inner fixed structure (IFS) forward upper fire seal and damage to thermal insulation blankets in the forward upper area of the thrust reverser (TR). The FAA is issuing this AD to address the damage to the IFS forward upper fire seal and the thermal insulation blankets of the TR due to airflow through structural gapping that could occur at the interface between the leading edge of the IFS and the engine splitter structure during flight. Failure of the IFS forward upper fire seal could cause the loss of seal pressurization and degrade the ability to detect and extinguish an engine fire, resulting in an uncontrolled fire. Damage to the TR insulation blanket could result in thermal damage to the TR inner wall, the subsequent release of engine exhaust components, and consequent damage to critical areas of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB780041–00 RB, Issue 001, dated March 31, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB780041–00 RB, Issue 001, dated March 31, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB780041–00, Issue 001, dated March 31, 2020, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB780041–00 RB, Issue 001, dated March 31, 2020.

(h) Exceptions to Service Information Specifications

Where Boeing Alert Requirements Bulletin B787–81205–SB780041–00 RB, Issue 001, dated March 31, 2020, uses the phrase ''the Issue 001 date of Requirements Bulletin B787–81205–SB780041–00 RB'' this AD requires using ''the effective date of this AD.''

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(j) Related Information

(1) For more information about this AD, contact Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA; phone: 206–231–3553; email: *Takahisa.Kobayashi@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on June 3, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–12869 Filed 6–15–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0525; Airspace Docket No. 20–ASO–7]

RIN 2120–AA66

Proposed Amendment and Establishment of Area Navigation (RNAV) Routes; South-Central Florida Metroplex Project

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend two existing low altitude RNAV routes (T-routes), and establish nine new T-routes in support of the South-Central Florida Metroplex Project. The proposed changes would reduce the dependency of the National Airspace System (NAS) on ground-based navigational systems, and assist with the transition to a more efficient Performance Based Navigation (PBN) route structure.

DATES: Comments must be received on or before July 31, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1 (800) 647–5527 or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0525; Airspace Docket No. 20–ASO–7 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11D, Airspace Designations and Reporting Points, and

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would expand the availability of RNAV in Florida to improve the efficiency of the NAS by lessening the dependency on ground-based navigation aids.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2020–0525; Airspace Docket No. 20–ASO–7 and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2020–0525; Airspace Docket No. 20–ASO–7.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to amend two existing low altitude RNAV routes (T-routes), and establish nine new T-routes in support of the South-Central Florida Metroplex Project. The purpose of the routes is to expand the availability of RNAV and improve the efficiency of the NAS by reducing the dependency on ground-based navigation systems. The following is a general description of the proposed amended and new routes.

T–208: T–208 is an existing route that currently extends from the Gators, FL (GNV), VORTAC eastward to the CARRA, FL, fix, then to the Ormond Beach (OMN) VORTAC. This action proposes to remove the Gators VORTAC, the CARRA fix, and the Ormond Beach VORTAC from the route. T–208 would be realigned to start at the WALEE, FL, waypoint (WP) (located to the east of the current Gators VORTAC). The route would then proceed eastward to the MMKAY, FL and the FOXAM, FL, WPs, (near the Florida east coast), then it would turn southward through the SUUGR, FL, WP, the SMYRA, FL, OAKIE, FL, MALET, FL, TICCO, FL, and INDIA, FL, fixes, then continue southward through the DIMBY, FL, WP, the VALKA, FL, fix, the SULTY, FL, WIXED, FL, CLEFF, FL, DURRY, FL, and BOBOE, FL, WPs, and terminating at the SHANC, FL, fix (located about 17 nautical miles (NM) northwest of the Fort Lauderdale, FL, VOR/DME). The amended route would extend between the WALEE, FL, WP, and the SHANC, FL, fix.

T–210: T–210 is an existing route that currently extends from the Taylor, FL (TAY), VORTAC, to the OHLEE, FL, WP, to the BRADO, FL, fix. The FAA proposes to remove the Taylor VORTAC from the route and add the MARQO, FL, WP (in the vicinity of the Taylor VORTAC) as the new start point. From the MARQO WP, the route would proceed southeastward through the OHLEE, FL, WP, and BRADO, FL, fix (as currently charted). After the BRADO fix, the route would turn southward through the MMKAY, FL, WP, the MRUTT, FL, WP, the GUANO, FL, fix, and the KIZER, FL, fix (located about 23 NM north of the Orlando, FL (ORL), VORTAC). After KIZER, the route would turn southwestward through the EMSEE, FL, DAIYL, FL, AKOJO, FL, and PUNQU, FL, WPs, and terminating at the VARZE, FL, WP.

T–336: T–336 is a proposed new route that would extend between the TROYR, FL, WP, and the WIXED, FL, WP.

T–337: T–337 is a proposed new route that would extend between the SWENY, FL, WP, and the WEZER, FL, WP.

T–339: T–339 is a proposed new route that would extend between the KARTR, FL, WP, and the ODDEL, FL, WP.

T–341: T–341 is a proposed new route that would extend between the MEAGN, FL, WP, and the MARQO, FL, WP.

T–343: T–343 is a proposed new route that would extend between the WORPP, FL, WP, and the INDIA, FL, WP.

T–345: T–345 is a proposed new route that would extend between the MARKT, FL, WP, and the DEARY, FL, WP.

T–347: T–347 is a proposed new route that would extend between the CLEFF, FL, WP, and the SEBAG, FL, WP.

T–349: T–349 is a proposed new route that would extend between the VARZE, FL, WP, and the TROYR, FL, WP.

T–353: T–353 is a proposed new route that would extend between the FEBRO, FL, WP, and the ASTOR, FL, WP.

United States Area Navigation routes are published in paragraph 6011 of FAA Order 7400.2D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The RNAV routes listed in this document would be subsequently published in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Navigation Routes.

* * * * *

T–208 WALEE, FL to SHANC, FL [Amended]

WALEE, FL	WP	(Lat. 29°41′36.05″ N, long. 082°14′07.07″ W)
MMKAY, FL	WP	(Lat. 29°41′55.42″ N, long. 081°26′49.15″ W)
FOXAM, FL	WP	(Lat. 29°33′37.73″ N, long. 081°09′37.84″ W)
SUUGR, FL	WP	(Lat. 29°19′40.38″ N, long. 081°07′20.79″ W)
SMYRA, FL	FIX	(Lat. 29°00′19.48″ N, long. 080°59′34.51″ W)
OAKIE, FL	FIX	(Lat. 28°51′04.26″ N, long. 080°55′52.35″ W)
MALET, FL	FIX	(Lat. 28°41′29.90″ N, long. 080°52′04.30″ W)
TICCO, FL	FIX	(Lat. 28°31′00.50″ N, long. 080°47′52.80″ W)
INDIA, FL	FIX	(Lat. 28°26′04.19″ N, long. 080°45′55.25″ W)
DIMBY, FL	WP	(Lat. 28°04′52.54″ N, long. 080°37′37.61″ W)
VALKA, FL	FIX	(Lat. 27°55′06.06″ N, long. 080°34′17.17″ W)
SULTY, FL	WP	(Lat. 27°48′12.41″ N, long. 080°32′59.17″ W)
WIXED, FL	WP	(Lat. 27°41′24.86″ N, long. 080°29′56.56″ W)
CLEFF, FL	WP	(Lat. 27°00′03.31″ N, long. 080°32′38.27″ W)
DURRY, FL	WP	(Lat. 26°43′46.96″ N, long. 080°24′09.25″ W)
BOBOE, FL	WP	(Lat. 26°28′48.72″ N, long. 080°23′05.23″ W)
SHANC, FL	FIX	(Lat. 26°18′51.14″ N, long. 080°20′00.16″ W)

* * * * * *

T–210 MARQO, FL to VARZE, FL [Amended]

MARQO, FL	WP	(Lat. 30°30′53.57″ N, long. 082°32′45.62″ W)
OHLEE, FL	WP	(Lat. 30°16′06.04″ N, long. 082°06′32.53″ W)
BRADO, FL	FIX	(Lat. 29°55′21.88″ N, long. 081°28′07.89″ W)
MMKAY, FL	WP	(Lat. 29°41′55.42″ N, long. 081°26′49.15″ W)
MRUTT, FL	WP	(Lat. 29°12′12.40″ N, long. 081°23′55.50″ W)
GUANO, FL	FIX	(Lat. 29°05′58.73″ N, long. 081°23′18.93″ W)
KIZER, FL	FIX	(Lat. 28°55′26.00″ N, long. 081°22′17.83″ W)
EMSEE, FL	WP	(Lat. 28°50′43.72″ N, long. 081°32′47.03″ W)
DAIYL, FL	WP	(Lat. 28°49′10.74″ N, long. 081°41′29.68″ W)
AKOJO, FL	WP	(Lat. 28°45′44.01″ N, long. 081°43′31.54″ W)
PUNQU, FL	WP	(Lat. 28°34′33.65″ N, long. 081°49′22.43″ W)
VARZE, FL	WP	(Lat. 28°16′25.85″ N, long. 082°01′44.51″ W)

* * * * * *

T–336 TROYR, FL to WIXED, FL [New]

TROYR, FL	WP	(Lat. 29°34′20.92″ N, long. 083°01′52.68″ W)
OMMNI, FL	WP	(Lat. 28°51′29.29″ N, long. 082°09′41.75″ W)
PUNQU, FL	WP	(Lat. 28°34′33.65″ N, long. 081°49′22.43″ W)
YOJIX, FL	WP	(Lat. 28°02′44.04″ N, long. 081°33′45.34″ W)
YONMA, FL	WP	(Lat. 28°03′55.68″ N, long. 081°24′31.18″ W)
ODDEL, FL	WP	(Lat. 28°05′45.51″ N, long. 081°10′10.24″ W)
DEARY, FL	WP	(Lat. 28°06′02.53″ N, long. 080°54′51.40″ W)
WIXED, FL	WP	(Lat. 27°41′24.86″ N, long. 080°29′56.56″ W)

* * * * * *

T–337 SWENY, FL to WEZER, FL [New]

SWENY, FL	WP	(Lat. 26°33′58.08″ N, long. 082°12′21.08″ W)
RISKS, FL	WP	(Lat. 27°01′51.89″ N, long. 081°56′40.30″ W)
WEZER, FL	WP	(Lat. 28°02′26.59″ N, long. 082°02′39.60″ W)

* * * * * *

T–339 KARTR, FL to ODDEL, FL [New]

KARTR, FL	FIX	(Lat. 25°29′45.76″ N, long. 081°30′46.24″ W)
DEEDS, FL	FIX	(Lat. 25°58′40.31″ N, long. 081°13′59.60″ W)
SWAGS, FL	FIX	(Lat. 26°10′37.07″ N, long. 081°05′59.93″ W)
ZAGPO, FL	WP	(Lat. 26°23′47.41″ N, long. 080°57′25.83″ W)
DIDDY, FL	FIX	(Lat. 27°18′38.15″ N, long. 080°52′55.92″ W)
ODDEL, FL	FIX	(Lat. 28°05′45.51″ N, long. 081°10′10.24″ W)

* * * * * *

T–341 MEAGN, FL to MARQO, FL [New]

MEAGN, FL	WP	(Lat. 26°14′17.20″ N, long. 080°47′23.64″ W)
ZAGPO, FL	WP	(Lat. 26°23′47.41″ N, long. 080°57′25.83″ W)
CUSEK, FL	WP	(Lat. 26°51′38.79″ N, long. 081°23′17.37″ W)
WEZER, FL	WP	(Lat. 28°02′26.59″ N, long. 082°02′39.60″ W)
VARZE, FL	WP	(Lat. 28°16′25.85″ N, long. 082°01′44.51″ W)
MARQO, FL	WP	(Lat. 30°30′53.57″ N, long. 082°32′45.62″ W)

* * * * * *

T–343 WORPP, FL to INDIA, FL [New]

WORPP, FL	FIX	(Lat. 25°53′36.69″ N, long. 080°58′26.87″ W)
CUSEK, FL	WP	(Lat. 26°51′38.79″ N, long. 081°23′17.37″ W)
FEBRO, FL	WP	(Lat. 27°37′02.08″ N, long. 081°47′07.68″ W)
TAHRS, FL	WP	(Lat. 27°52′12.96″ N, long. 081°33′55.12″ W)
YOJIX, FL	FIX	(Lat. 28°02′44.04″ N, long. 081°33′45.34″ W)
YONMA, FL	FIX	(Lat. 28°03′55.68″ N, long. 081°24′31.18″ W)
ODDEL, FL	FIX	(Lat. 28°05′45.51″ N, long. 081°10′10.24″ W)
DEARY, FL	FIX	(Lat. 28°06′02.53″ N, long. 080°54′51.40″ W)
INDIA, FL	FIX	(Lat. 28°26′04.19″ N, long. 080°45′55.25″ W)

* * * * * *

T–345 MARKT, FL to DEARY, FL [New]

MARKT, FL	WP	(Lat. 26°22′53.63″ N, long. 080°34′41.82″ W)
AIRBT, FL	WP	(Lat. 26°46′51.62″ N, long. 080°42′21.85″ W)
DOWDI, FL	WP	(Lat. 27°07′16.35″ N, long. 080°42′02.47″ W)
LLNCH, FL	WP	(Lat. 27°26′07.67″ N, long. 080°41′44.46″ W)
DEARY, FL	WP	(Lat. 28°06′02.53″ N, long. 080°54′51.40″ W)

T–347 CLEFF, FL to SEBAG, FL [New]

CLEFF, FL	WP	(Lat. 27°00′03.31″ N, long. 080°32′38.27″ W)
BAIRN, FL	WP	(Lat. 27°56′52.37″ N, long. 081°06′54.35″ W)
SABOT, FL	WP	(Lat. 28°15′05.10″ N, long. 081°13′37.16″ W)
CROPY, FL	WP	(Lat. 28°47′32.71″ N, long. 081°21′35.38″ W)
KIZER, FL	WP	(Lat. 28°55′26.00″ N, long. 081°22′17.83″ W)
GUANO, FL	WP	(Lat. 29°05′58.73″ N, long. 081°23′18.93″ W)
MRUTT, FL	WP	(Lat. 29°12′12.40″ N, long. 081°23′55.50″ W)
FOXAM, FL	WP	(Lat. 29°33′37.73″ N, long. 081°09′37.84″ W)
SEBAG, FL	WP	(Lat. 29°49′04.24″ N, long. 081°12′34.72″ W)

* * * * * *

T–349 VARZE, FL to TROYR, FL [New]

VARZE, FL	WP	(Lat. 28°16′25.85″ N, long. 082°01′44.51″ W)
TROYR, FL	WP	(Lat. 29°34′20.92″ N, long. 083°01′52.68″ W)

* * * * * *

T–353 FEBRO, FL to ASTOR, FL [New]

FEBRO, FL	WP	(Lat. 27°37′02.08″ N, long. 081°47′07.68″ W)
MOANS, FL	WP	(Lat. 27°54′49.97″ N, long. 081°44′54.89″ W)
PUNQU, FL	WP	(Lat. 28°34′33.65″ N, long. 081°49′22.43″ W)
AKOJO, FL	WP	(Lat. 28°45′44.01″ N, long. 081°43′31.54″ W)
DAIYL, FL	WP	(Lat. 28°49′10.74″ N, long. 081°41′29.68″ W)
EMSEE, FL	WP	(Lat. 28°50′43.72″ N, long. 081°32′47.03″ W)
KIZER, FL	WP	(Lat. 28°55′26.00″ N, long. 081°22′17.83″ W)
GUANO, FL	WP	(Lat. 29°05′58.73″ N, long. 081°23′18.93″ W)
MRUTT, FL	WP	(Lat. 29°12′12.40″ N, long. 081°23′55.50″ W)
FOXAM, FL	WP	(Lat. 29°33′37.73″ N, long. 081°09′37.84″ W)
ASTOR, FL	WP	(Lat. 29°47′55.30″ N, long. 081°18′06.11″ W)

* * * * *

Issued in Washington, DC, on June 10, 2020.

Scott M. Rosenbloom,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2020–12856 Filed 6–15–20; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2019–0621; FRL–10008–52–Region 8]

Approval and Promulgation of Implementation Plans; Utah; Regional Haze 5-Year Progress Report State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a regional haze progress report State Implementation Plan (SIP) revision submitted by the State of Utah on March 7, 2016. The revision addresses the requirements for states to submit periodic reports describing progress toward reasonable progress goals established for regional haze and a determination of adequacy of the State's regional haze SIP. The EPA is taking this action pursuant to section 110 of the Clean Air Act (CAA).

DATES: Written comments must be received on or before July 16, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2019–0621, to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.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 (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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov.* To reduce the risk of COVID–19 transmission, for this action we do not plan to offer hard copy review of the docket. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Jaslyn Dobrahner, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, (303) 312–6252, *dobrahner.jaslyn@epa.gov.*

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

I. What action is the EPA proposing?

On March 7, 2016, Utah submitted a Progress Report SIP revision (Progress Report) which: (1) Detailed the progress made toward achieving progress for improving visibility at Class I areas,[1] and (2) declared a determination of adequacy of the State's regional haze plan to meet reasonable progress goals. The State provided a public hearing for comment on the Progress Report on December 1, 2014 and provided Federal Land Managers (FLMs) an opportunity to comment on the Progress Report. The EPA is proposing to approve Utah's March 7, 2016 regional haze Progress Report SIP submittal.

II. Background

A. Requirements of the Clean Air Act and the EPA's Regional Haze Rule

In section 169A of the 1977 Amendments to the CAA, Congress created a program for protecting visibility in the nation's national parks and wilderness areas. This section of the CAA establishes ''as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution.''

The EPA promulgated a rule to address regional haze on July 1, 1999.[2] The Regional Haze Rule revised the existing visibility regulations [3] to integrate provisions addressing regional haze and established a comprehensive visibility protection program for Class I areas. The requirements for regional haze, found at 40 CFR 51.308 and 40 CFR 51.309, are included in the EPA's visibility protection regulations at 40 CFR 51.300 through 40 CFR 51.309. The EPA revised the Regional Haze Rule on January 10, 2017.[4]

The CAA requires each state to develop a SIP to meet various air quality requirements, including protection of visibility.[5] Regional haze SIPs must assure reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas. A state must submit its SIP and SIP revisions to the EPA for approval. Once approved, a SIP is enforceable by the EPA and citizens under the CAA. If a state elects not to make a required SIP submittal, fails to make a required SIP submittal, or if we find that a state's required submittal is incomplete or not approvable, then we must promulgate a federal implementation plant (FIP) to fill this regulatory gap.[6]

B. Requirements for Regional Haze SIPs Submitted Under 40 CFR 51.309

The EPA's Regional Haze Rule provides two paths to address regional haze. One is 40 CFR 51.308, which requires states to perform individual

[1] 42 U.S.C. 7491(a). Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. 42 U.S.C. 7472(a). In accordance with section 169A of the CAA, EPA, in consultation with the Department of Interior, promulgated a list of 156 areas where visibility is identified as an important value. 44 FR 69122 (Nov. 30, 1979). The extent of a mandatory Class I area includes subsequent changes in boundaries, such as park expansions. 42 U.S.C. 7472(a). Although states and tribes may designate as Class I additional areas whose visibility they consider to be an important value, the requirements of the visibility program set forth in section 169A of the CAA apply only to ''mandatory Class I Federal areas.'' Each mandatory Class I Federal area is the responsibility of a ''Federal Land Manager.'' 42 U.S.C. 7602(i). When we use the term ''Class I area'' in this section, we mean a ''mandatory Class I Federal area.''

[2] 64 FR 35714, 35714 (July 1, 1999) (codified at 40 CFR part 51, subpart P).

[3] The EPA had previously promulgated regulations to address visibility impairment in Class I areas that is ''reasonably attributable'' to a single source or small group of sources, *i.e.,* reasonably attributable visibility impairment (RAVI). 45 FR 80084, 80084 (Dec. 2, 1980).

[4] 82 FR 3078 (Jan. 10, 2017).

[5] 42 U.S.C. 7410(a), 7491, and 7492(a); CAA sections 110(a), 169A, and 169B.

[6] 42 U.S.C. 7410(c)(1).

point source best available retrofit technology (BART) determinations and evaluate the need for other control strategies. The other method for addressing regional haze is through 40 CFR 51.309, and is an option for states termed the ''Transport Region States,'' including Utah. Transport Region States can adopt regional haze strategies based on recommendations from the Grand Canyon Visibility Transport Commission (GCVTC) for protecting the 16 Class I areas on the Colorado Plateau.[7] The GCVTC submitted an annex to the EPA, known as the Backstop Trading Program, containing annual sulfur dioxide (SO_2) emissions reduction milestones and detailed provisions of a backstop trading program to be implemented automatically if measures failed to achieve the SO_2 milestones. Utah submitted a regional haze SIP under 40 CFR 51.309 to address stationary source SO_2 emissions reductions and submitted a regional haze SIP under 40 CFR 51.309(d)(4)(vii) to address stationary source nitrogen oxide (NO_X) and particulate matter (PM) emissions reductions.

C. Requirements for the Five-Year Regional Haze Progress Report SIP

Under both 40 CFR 51.308 and 40 CFR 51.309, states are required to submit progress reports that evaluate progress towards the reasonable progress goals for each mandatory federal Class I area within the state and in each Class I area outside the state that may be affected by emissions from within the state. In addition, the provisions also require states to submit, at the same time as the progress report, a determination of adequacy of the state's existing regional haze SIP. The first progress report must be in the form of a SIP revision and is due 5 years after submittal of the initial regional haze SIP.

As a Transport Region State, Utah submitted its Progress Report SIP under 40 CFR 51.309, and exercised the option to meet the requirements contained in 40 CFR 51.309 for regional haze implementation plans.[8] The requirements for Transport Region State progress reports are similar to those for other states, but the requirements for the reports are codified at 40 CFR 51.309(d)(10).

D. Regulatory and Legal History of the Utah Regional Haze SIP and FIP

On May 26, 2011, Utah submitted regional haze SIP revisions addressing the requirements of 40 CFR 51.309 that, for the most part, superseded and replaced regional haze SIP revisions submitted on December 12, 2003, August 8, 2004, and September 9, 2008.[9] On December 14, 2012, the EPA approved the SIP revisions as meeting the requirements of the Regional Haze Rule except for the requirements under 40 CFR 51.309(d)(4)(vii) pertaining to NO_X and PM BART.[10] On June 4, 2015, the State of Utah submitted to the EPA a revision to its Regional Haze SIP to address the requirements under 40 CFR 51.309(d)(4)(vii) pertaining to NO_X and PM BART, which included an alternative to BART.[11] On July 5, 2016, we partially approved and partially disapproved the June 4, 2015 SIP revision.[12] Specifically, the EPA approved the State's PM BART determination, but disapproved Utah's BART alternative for NO_X. The EPA promulgated a FIP for those portions of the SIP that were disapproved.[13] Several parties challenged the NO_X BART FIP.[14] As a result of the litigation, on September 11, 2017, the EPA's July 5, 2016 final rule was stayed by the U.S. Court of Appeals for the Tenth Circuit.[15] On July 3, 2019, Utah submitted a subsequent SIP revision intended to replace the NO_X BART FIP for PacifiCorp's Hunter and Huntington power plants.[16] The SIP revision provides an alternative to BART for Hunter and Huntington that would provide greater reasonable progress toward natural visibility conditions than BART. On January 22, 2020, the EPA proposed to approve the July 3, 2019 SIP revision.[17]

III. The EPA's Evaluation of Utah's Progress Report and Adequacy Determination

A. Regional Haze Progress Report

In this action, the EPA is proposing to approve Utah's Progress Report and the State's determination that the existing regional haze implementation plan requires no further substantive revision. Utah's Progress Report must meet the requirements set forth in 40 CFR 51.309(d)(10)(i). The State must also provide a determination of the adequacy of the existing implementation plan to ensure reasonable progress. 40 CFR 51.309(d)(10)(ii). If the State determines that the existing implementation plan requires no further revision, then the State must provide a negative declaration that further revision of the existing implementation plan is not needed at this time. *Id.*

As previously noted, on January 22, 2020, the EPA proposed to approve a SIP revision that provides a BART alternative for the Hunter and Huntington power plants.[18] The EPA has not yet taken final action to approve the proposed SIP revision, and the EPA is not prejudging the outcome of that rulemaking process. We note that in the event the proposed SIP revision is not finalized, there is already a FIP in place which addresses the previously identified SIP deficiencies. Thus, regardless of whether the EPA finalizes the proposed approval of the Utah SIP revision for the Hunter and Huntington power plants, Utah will have an implementation plan in place that fully addresses the regional haze requirements for the first implementation period.

1. Status of Implementation of Control Measures

Utah's Progress Report must include a description of the status of implementation of all control measures included in the regional haze SIP for achieving reasonable progress goals for Class I areas both within and outside of the State. 40 CFR 51.309(d)(10)(i)(A).

In its Progress Report, Utah summarized the regional haze measures that were relied upon in the regional

[7] The Colorado Plateau is a high, semi-arid tableland in southeast Utah, northern Arizona, northwest New Mexico, and western Colorado. The 16 mandatory Class I areas are: Grand Canyon National Park, Mount Baldy Wilderness, Petrified Forest National Park, Sycamore Canyon Wilderness, Black Canyon of the Gunnison National Park Wilderness, Flat Tops Wilderness, Maroon Bells Wilderness, Mesa Verde National Park, Weminuche Wilderness, West Elk Wilderness, San Pedro Park Wilderness, Arches National Park, Bryce Canyon National Park, Canyonlands National Park, Capital Reef National Park and Zion National Park.

[8] Utah Department of Environmental Quality, *Progress Report for Utah's State Implementation Plan for Regional Haze* (Utah Progress Report), page F–8 (Feb. 16, 2016).

[9] We only acted on the state rules associated with the Backstop Trading Program and emissions inventories in the 2008 submittal because the 2011 submittal superseded and replaced all other sections. We took no action on the December 12, 2003, and August 8, 2004, submittals because these were superseded entirely by the 2011 submittal. 77 FR 74355, 74356 (Dec.14, 2012).

[10] 77 FR at 74357.

[11] A State must demonstrate that a BART alternative achieves greater reasonable progress than source-specific BART. 40 CFR 51.308(e)(2), (e)(3).

[12] 81 FR 43894 (July 5, 2016).

[13] 81 FR at 43896, 43907.

[14] *Utah* v. *EPA,* No. 16–9541 (10th Cir.); *PacifiCorp* v. *EPA,* No. 16–9542 (10th Cir.); *Utah Associated Municipal Power Systems* v. *EPA,* No. 16–9543 (10th Cir.); *Deseret Generation Transmission Cooperative* v. *EPA,* No. 16–9545 (10th Cir.).

[15] *Utah* v. *EPA,* No. 16–9541 (10th Cir.), ECF No. 10496767.

[16] On December 3, 2019, Utah submitted a supplement to the July 2019 SIP submission that includes an amendment to the monitoring, record keeping, and reporting requirements.

[17] 85 FR 3558 (Jan. 22, 2020).

[18] *Id.*

haze SIP, as well as the SO_2 emissions reduction strategies implemented by sources in New Mexico, Utah and Wyoming under the SO_2 Backstop Trading Program. The State referenced the SO_2 emissions for sources associated with the SO_2 Backstop Trading Program [19] found within the 2013 Regional SO_2 Emissions and Milestones Report [20] (Table 1).

TABLE 1—REPORTED EMISSIONS FOR SOURCES ASSOCIATED WITH THE BACKSTOP TRADING PROGRAM [21]

State	Plant name	Reported 2013 SO_2 emissions (tons)
NM	Agave Energy Co./Agave Dagger Draw Gas Plant	14
NM	Frontier Field Services/Empire Abo Plant	478
NM	DCP Midstream/Artesia Gas Plant	284
NM	DCP Midstream/Eunice Gas Plant	3,044
NM	DCP Midstream/Linam Ranch Gas Plant	648
NM	Duke—Magnum/Pan Energy—Burton Flats	0
NM	Duke Energy/Dagger Draw Gas Plant	0
NM	Versado Gas Processors, LP/Eunice Gas Plant	184
NM	Frontier Field Services/Maljamar Gas Plant	2,244
NM	Western Refining Southwest Inc-Gallup Refinery	34
NM	Davis Gas Processing/Denton Plant	972
NM	OXY USA WTP Limited Partnership—Indian Basin Gas Plant	44
NM	Navajo Refining Co/Artesia Refinery	39
NM	Public Service Co of New Mexico/San Juan Generating Station	6,076
NM	Raton Pub. Service/Raton Power Plant	0
NM	Regency Field Services/Jal #3	1,002
NM	Versado Gas Processors, LP/Eunice South Gas Plant	0
NM	Versado Gas Processors, LLC/Monument Plant	723
NM	Versado Gas Processors, LLC/Saunders Plant	369
NM	Tri-State Gen & Transmission/Escalante Station	951
NM	Western Gas Resources/San Juan River Gas Plant	58
NM	Western Refining Southwest Inc./Bloomfield Products Terminal	0
NM	ConocoPhillips-Midland Office/MCA Tank Battery No. 2	195
NM	ConocoPhillips-Midland Office/East Vacuum Liquid Recovery and CO_2 Plant	156
UT	Brigham Young University—Main Campus	120
UT	Chevron Products Co—Salt Lake Refinery	26
UT	Big West Oil Company—Flying J Refinery	45
UT	Graymont Western US Inc—Cricket Mountain Plant	52
UT	Holcim—Devil's Slide Plant	172
UT	Holly Refining and Marketing Co—Phillips Refinery	101
UT	Intermountain Power Service Corporation—Intermountain Generating Station	4,724
UT	Kennecott Utah Copper Corp—Power Plant/Lab/Tailings Impoundment	1,810
UT	Kennecott Utah Copper Corp—Smelter and Refinery	727
UT	Materion Natural Resources—Delta Mill	0
UT	PacifiCorp—Carbon Power Plant	7,702
UT	PacifiCorp—Hunter Power Plant	5,055
UT	PacifiCorp—Huntington Power Plant	2,409
UT	Patara Midstream LLC Lisbon Natural Gas Processing Plant	5
UT	Sunnyside Cogeneration Associates—Sunnyside Cogeneration Facility	917
UT	Tesoro West Coast—Salt Lake City Refinery	664
UT	Utelite Corporation—Shale Processing	80
WY	American Colloid Mineral Co—East Colony	96
WY	American Colloid Mineral Co—West Colony	0
WY	Basin Electric—Dry Fork Station	830
WY	Basin Electric—Laramie River Station	9,286
WY	Big Horn Gas Processing—Big Horn/Byron Gas Plant	0
WY	Black Hills Corporation—Neil Simpson I	879
WY	Black Hills Corporation—Neil Simpson II	511
WY	Black Hills Corporation—Osage Plant	0
WY	Black Hills Corporation—Wygen I	566
WY	Cheyenne Light Fuel and Power Company—Wygen II	172
WY	Black Hills Corporation—Wygen III	315
WY	Burlington Resources—Bighorn Wells	0
WY	Burlington Resources—Lost Cabin Gas Plant	1,998
WY	Chevron USA—Carter Creek Gas Plant	596
WY	Chevron USA—Table Rock Field	0
WY	Chevron USA—Table Rock Gas Plant	22
WY	Chevron USA—Whitney Canyon/Carter Creek Wellfield	3
WY	Devon Energy Production Co., L.P.—Beaver Creek Gas Field	2
WY	Devon Gas Services, L.P.—Beaver Creek Gas Plant	49

[19] Utah Progress Report, page F–12.

[20] Western Regional Air Partnership, *2013 Regional SO_2 Emissions and Milestone Report* (March 18, 2015).

[21] In 2013, three states participated in the SO_2 Backstop Trading Program. SO_2 emissions from all three participating states are recorded and collectively compared to the milestone.

TABLE 1—REPORTED EMISSIONS FOR SOURCES ASSOCIATED WITH THE BACKSTOP TRADING PROGRAM [21]—Continued

State	Plant name	Reported 2013 SO_2 emissions (tons)
WY	Encore Operating LP—Elk Basin Gas Plant	824
WY	Exxon Mobil Corporation—Labarge Black Canyon Facility	139
WY	Exxon Mobil Corporation—Shute Creek	885
WY	FMC Corp—Green River Sodium Products	2,942
WY	FMC Wyoming Corporation Granger Soda Ash Plant	344
WY	Frontier Oil & Refining Company—Cheyenne Refinery	267
WY	Worland Plant	25
WY	Marathon Oil Co—Oregon Basin Gas Plant	182
WY	Marathon Oil Co—Oregon Basin Wellfield	40
WY	Merit Energy Company—Brady Gas Plant	316
WY	Merit Energy Company—Whitney Facility	1
WY	Merit Energy Company—Whitney Canyon Wellfield	0
WY	Mountain Cement Company—Laramie Plant	273
WY	P4 Production, L.L.C.—Rock Springs Coal Calcining Plant	754
WY	PacifiCorp—Dave Johnston Plant	8,648
WY	PacifiCorp—Jim Bridger Plant	11,397
WY	PacifiCorp—Naughton Plant	6,741
WY	PacifiCorp—Wyodak Plant	2,236
WY	Simplot Phosphates LLC—Rock Springs Plant	1,222
WY	Sinclair Oil Company—Sinclair Refinery	154
WY	Sinclair Wyoming Refining Company—Casper Refinery	225
WY	Solvay Chemicals—Soda Ash Plant (Green River Facility)	42
WY	TATA Chemicals (Soda Ash Partners)—Green River Plant	4,662
WY	The Western Sugar Cooperative—Torrington Plant	203
WY	University of Wyoming—Heat Plant	160
WY	Wyoming Refining—Newcastle Refinery	263

Utah's Progress Report identified four stationary sources subject to BART: PacifiCorp Hunter Units 1 and 2 and PacifiCorp Huntington Units 1 and 2. The status of control measures associated with PM and NO_X emissions for these four units in addition to the three other units included in the June 2015 and July 2019 BART alternatives are provided in Table 2. As explained above, the EPA has proposed but not yet taken final action with respect to Utah's BART alternative for the Hunter and Huntington Units.

TABLE 2—CONTROL MEASURES AND UPDATES FOR SOURCES SUBJECT TO BART AND THE BART ALTERNATIVE IN UTAH [22]

Unit	PM control type	PM emission limit [1] [2]	NO_X control type	NO_X emission limit [3]
Hunter Unit 1	Fabric Filter (completed in 2014).	0.015 lb/MMBtu (three-run test average).	Low-NO_X burners (LNB) + separated overfire air (SOFA) (completed in 2014).	0.26 lb/MMBtu (30-day rolling).
Hunter Unit 2	Fabric Filter (completed in 2011).	0.015 lb/MMBtu (three-run test average).	LNB + SOFA (completed in 2011).	0.26 lb/MMBtu (30-day rolling).
Hunter Unit 3	NA	NA	LNB + SOFA (completed in 2008)[4].	0.34 lb/MMBtu (30-day rolling).
Huntington Unit 1	Fabric Filter (completed in 2010).	0.015 lb/MMBtu (three-run test average).	LNB + SOFA (completed in 2010).	0.26 lb/MMBtu (30-day rolling).
Huntington Unit 2	Fabric Filter (completed in 2006).	0.015 lb/MMBtu (three-run test average).	LNB + SOFA (completed in 2006).	0.26 lb/MMBtu (30-day rolling).
Carbon Unit 1	NA	Shutdown by August 15, 2015.	NA	Shutdown by August 15, 2015.
Carbon Unit 2	NA	Shutdown by August 15, 2015.	NA	Shutdown by August 15, 2015.

[1] Based on annual stack testing.
[2] The BART PM emissions limits were previously approved in our July 2016 final rule. 81 FR at 43907.
[3] Based on continuous emission monitoring system (CEMS) measurement.
[4] 81 FR 2004, 2018 (Jan. 14, 2016).

In addition to summarizing the status of the SO_2 Backstop Trading Program and PM and NO_X BART controls, Utah provides an update on the State's Smoke Management Plan (SMP) which provides operating procedures for federal and state agencies that use prescribed fire, wildfire, and wildland

[22] Obtained from the July 2019 Utah regional haze SIP submittal, Section IX.H.22. The measures in the NO_X BART alternative of the July 2019 SIP submittal are identical to those in the alternative in the June 2015 SIP submittal (*i.e.* Utah submitted the same NO_X BART alternative in the June 2015 and July 2019 SIPs). As explained above, the EPA proposed to approve the July 2019 SIP on January 22, 2020. 85 FR at 3558. By including these SIP measures here, the EPA is not prejudging the outcome of its ongoing rulemaking process regarding the 2019 SIP.

fire on federal, state and private wildlands in Utah.[23] Federal and state land managers and the Utah Department of Air Quality formed the Utah Airshed Oversight Group to manage, oversee, and evaluate the SMP. After being certified by the EPA in 1999, the SMP, in accordance with evaluations conducted by the Utah Airshed Oversight Group, was revised in 2006 and 2014 and included the transition to a web-based burn permitting program. In its Progress Report, the State provides the status of Utah's alternative treatments to fire and agricultural burning in addition to the 2011 prescribed fire emissions (Table 3).[24]

TABLE 3—PRESCRIBED FIRE EMISSIONS IN 2011

Agency	Projects implemented	Black acres	Tons consumed	Tons of PM10	Percent %
Bureau of Indian Affairs	2	3,900	56,550	707	2
Bureau of Land Management	21	1,621	11,722	134	19
Forest Service	44	10,484	194,837	2,385	40
Fish and Wildlife Service	4	2,505	7,453	39	4
National Park Service	9	429	5,024	67	8
Utah Division of Forestry, Fire, and State Lands	29	3,074	28,570	333	27
Totals	109	22,013	304,156	3,665	100

Finally, Utah also provides status updates in the Progress Report for the Clean Air Corridor,[25] Pollution Prevention and Renewable Energy,[26] mobile sources, comprehensive emissions tracking system, New Source Performance Standards, Prevention of Significant Deterioration, New Source Review, Maximum Achievable Control Technology, and other Grand Canyon Visibility Transport Commission recommendations.[27]

The EPA proposes to find that Utah has adequately addressed the applicable provisions under 40 CFR 51.309(d)(10)(i)(A) regarding the implementation status of control measures because the State's Progress Report provides documentation of the implementation of control measures within Utah, including the BART-eligible sources.

2. Summary of Emissions Reductions Achieved

Utah's Progress Report must include a summary of the emissions reductions achieved throughout the State through implementation of control measures mentioned in 40 CFR 51.309(d)(10)(i)(A). 40 CFR 51.309(d)(10)(i)(B)

In its Progress Report, Utah presents information on emissions reductions achieved from the pollution control strategies discussed above. The State provides regional SO_2 emissions from 2003 through 2013 (Table 4) as well as statewide SO_2, NO_X, ammonia, volatile organic compounds, primary organic aerosol, elemental carbon, fine soil, and coarse mass emissions in 2002 and 2008. (Table 5).

TABLE 4—REGIONAL SO_2 EMISSIONS AND MILESTONES[28]

Year	Adjusted reported SO_2 emissions (tons)	Adjusted regional milestone (tons)
2003	*330,679	*447,383
2004	*337,970	*448,259
2005	*304,591	*446,903
2006	**279,134	**20,194
2007	**273,663	**420,637
2008	**244,189	378,398
2009	143,704	234,903
2010	131,124	200,722
2011	117,976	200,722
2012	96,246	200,722
2013	101,381	185,795
2014	92,533	170,868
2015	81,454	155,940

*Represents the adjusted SO_2 emissions/milestone for Arizona, New Mexico, Oregon, Utah, Wyoming, and Albuquerque-Bernalillo County.
**Represents the adjusted SO_2 emissions/milestone for Arizona, New Mexico, Utah, Wyoming, and Albuquerque-Bernalillo County. Figures with no asterisk represent the adjusted SO_2 emissions/milestone for New Mexico, Utah, Wyoming, and Albuquerque-Bernalillo County.

[23] Utah Progress Report, page F–14–F–16.

[24] Utah Progress Report, page F–15.

[25] The Clean Air Corridor is an area covering major portions of Nevada, southern Utah, eastern Oregon and southwestern Idaho intended to represent a region from which clean air transport influences many of the clean air days at Grand Canyon National Park. Utah Progress Report, page F–16.

[26] The Grand Canyon Visibility Transport Commission set a goal of achieving 10 percent of generation from renewable resources in 2005 and 20 percent in 2015. Utah reports that significant progress has been made towards these goals. Utah Progress Report, page F–17.

[27] Utah Progress Report, pages F–18–F–20.

[28] *See* Utah Progress Report, page F–20; *see also* Western Regional Air Partnership, 309 Committee: Documents, *https://www.wrapair.org//forums/309/docs.html* (last visited April 3, 2020). This Table represents the adjusted SO_2 emissions/milestone for New Mexico, Utah, Wyoming, and Albuquerque-Bernalillo County. Adjustments to reported emissions are required to allow the basis of current emissions estimates to account for changes in monitoring and calculation methods.

TABLE 5—SO_2, NO_X, AMMONIA, VOLATILE ORGANIC COMPOUNDS, PRIMARY ORGANIC AEROSOL, ELEMENTAL CARBON, FINE SOIL, AND COARSE MASS EMISSIONS [29]

Pollutant	2002 Emissions † (tons/year)	2008 Emissions ‡ (tons/year)	Difference between 2002 and 2008 emissions (tons/year)/ percent change
Sulfur Dioxide	54,083	31,190	−22,892/−42
Nitrogen Oxides	239,969	193,322	−38,262/−19
Ammonia	29,999	39,744	9,745/32
Volatile Organic Compounds	827,515	396,449	−431,066/−52
Primary Organic Aerosol	29,407	7,547	−21,860/−74
Elemental Carbon	8,769	4,098	−4,671/−53
Fine Soil	14,877	28,536	13,659/92
Coarse Mass	97,500	214,745	117,245/>100

† Plan02d.
‡ WestJump2008.

The emissions data show that there were decreases in emissions of SO_2, NO_X, volatile organic compounds, primary organic aerosol, and elemental carbon. Furthermore, regional SO_2 emissions have been below the milestone every year. According to the State, increases in emissions of coarse and fine particulate between 2002 and 2008 (>100 percent and 92 percent, respectively) may be due to enhancements in dust inventory methodology rather than changes in actual emissions.[30] Similarly, ammonia emissions increased by 32 percent between 2002 and 2008. According to the State, increases in ammonia emissions, which are predominantly from area sources and on-road mobile sources, may be due to a combination of population changes and differences in methodologies used to estimate these emissions.[31]

The EPA proposes to conclude that Utah has adequately summarized the emissions reductions achieved throughout the State in its Progress Report as required under 40 CFR 51.309(d)(10)(i)(B). In meeting this requirement, the EPA does not expect states to quantify emissions reductions for measures which had not yet been implemented or for which the compliance date had not yet been reached at the time progress reports are finalized.[32]

3. Visibility Conditions and Changes

Pursuant to 40 CFR 51.309(d)(10)(i)(C) for each mandatory Class I area within the State, Utah must assess the following visibility conditions and changes, with values for most impaired and least impaired days [33] expressed in terms of five-year averages of these annual values:

i. Assess the current visibility conditions for the most impaired and least impaired days.

ii. Analyze the difference between current visibility conditions for the most impaired and least impaired days and baseline visibility conditions.

iii. Evaluate the change in visibility impairment for the most impaired and least impaired days over the past five years.

In its Progress Report, Utah provides information on visibility conditions for the Class I areas within its borders. There are five Class I areas located in Utah: Arches National Park, Bryce Canyon National Park, Canyonlands National Park, Capitol Reef National Park, and Zion National Park. Monitoring and data representing visibility conditions in Utah's five Class I areas is based on the four Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring sites located across the State (Table 6).

TABLE 6—UTAH'S CLASS I AREAS AND IMPROVE SITES

Class I area	IMPROVE site
Arches National Park	CANY1
Bryce Canyon National Park	BRCA1
Canyonlands National Park	CANY1
Capitol Reef National Park	CAPI1
Zion National Park	ZICA1 *

* The ZICA1 monitoring site replaced the ZION1 monitoring site in 2003.

The Progress Report addressed current visibility conditions and the difference between the baseline period visibility conditions, progress period visibility conditions, and current period visibility conditions with values for the most impaired (20 percent worst days) and least impaired and/or clearest days (20 percent best days). Table 7: Visibility Progress in Utah's Class I Areas, shows the difference between the current period (represented by 2009–2013 data) and the baseline visibility data (represented by 2000–2004 data) [34] in addition to the Preliminary Reasonable Progress (PRP) projection.[35] The PRP was developed by the WRAP as the projected visibility improvement for 2018, and reflects growth plus all controls ''on the books'' as of a certain date.[36] Table 8: Visibility Rolling 5-Year Averages in Utah's Class I Areas, shows the rolling 5-year average visibility from 2000–2013 as well as the change from the first 5-year rolling average period (2000–2004) to the last 5-year rolling average period (2009–2013).

[29] Utah Progress Report, pages F–50–F–57.

[30] Utah Progress Report, page F–49.

[31] Utah Progress Report, page F–48.

[32] The Utah Progress Report is dated May 18, 2015.

[33] The ''most impaired days'' and ''least impaired days'' in the regional haze rule refers to the average visibility impairment (measured in deciviews) for the 20% of monitored days in a calendar year with the highest and lowest amount of visibility impairment, respectively, averaged over a five-year period. *See* 40 CFR 51.301. In the context of 40 CFR 51.309 and this document, ''most impaired'' and ''worst'' have the same meaning and ''least impaired'' and ''best'' have the same meaning.

[34] Utah Progress Report, pages F–31–F–32.

[35] 77 FR at 74361–62.

[36] PRPa predicts improvement as of March 2007, while PRPb predicts improvement as of March 2009.

TABLE 7—VISIBILITY PROGRESS IN UTAH'S CLASS I AREAS

Class I area	IMPROVE site	Baseline period 2000–04	Progress period 2005–09	Current period 2009–13	Difference (progress—baseline)	Difference (current—baseline)	2018 preliminary reasonable progress PRP18a/ PRP18b
		Deciview					
20% Worst Days							
Arches National Park	CANY1	11.2	11.0	10.8	−0.2	−0.4	10.9/10.7
Bryce Canyon National Park	BRCA1	11.6	11.9	10.6	0.3	−1.0	11.2/11.1
Canyonlands National Park	CANY1	11.2	11.0	10.8	−0.2	−0.4	10.9/10.7
Capitol Reef National Park	CAPI1	10.9	11.3	10.2	0.4	−0.7	10.5/10.4
Zion National Park	ZICA1	12.5	12.3	10.8	−0.2	−1.7	** NA
20% Best Days							
Arches National Park	CANY1	3.7	2.8	3.1	−0.9	−0.6	3.5
Bryce Canyon National Park	BRCA1	2.8	2.1	1.8	−0.7	−1.0	2.6
Canyonlands National Park	CANY1	3.7	2.8	3.1	−0.9	−0.6	3.5
Capitol Reef National Park	CAPI1	4.1	2.7	2.6	−1.4	−1.5	3.9
Zion National Park	ZICA1	5.0	4.3	4.3	−0.7	−0.7	** NA

** There are no PRPs established for the ZICA1 monitor. The PRP18a was originally established for the original ZION1 IMPROVE monitor, which was discontinued on July 29, 2004.

TABLE 8—VISIBILITY ROLLING 5-YEAR AVERAGES IN UTAH'S CLASS I AREAS

Class I area	IMPROVE site	2000–04	2005–09	2006–10	2007–11	2008–12	2009–13	Change from baseline
		Deciview						
20% Worst Days								
Arches National Park	CANY1	11.2	11.0	11.0	10.9	11.0	10.8	−0.4
Bryce Canyon National Park.	BRCA1	11.6	11.9	11.4	11.4	11.0	10.6	−1.0
Canyonlands National Park	CANY1	11.2	11.0	11.0	10.9	11.0	10.8	−0.4
Capitol Reef National Park	CAPI1	10.9	11.3	10.8	10.4	10.5	10.2	−0.7
Zion National Park	ZICA1	12.5	12.3	12.5	12.2	11.5	10.8	−1.7
20% Best Days								
Arches National Park	CANY1	3.7	2.8	2.9	2.9	2.9	3.1	−0.6
Bryce Canyon National Park.	BRCA1	2.8	2.1	2.0	2.0	1.8	1.8	−1.0
Canyonlands National Park	CANY1	3.7	2.8	2.9	2.9	2.9	3.1	−0.6
Capitol Reef National Park	CAPI1	4.1	2.7	2.6	2.7	2.5	2.6	−1.5
Zion National Park	ZICA1	5.0	4.3	4.5	4.4	4.2	4.2	−0.8

As shown in Table 7, all the IMPROVE monitoring sites within the State show improvement in visibility conditions between the baseline (2000–2004) and current (2009–2013) periods on both the 20 percent worst visibility and 20 percent best visibility days. In addition, all of Utah's Class I areas met the PRP18a on both the 20 percent worst and 20 percent best visibility days over the current (2009–2013) period (Table 7). Furthermore, deciview improvement was consistent over the 2000–2013 time period, using 5-year rolling averages (Table 8).[37]

In its Progress Report, Utah demonstrates that particulate organic matter was the largest contributor to light extinction on the 20 percent worst days with the largest difference between the 5-year average baseline and progress periods at the Bryce Canyon National Park (BRCA1) site.[38] According to the State, the difference between the 5-year average baseline and progress periods at the BRCA1 site was influenced by large wildfire events in July and August of 2009.[39]

The EPA proposes to conclude that Utah has adequately addressed the requirements under 40 CFR 51.309(d)(10)(i)(C) to include summaries of monitored visibility data as required by the Regional Haze Rule.

4. Emissions Tracking Analysis

Utah's Progress Report must include an analysis tracking the change over the past five years in emissions of pollutants contributing to visibility impairment from all sources and activities within the State. 40 CFR 51.309(d)(10)(i)(D).

In its Progress Report, Utah presents data from a 2008 emissions inventory, which leverages inventory development work performed by the Western Regional Air Partnership (WRAP) for the West-wide Jumpstart Air Quality

[37] Refer to the Utah Progress Report for pollutant contributions at each Class I area and 5-year rolling averages. Utah Progress Report, pages F–39–F–46.

[38] Utah Progress Report, pages F–34, F–37.

[39] Utah Progress Report, pages F–10, F–37.

Modeling Study (WestJumpAQMS) [40] and the Deterministic & Empirical Assessment of Smoke's Contribution to Ozone (DEASCO$_3$) modeling projects, termed WestJump2008 and compares it to the baseline emissions inventory for 2002 (Plan02d).[41] The pollutants inventoried include the following source classifications: SO_2, NO_X, ammonia, volatile organic compounds, primary organic aerosol, elemental carbon, fine soil, and coarse mass from both anthropogenic and natural sources (Table 9).

TABLE 9—EMISSIONS PROGRESS IN UTAH

Pollutant (anthropogenic, natural, and total sources)	2002 emissions (Plan02d)	2008 emissions (WestJump2008)	Difference (percent change)	2018 preliminary reasonable progress (PRP18a)
	tons/year			
SO_2:				
Anthropogenic	51,665	31,410	−20,256 (−39)	42,096
Natural	2,418	92	−2,326 (−96)	2,418
Total	54,083	31,190	−22,892 (−42)	44,513
NO_X:				
Anthropogenic	218,499	194,913	−23,586 (−11)	150,593
Natural	21,470	6,793	−14,676 (−68)	21,470
Total	239,969	193,322	−38,262 (−19)	172,063
Ammonia:				
Anthropogenic	28,107	39,295	11,188 (40)	29,947
Natural	1,893	449	−1,444 (−76)	1,893
Total	29,999	39,744	9,745 (32)	31,840
Volatile Organic Compounds:				
Anthropogenic	166,550	228,985	62,434 (37)	213,767
Natural	660,965	238,518	−422,447 (−64)	660,966
Total	827,515	396,449	−431,066 (−52)	874,732
Primary Organic Aerosol:				
Anthropogenic	3,220	6,379	3,159 (98)	3,064
Natural	26,187	1,167	−25,020 (−96)	26,188
Total	29,407	7,547	−21,860 (−74)	29,252
Elemental Carbon:				
Anthropogenic	3,364	3,889	524 (16)	1,327
Natural	5,405	209	−5,196 (−96)	5,405
Total	8,769	4,098	−4,671 (−53)	6,732
Fine Soil:				
Anthropogenic	5,585	17,297	11,712 (>100)	7,953
Natural	9,292	11,239	1,947 (21)	9,292
Total	14,877	28,536	13,659 (92)	17,245
Coarse Mass:				
Anthropogenic	23,676	117,232	93,556 (>100)	36,357
Natural	73,824	97,513	23,689 (32)	73,824
Total	97,500	214,745	117,245 (>100)	110,181

Overall, Utah's emissions that affect visibility were reduced in all sectors for all pollutants (total) except for ammonia and coarse and fine particulate matter categories. Similar to other Western states,[42] Utah cites large variability in changes in windblown dust observed for contiguous Western states, which was likely due in large part to enhancements in dust inventory methodology rather than changes in actual emissions.[43] The largest decrease in point source inventories was in SO_2 emissions which can be attributed to the implementation of the SO_2 Backstop Trading Program in December 2003.[44] The largest increase in point source inventories was in NO_X emissions going from 84,218 tons per year in 2002 to 87,623 tons per year in 2008.[45] According to the State, the differences in NO_X emissions inventories result from normal fluctuations in plant operations and do not indicate a trend of increasing emissions. Indeed, a triennial inventory for 2011 shows point source NO_X emissions of 69,913 tons per year which is 17 percent lower than recorded in the base year inventory.[46]

The EPA proposes to conclude that Utah has adequately addressed the requirements under 40 CFR 51.309(d)(10)(i)(D) to track changes in emissions of pollutants contributing to visibility impairment from all sources and activities within the State.

[40] WRAP Regional Technical Center and West Jump AQMS, *https://www.wrapair2.org/WestJumpAQMS.aspx* (last visited March 19, 2020). Additional information on the WestJump study available in the docket for this action, ''WestJump Fact Sheet.''

[41] Utah Progress Report, pages F–46, F–48.

[42] 84 FR 32682, 32687 (July 9, 2019), 85 FR 21341 (April 17, 2020).

[43] Utah Progress Report, page F–49.

[44] Utah Progress Report, page F–50.

[45] Utah Progress Report, page F–51.

[46] Utah Progress Report, page F–48.

5. Assessment of Changes Impeding Visibility Progress

Utah's Progress Report must include an assessment of any significant changes in anthropogenic emissions within or outside the State that have occurred over the past five years that have limited or impeded progress in reducing pollutant emissions and improving visibility in Class I areas impacted by the State's sources. 40 CFR 51.309(d)(10)(i)(E).

In its Progress Report, Utah provided an assessment of significant changes in anthropogenic emissions within or outside the State. On the 20% worst days over the 5-year period from 2005–2009, particulate organic matter and ammonium sulfate were the two highest contributors to haze in Class I areas in Utah. According to the State, the primary sources of anthropogenic particulate organic matter in Utah include prescribed forest and agricultural burning, vehicle exhaust, vehicle refueling, solvent evaporation (*e.g.,* paints), food cooking, and various commercial and industrial sources. The State asserts that increases in anthropogenic primary organic aerosols may be due to changes in methodology between 2002 and 2008 and do not necessarily reflect an actual change in emissions. According to the State, the primary anthropogenic sources of SO_2 include coal-burning power plants and other industrial sources, with stationary point sources accounting for approximately 90 percent of SO_2 emissions in Utah. The State asserts that SO_2 emissions declined by 42 percent between 2002 and 2008. Because anthropogenic emissions within Utah have decreased overall, Utah concludes that anthropogenic SO_2 emissions or other anthropogenic emissions have not limited or impeded progress in reducing pollutant emissions or reducing visibility.[47]

Although not cited in Utah's Progress Report, at the time of the analysis done by the State for the Progress Report (March 2015), not all BART alternative controls had been realized because compliance dates had not yet occurred for Carbon Units 1 and 2 (Table 2). Thus, the impacts of the emissions reductions from BART alternative controls had not been fully realized and are therefore not evident or accounted for in the State's Progress Report. These additional anthropogenic emissions reductions have further improved visibility in Utah's Class I areas.

The EPA proposes to find that Utah has adequately addressed the requirements under 40 CFR 51.309(d)(10)(i)(E) and proposes to agree with Utah that there have been no significant changes in anthropogenic emissions that have limited or impeded progress in reducing pollutant emissions and improving visibility.

6. Assessment of Current Implementation Plan Elements and Strategies

Utah's Progress Report must include an assessment of whether the current implementation plan elements and strategies are sufficient to enable the State, or other states with mandatory Class I areas affected by emissions from the State, to meet all established reasonable progress goals. 40 CFR 51.309(d)(10)(i)(F).

In its Progress Report, Utah provided an assessment of whether the current implementation plan elements and strategies in the regional haze SIP are sufficient to enable the State, or other states with Class I areas affected by emissions from the State, to meet all established reasonable progress goals. In particular, Utah compared visibility conditions and emissions reductions to the WRAP PRP projections.[48]

Under the Regional Haze Rule, states adopting the requirements of 40 CFR 51.309 are deemed to have met the reasonable progress requirements for the Class I areas located on the Colorado Plateau. 40 CFR 51.309(a). Since all the Class I areas in Utah are on the Colorado Plateau, the State met all reasonable progress requirements for the Class I areas in Utah. Additionally, Utah previously determined, and the EPA agreed, that emissions from the State do not significantly impact or will not significantly impact other states' Class I areas. Thus, Utah was not required to establish reasonable progress goals.[49] Accordingly, for the purpose of evaluating this section of the progress report requirements, we propose to assess progress toward the PRPs.

Utah asserts that visibility continues to improve at the State's Class I areas from 2000 through 2013. Indeed, key visibility metrics described previously, show: (1) A decrease in total SO_2 and NO_X emissions, which are associated with anthropogenic sources; (2) improvement in visibility conditions between the baseline (2000–2004) and current (2009–2013) periods on both the 20 percent worst visibility and 20 percent best visibility days at all IMPROVE monitoring sites; (3) achievement of the PRP18a at all of Utah's Class I areas on both the 20 percent worst and 20 percent best visibility days over the current (2009–2013) period;[50] and (4) consistent deciview improvement over the 2000–2013 time period, using 5-year rolling averages. Thus, Utah is confident that the current implementation plan elements and strategies are sufficient to make progress towards visibility goals.

The EPA proposes to conclude that Utah has adequately addressed the requirements under 40 CFR 51.309(d)(10)(i)(F) and proposes to agree with the State's determination that implementation plan elements are sufficient to enable the State to make reasonable progress towards the WRAP's PRPs.

7. Review of Current Monitoring Strategy

Utah's Progress Report must include a review of the State's visibility monitoring strategy and any modifications to the strategy as necessary. 40 CFR 51.309(d)(10)(i)(G).

The monitoring strategy for regional haze in Utah relies upon participation in the IMPROVE network, which is the primary monitoring network for regional haze nationwide.

In its Progress Report, Utah summarizes the existing monitoring network, which includes four IMPROVE monitors, used to monitor visibility at the five Class I areas in the State. The State relies solely on the IMPROVE monitoring network to track long-term visibility improvement and degradation and will continue to rely on the IMPROVE monitoring network, without modifications to the existing network, for complying with the regional haze monitoring requirements.

The EPA proposes to find that Utah adequately addressed the requirements of 40 CFR 51.309(d)(10)(i)(G) because the State reviewed its visibility monitoring strategy and determined that no further modifications to the strategy are necessary.

B. Determination of Adequacy of the Existing Regional Haze Plan

The provisions under 40 CFR 51.309(d)(10)(ii) require states to determine the adequacy of their existing implementation plan to meet existing reasonable progress goals and take one of the following actions:

(1) Submit a negative declaration to the EPA that no further substantive

[47] Utah Progress Report, page F–59.

[48] Utah Progress Report, pages F–59–F–63.

[49] 77 FR at 74367–68.

[50] PRP18b modeling results show additional projected visibility improvement using all known and expected controls as of March 2009. All of Utah's Class I areas achieve PRP18b except for Arches National Park and Canyonlands National Park which, at 10.8 deciviews during the current period (2009–2013), are above the PRP18b of 10.7 deciviews. *See supra* Table 7.

revision to the state's existing regional haze implementation plan is needed at this time;

(2) If the state determines that the implementation plan is or may be inadequate to ensure reasonable progress due to emissions from sources in another state(s) which participated in a regional planning process, the state must provide notification to the EPA and to the other state(s) which participated in the regional planning process with the state. The state must also collaborate with the other state(s) through the regional planning process for developing additional strategies to address the plan's deficiencies;

(3) Where the state determines that the implementation plan is or may be inadequate to ensure reasonable progress due to emissions from sources in another country, the state shall provide notification, along with available information, to the Administrator; or

(4) If the state determines that the implementation plan is or may be inadequate to ensure reasonable progress due to emissions from sources within the state, then the state shall revise its implementation plan to address the plan's deficiencies within one year.

According to Utah, the IMPROVE data demonstrate that Utah is on track to meet the WRAP's PRPs. Thus, Utah's Progress Report provides a negative declaration to the EPA that no further substantive revisions to the regional haze SIP are needed to improve visibility in Class I areas beyond those controls already in place and scheduled to be in place at the time Utah prepared the Progress Report.[51]

The EPA proposes to conclude that Utah has adequately addressed 40 CFR 51.309(d)(10)(i)(G) because key visibility metrics described previously show improvement in visibility conditions between the baseline (2000–2004) and current (2009–2013) periods on both the 20 percent worst visibility and 20 percent best visibility days at all IMPROVE monitoring sites and consistent deciview improvement is shown over the 2000–2013 time period. Additionally, further visibility improvement has likely resulted from the 2015 shutdown of Carbon 1 and 2, which was required after Utah's Progress Report was finalized. The EPA also expects further visibility improvement to result from subsequent regional haze actions.

[51] Utah Progress Report, page F–65.

IV. Proposed Action

The EPA is proposing to approve Utah's March 7, 2016, Regional Haze Progress Report as meeting the applicable regional haze requirements set forth in 40 CFR 51.309(d)(10).

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, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: May 29, 2020.

Gregory Sopkin,

Regional Administrator, EPA Region 8.

[FR Doc. 2020–12075 Filed 6–15–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2012–0063; FRL–10009–34–Region 4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Fairfax St. Wood Treaters Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Notice of Intent.

SUMMARY: The Environmental Protection Agency (EPA) Region 4 is issuing a Notice of Intent to Delete Fairfax St. Wood Treaters Superfund Site (Site) located in Jacksonville, Florida, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Florida, through the Florida Department of Environmental Protection (FDEP), have determined that all appropriate response actions under

CERCLA, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by July 16, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–2012–0063, by one of the following methods:

- *https://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 (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 a 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.*

- Following Centers for Disease Control and Prevention (CDC) and Office of Policy Management (OPM) guidance and specific state guidelines impacting our regional offices, EPA's workforce has been authorized to telework to help prevent transmission of the coronavirus [COVID–19]. As a result there is a temporary shutdown of EPA's Docket Center and EPA Regional Records Centers. While in this workforce telework status, there are practical limitations on the ability of staff to collect, and for Agency personnel to respond to, ''hard copy'' mailed queries sent directly to Agency office locations. Therefore, until the workforce is able to return to office locations, EPA recommends that, to the extent feasible, any correspondence mailed to the Agency should also be sent via email.

- For questions on this document and submission of comments please contact—Leigh Lattimore, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW—MS9T25, Atlanta, GA 30303, (404) 562–8768, *lattimore.leigh@epa.gov* or Ron Tolliver at *tolliver.ron@epa.gov.*

Instructions: Direct your comments to Docket ID No. EPA–HQ–SFUND–2012–0063. EPA's policy is that all comments received will be included in the public docket without change and may be made 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 *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 and with any disk or CD–ROM you submit. 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.

Docket: All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hardcopy. Publicly available docket materials are available electronically in *https://www.regulations.gov.*

The EPA is temporarily suspending its Docket Center and Regional Records Centers for public visitors to reduce the risk of transmitting COVID–19. In addition, many site information repositories are closed and information in these repositories, including the deletion docket, has not been updated with hardcopy or electronic media. 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.

FOR FURTHER INFORMATION CONTACT: Leigh Lattimore, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW—MS9T25, Atlanta, GA 30303, (404) 562–8768, email: *lattimore.leigh@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

EPA Region 4 announces its intent to delete the Fairfax St. Wood Treaters Superfund Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. The EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in 40 CFR 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

The EPA will accept comments on the proposal to delete this site for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III of this document discusses procedures that the EPA is using for this action. Section IV of this document discusses where to access and review the information that demonstrates how the deletion criteria have been met at the Fairfax St. Wood Treaters Superfund Site and demonstrates how it meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from

the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), the EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, the EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. The EPA conducts such five-year reviews even if a site is deleted from the NPL. The EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) The EPA consulted with the State before developing this Notice of Intent to Delete.

(2) The EPA has provided the state 30 working days for review of this document prior to publication of it today.

(3) In accordance with the criteria discussed above, the EPA has determined that no further response is appropriate;

(4) The State of Florida, through the Florida Department of Environmental Protection, has concurred with deletion of the Site from the NPL.

(5) Concurrently with the publication of this Notice of Intent to Delete in the **Federal Register**, a notice is being published in a major local newspaper, The Florida Times-Union. The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the site from the NPL.

(6) The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

If comments are received within the 30-day public comment period on this document, the EPA will evaluate and respond appropriately to the comments before making a final decision to delete. If necessary, the EPA will prepare a Responsiveness Summary to address any significant public comments received. After the public comment period, if the EPA determines it is still appropriate to delete the Site, the Regional Administrator will publish a final Notice of Deletion in the **Federal Register**. Public notices, public submissions and copies of the Responsiveness Summary, if prepared, will be made available to interested parties and in the site information repositories listed above.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

Site Background and History

The Fairfax St. Wood Treaters (FSWT) (CERCLIS ID: FLD000623041) Superfund site encompasses 12.5 acres and is located at 2610 Fairfax Street, in a predominantly residential area of Jacksonville, Duval County, Florida. Features of the FSWT facility included a burned building, parking lot, drip pad, former tank farm, and retention pond. FSWT is bordered to the north by St. Johns/CSX railroad tracks, to the east by Fairfax Street and residential properties beyond, to the south by West 14th Street and residential properties beyond, and to the west by Susie E. Tolbert and R.V. Daniels Elementary Schools (STES) and by residential properties on Pullman Court. Moncrief Creek is located about 1,000 feet west of the FSWT property. Overflow from the FSWT retention pond flows into Moncrief Creek via a city drainage pipe, which collects stormwater from the general area.

From 1980 to 2010, Wood Treaters, LLC operated a wood treating facility that pressure-treated utility poles, pilings, heavy timber items, and plywood lumber products using the wood treating preservative chromated copper arsenate (CCA). CCA is characterized by a bright green color and is composed of waterborne oxides, or salts, of chromium, copper, and arsenic.

As a result of the wood treating operations and EPA's understanding of the process at the facility, some of the contaminated soil is contaminated with Resource Conservation and Recovery Act (RCRA) Listed Hazardous Waste (F035). Under 40 CFR 261.31, F035 Listed hazardous waste is defined as ''Wastewater (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium.'' Under EPA's ''contained-in'' policy, contaminated media (*e.g.,* groundwater, soil, or sediments) is considered to contain RCRA hazardous waste: (1) When media is contaminated with characteristic hazardous waste and exhibits a characteristic of hazardous waste; or (2) when the media is contaminated with hazardous constituents from RCRA Listed Hazardous Waste. (63 FR 28617, May 26, 1998). For F035, the RCRA hazardous constituents are arsenic and chromium. If contaminated media (*e.g.* soil) contain Listed Hazardous Waste, then once generated (*i.e.,* excavated from the ground) they are with limited exceptions, subject to all applicable RCRA hazardous waste requirements until EPA (or an authorized State) determine the media no longer contains hazardous waste. These RCRA requirements were identified in the ROD as ''applicable or relevant and appropriate requirements'' (ARARs) consistent with CERCLA Section 121(d)(2) and the National Contingency Plan (NCP) as well as EPA guidance. In addition, due to the elevated concentrations of arsenic and chromium in soil and residual waste in the former process area, there is a possibility that this soil/waste could be determined by the Toxicity Characteristic Leaching Procedure (TCLP) to be RCRA Toxicity characteristic waste under 40 CFR 261.24 [D004 and D007]. Residual waste material in pipes and drains are classified as a RCRA Listed hazardous waste [F035]. Building and other man-made debris that is contaminated with this Listed hazardous waste may be hazardous debris under RCRA regulations.

Between 1980 and 1990, there was no stormwater management system on the facility. The topography of the FSWT property and the surrounding area is generally flat; therefore, stormwater was either directed to the STES retention pond or flowed overland across the FSWT property. Uncontrolled stormwater contaminated with CCA from the wood treating process is believed to have overflowed onto neighboring properties during this time, resulting in CCA contaminated soil. In 1990, FSWT installed a stormwater collection and retention system, including site grading and paving for drainage, stormwater collection swales, diversion berms, and a polyethylene-lined retention pond.

After 1990, stormwater that collected in the treated wood storage yard and areas other than the drip pad was diverted to ditches located along the northern, southern, and western property boundaries. These ditches drained into the retention pond at the northwestern corner of the property. An overflow pipe is located in the retention pond so that water overflows into the pipe and discharges into nearby Moncrief Creek, a tributary of the Trout River.

Wood Treaters, LLC filed for bankruptcy in July 2010. In August 2010, after Wood Treaters, LLC, abandoned the facility, the EPA, at the request of the FDEP, conducted emergency response (ER) activities at the facility that included pumping out the water contained in the secondary containment area and retention pond, removing product in tanks, and collecting soil, surface water, sediment, and residual waste material samples. Upon arrival, the EPA plugged the overflow pipe in the on-site retention pond to prevent contaminated water in the pond from flowing into Moncrief Creek. Once the on-site retention pond was stabilized, the plug was removed.

In January 2011, the EPA conducted a removal investigation at the FSWT property. During the removal investigation, soil samples were collected from 17 residential properties, the STES and RVDES properties, and the FSWT property. Arsenic, chromium, and copper were detected in surface and subsurface soil samples collected from the FSWT property.

In July 2011, the EPA conducted a removal confirmation and residential sampling event at the FSWT property. Removal activities included excavation of gravel and soil down to 1.5 feet below land surface (bls) along the northern, western, and southern portions of the property. Between March and October 2011, the EPA conducted removal activities at the FSWT property and the adjacent STES and RVDES shared playground.

In May 2011, the EPA conducted a site assessment investigation at the FSWT property. During the investigation, soil samples were collected along the northern and western portions of the FSWT property, along the southern FSWT property boundary, beneath the concrete that covered the majority of the FSWT property, and from nearby residential properties. Groundwater samples were also collected from monitoring wells installed by Wood Treaters, LLC throughout the property and around the STES retention pond.

The site was proposed to be on the National Priorities List (NPL) on March 15, 2012 (77 FR 15344), and was finalized on September 18, 2012 (77 FR 57495).

Remedial Investigation and Feasibility Study (RI/FS)

Between 2012 and 2013, the EPA conducted a remedial investigation (RI) and risk assessment to fully characterize site contaminants, fate and transport, and receptors for all exposure routes on and off-site. Based on the Human Health Risk Assessment (HHRA) and the Screening-Level Ecological Risk Assessment (SLERA), unacceptable risks were estimated for non-residential and residential exposures to arsenic, copper, chromium, and polycyclic aromatic hydrocarbons (PAHs) on site. For off-site residential soils, the EPA believed that soils immediately adjacent to the FSWT property and nearby residential yards were contaminated by former wood treating operations conducted at the site. The HHRA determined that several residential yards exceed EPA's acceptable risk range. It was determined that the site-related contamination migrated due to stormwater runoff and spray from the tires of the trucks leaving the site from the south, east, and west. The EPA and FDEP decided to address all residential parcels that were impacted by site-related contamination and where arsenic concentrations are above the background concentration of 2.36 ppm.

The SLERA also identified a risk for an avian receptor that may use the on-site retention pond as a primary food source and the sediments warrant a response action. Within Moncrief Creek, the major area of sediment contamination is located about 1,800 feet downstream of the discharge point of stormwater from the FSWT site to the creek. However, further investigation of stream sediments in Moncrief Creek located off-site was needed to determine if a response action is warranted to protect the environment. It was determined that if a response action was warranted, a focused feasibility study will be completed and the additional contaminated areas will be remediated as a second operable unit under the FSWT site.

The Feasibility Study evaluated excavation and off-site disposal and with different treatment options for soils considered RCRA hazardous. The future anticipated land use is residential. Cleanup concentrations were developed to be protective of human health and are based on future anticipated land use.

Selected Remedy

EPA chose excavation and off-site treatment and disposal as the best option for the remedial action at the site. The Record of Decision (ROD) was signed on August 22, 2017. The major components of the remedy included excavation of the 12.5 area parcel, sediment in the on-site retention pond, and off-site properties. In addition to excavation, the remedy included temporary storage of generated waste, off-site disposal at EPA approved landfills, backfilling and restoration activities. The Remedial Action Objectives were: (1) Prevent human exposure (direct contact and ingestion) to on-site soil with concentrations of COCs above levels protective of residential use; (2) Prevent migration of contaminated stormwater runoff from the FSWT site to adjacent properties and Moncrief Creek; (3) Prevent unacceptable risk to ecological receptors (benthic organisms and avian) from contaminated sediments and surface water in the on-site retention pond; (4) Prevent direct contact with residual waste material and contaminated building structures located on the site, including the drip pad and process containment areas; and (5) Prevent off-site residential human exposure (direct contact and ingestion) to soil with concentrations of arsenic above levels protective of residential use.

Response Actions

In accordance with the ROD, a pre-design field investigation was performed to fill data gaps at the school property and at residential properties east of the FSWT Site for arsenic concentrations and to provide additional site-specific information needed to develop the RD.

Three residential properties were sampled consistent with the RI sampling. Two of the properties exceeded the arsenic cleanup level.

STES delineation soil samples were collected on March 20, 2018 and June

12 through June 14, 2018. Arsenic concentrations exceeded the cleanup level. The EPA and FDEP recognized the potential concern of the parents and community and worked together to address the impacted soil as soon as possible. Since the EPA did not have RA funding, FDEP mobilized, removed, and disposed of offsite the impacted soil during the summer break when students were not present. This facilitated a component of the selected remedy.

Starting on July 9, 2018, the FDEP, started collecting additional soil samples for delineation of the area needing removal on the STES. Excavation activities occurred from July 16, 2018 through August 12, 2018, and were completed in 25 days. Approximately 3,360 tons of soil was removed from the school property during the excavation activities. The excavated area was backfilled and restored.

The Remedial Action began in February 2019 and construction activities were completed in October 2019. The 51 residential properties, the 12.5-acre property, and the on-site retention pond were remediated and restored. The EPA contractor excavated, stockpiled, and disposed of roughly 67,000 tons of excavated soils and sediments at EPA approved RCRA facilities. The EPA also collected confirmation samples from the floors and sidewalls of excavation areas and continued excavating soil if confirmation samples exceeded cleanup levels.

In July 2019, the EPA collected sediment samples, fish, insects, and crayfish along Moncrief Creek to address uncertainties raised in the SERLA. The analyses of the data concluded that site-related contaminants (arsenic, copper, chromium) are not likely to be appreciable contributors to the toxicity levels observed in the sediment toxicity tests from sediment samples from the retention basin and that site-related metals contamination in the Moncrief Creek retention basin is not likely to cause appreciable or unacceptable risks to ecological receptors that may feed at the Moncrief Creek retention basin. Therefore, it was determined the EPA would not take a response action on Moncrief Creek.

The completion of Remedial Action was documented in the Final Remedial Action Report and documented in a Superfund Remedial Action Completion memorandum signed on March 11, 2020 (Superfund Enterprise Management System (SEMS) document identification number 11143607). The reports and the memorandum are available in the deletion docket and they describe the cleanup techniques, cleanup concentrations for COCs, confirmation testing results, and QA/QC methodologies.

Cleanup Levels

Except for arsenic, the cleanup levels for the on-site and off-site contaminated surface soils are based on FDEP's SCTLs for direct exposure and residential use (Florida Administrative Code [F.A.C.] 62–777 Table II). These SCTLs are identified as chemical-specific ARARs. Neither EPA (as a policy matter) nor Florida set cleanup levels for an individual contaminant that is more stringent than the site-specific background concentration for that contaminant, provided that the background level is protective of human health and the environment. Therefore, the EPA used the site-specific background level of 2.36 ppm for arsenic instead of the FDEP SCTL. The cleanup levels for sediments are based on Florida's sediment quality assessment guidelines for the protection of sediment-dwelling organisms. The cleanup levels can be found in the Record of Decision (SEMS 11054367)

Operation and Maintenance

Since the RA cleanup levels achieved unlimited use and unrestricted exposure (UU/UE), there is no need for Operation and Maintenance (O&M). However, the owner of the property should employ good housing keeping practices to ensure proper drainage of stormwater from the site and should include routine inspection of all site areas for evidence of positive drainage towards the site ditches and retention pond, routine mowing of site grass, routine removal of debris and vegetation other than grass from the ditches and retention pond, and routine inspection and removal of any debris, vegetation or other obstruction from the pond inlet structures and pipes.

Five-Year Review

Hazardous substances, pollutants, or contaminants will not remain at the Site above levels that allow for UU/UE after completion of all remedial action construction. Therefore, a statutory five-year review under CERCLA Section 121(c) will not be required for this remedial action.

Community Involvement

The EPA held numerous community meetings before and during the residential cleanup. The EPA issued fact sheets and maintained a public website during remedial construction. After the cleanup was complete, the EPA released final fact sheets and held a final availability session to highlight the accomplishment and answer any questions and concerns.

All EPA documents are on the site's public website. A notice is being published in a major local newspaper, the Florida Times-Union and postcards have been sent out notifying the pubic of the deletion.

Determination That the Site Meets the Criteria for Deletion in the NCP

The EPA has followed all procedures required by 40 CFR 300.425(e), Deletion from the NPL. The EPA consulted with the State of Florida prior to developing this document. The EPA determined that both the EPA and FDEP have conducted all appropriate response actions required and that no further response action for this portion of the Site is appropriate. The EPA is publishing a notice in a major local newspaper, The Florida Times-Union, of its intent to partially delete the Site and how to submit comments. The EPA placed copies of documents supporting the proposed partial deletion in the Site information repository; these documents are available for public inspection and copying.

The implemented remedy achieved the degree of cleanup and protection specified in the ROD. The selected remedial action objectives and associated cleanup levels for the surface soil are consistent with agency policy and guidance. Based on information currently available to the EPA, no further Superfund response in the area proposed for deletion is needed to protect human health and the environment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p. 306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: June 4, 2020.

Mary S. Walker,

Regional Administrator, Region 4.

[FR Doc. 2020–12692 Filed 6–15–20; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 85, No. 116
Tuesday, June 16, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Information Collection Activities; Proposed Collection; Response to Comments; Open Innovation Competitions—Prizes, Challenges, Hackathons

AGENCY: Center for Development Innovation (CDI), U.S. Agency for International Development (USAID).

ACTION: Notice of response to information collection.

SUMMARY: The United States Agency for International Development sought comment on information contained in **Federal Register** Notice (Document Number: 2020–01961) and published Monday, February 3, 2020. One comment was received. The content of that comment was not germane to the subject of the information collection exercise. USAID/CDI will now request approval of this generic collection of information from the Office of Management and Budget (OMB).

FOR FURTHER INFORMATION CONTACT: Michael Jackson, USAID, Center for Development Innovations 202–216–3467 or *mjackson@usaid.gov.*

SUPPLEMENTARY INFORMATION:

Title: Open innovation competitions—Prizes, Challenges and hackathons.

OMB Number: 2020–01961.

Type of Review: Renewal of generic collection.

Method of Collection: Electronic.

Frequency of Response: Periodically.

Affected Public: Open Innovation Competition contestants.

Estimated Number of Respondents: Approximately 800 participants annually based on current year estimates.

Estimated Time per Response: Response time varies depending on the nature of the open innovation competition from an average estimated response time of 10 hours/participant which is significantly less than offerors would be expected to spend on a traditional proposal. Some 100 participants may require as much as 2 additional hours each to provide additional information upon selection.

Total Estimated Annual Burden: 8,200 hours (800 participants × 10 hours/participant) + (100 participants × 2 hours/participant).

General Description of Collection: USAID/CDI establishes open innovation competitions—prizes, challenges and hackathons to source breakthrough innovations from innovators around the world to further USAID's ability to address its development and humanitarian response priorities.

USAID/CDI solicited written comments from all interested persons about the proposed collection of information. USAID/CDI specifically sought information relevant to the following topics:

- The necessity of the collection of information described for the proper performance of USAID/CDI's functions, including its practical utility;
- The accuracy of the estimation of the burden of the proposed collection;
- Enhancing the quality, utility, and clarity of the information to be collected; and
- Using automation and forms of information technology to minimize the burden imposed by the collection of information.

William Day,

Grants Management Specialist, Center for Development Innovation, U.S. Agency for International Development.

[FR Doc. 2020–12943 Filed 6–15–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Meeting Notice of the National Agricultural Research, Extension, Education, and Economics Advisory Board

AGENCY: Research, Education, and Economics, USDA.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Agricultural Research, Extension, and Teaching Policy Act of 1977, and the Agriculture Improvement Act of 2018, the United States Department of Agriculture (USDA) announces a meeting of the National Agricultural Research, Extension, Education, and Economics Advisory Board.

DATES: The National Agricultural Research Extension, Education, and Economics Advisory Board will meet virtually by telephone conference on July 7–9, 2020, from 11:00 a.m.–3:00 p.m. Eastern Daylight Time (EDT). The public may file written comments before or up to July 23, 2020.

ADDRESSES: The meeting will take place virtually via Zoom. Dial-in options will be available.

Web Preregistration: Participants wishing to participate may preregister by emailing the NAREEE Advisory Board at *nareee@ars.usda.gov.* Upon registration you will receive a unique link, call-in number, and access code.

Written comments may be sent to The National Agricultural Research, Extension, Education, and Economics Advisory Board Office, Room 332A, Whitten Building, United States Department of Agriculture, STOP 0321, 1400 Independence Avenue SW, Washington, DC 20250–0321. Due to COVID–19, we recommend you email comments to *nareeeab@ars.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Michele Esch, Executive Director/Designated Federal Official, or Shirley Morgan-Jordan, Program Support Coordinator, National Agricultural Research, Extension, Education, and Economics Advisory Board; telephone: (202) 720–3684 or email: *nareee@ars.usda.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the meeting: To provide advice and recommendations on the top priorities and policies for food and agricultural research, education, extension, and economics. The focus of this meeting will be on the deliberation of the report and recommendations of the relevance and adequacy review of the climate and energy needs programs of the USDA Research, Education, and Extension mission area and the Cooperative Extension activities of the land-grant university system. The Board will also hear from REE leadership and receive updates from the subcommittees of the Board. A detailed agenda may be received from the contact person identified in this notice or at *https://*

nareeeab.ree.usda.gov/meetings/general-meetings.

Tentative Agenda: On Tuesday, July 7, 2020 through Thursday, July 9, 2020, the meeting will be held from 11:00 a.m. EDT until 3:00 p.m. EDT.

Public Participation: This meeting is open to the public via internet and telephone and any interested individuals wishing to attend. Opportunity for public comment will be offered. To attend the meeting via telephone and/or make oral statements regarding any items on the agenda, you must contact Michele Esch or Shirley Morgan-Jordan at email: *nareee@ars.usda.gov* at least 5 business days prior to the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. The Chair will conduct the meeting to facilitate the orderly conduct of business. Written comments by attendees or other interested stakeholders will be welcomed for the public record before and up to two weeks following the Board meeting (or by close of business Thursday, July 23, 2020). All written statements must be sent to Michele Esch, Designated Federal Officer and Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board, U.S. Department of Agriculture, Room 332A, Jamie L. Whitten Building, Mail Stop 0321, 1400 Independence Avenue SW, Washington, DC 20250–0321; or email: *nareee@ars.usda.gov.* All statements will become a part of the official record of the National Agricultural Research, Extension, Education, and Economics Advisory Board and will be kept on file for public review in the Research, Education, and Economics Advisory Board Office.

Cikena Reid,

Committee Management Officer, U.S. Department of Agriculture.

[FR Doc. 2020–12966 Filed 6–15–20; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

Lassen County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Lassen County Resource Advisory Committee (RAC) will hold a virtual meeting. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following website: *https://www.fs.usda.gov/main/lassen/workingtogether/advisorycommittees.*

DATES: The meeting will be held on July 23, 2020, starting at 10:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held with virtual attendance only. For virtual meeting information, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Lassen National Forest Superivsor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Mark Gaston, RAC Coordinator, by phone at 505–252–6604 or via email at *mark.gaston2@usda.gov.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Approve minutes of last meeting,
2. Old Business;
3. Discuss membership outreach;
4. Call for project proposals;
5. Disuss Title II Funding for 2017, 2018, and 2019;
6. Committee Assignments;
7. Set next meeting dates; and
8. Time for public comments.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by July 16, 2020 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Mark Gaston, RAC Coordinator, Lassen National Forest Supervisor's Office, 2550 Riverside Drive, Susanville, California 96130; by email to *mark.gaston2@usda.gov,* or via facsimile to 530–252–6428.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2020–12967 Filed 6–15–20; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Alaska 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 (FACA) that a meeting of the Alaska Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. Alaska Time (AKT) on Wednesday, July 1, 2020. The purpose of the meeting will be to discuss which civil rights topic to examine; and to nominate and elect vice chair.

DATES: The meeting will be held on Wednesday, July 1, 2020 at 12:00 p.m. AKT.

Public Call Information:
Dial: 888–394–8218.
Conference ID: 8203613.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (202) 681–0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–394–8218, conference ID number: 8203613. Any interested member of the public may call this number and listen to the meeting. 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 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

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 meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may also be emailed to Ana Victoria Fortes at *afortes@usccr.gov*.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzljAAA.*

Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome

II. Nominate Vice Chair

III. Concept Stage Presentation

IV. Review Civil Rights Topics

V. Public Comment

VI. Discuss Next Steps

VII. Good of the Order

VIII. Adjournment

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–12907 Filed 6–15–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–37–2020]

Foreign-Trade Zone (FTZ) 75—Phoenix, Arizona; Notification of Proposed Production Activity; Lucid Motors USA, Inc;. (Electric Automobiles and Subassemblies); Casa Grande and Tempe, Arizona

Lucid Motors USA, Inc. (Lucid Motors) submitted a notification of proposed production activity to the FTZ Board for its facilities in Casa Grande and Tempe, Arizona. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on June 2, 2020.

The Lucid Motors facilities are located within Subzone 75N. The facilities will be used for the production of electric passenger automobiles and subassemblies. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Lucid Motors from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status materials/components noted below, Lucid Motors would be able to choose the duty rates during customs entry procedures that apply to electric passenger vehicles (for nine or less people), lithium-ion battery packs for electric vehicles, drive inverters, AC motors, DC/DC converters, and differentials (duty rate ranges from duty-free to 3.4%). Lucid Motors would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Rigid plastic tubing (ethylene; propylene; vinyl chloride); plastic tubes (having a minimum burst pressure of 27.6 MPa; not reinforced, without fittings; not reinforced, with fittings; reinforced); plastic components (fittings for hoses; gap pads; caps and closures; plugs; door handles; trays; baffle inserts; brackets; cable supports; cable ties; clips; fasteners; gaskets; mounts and fittings; O-rings; seals; washers; converter covers; vents; brake hoses; seat organizers); electrical tape; self-adhesive plastic components (sheet in rolls; tape; film; labels; strips); separators (polyethylene; polypropylene; air particle); butadiene-styrene-alkyl-methacrylate copolymer; styrene-butadiene rubber; rubber hoses (not reinforced, with or without fittings; reinforced, with or without fittings); radial tires; rubber components (O-rings; rings; seals; gaskets; washers; bumpers; grommets; bushings); natural rubber spring isolators; paper labels; carpet; passenger window tempered safety glass; windshields of laminated safety glass (not framed and not fitted; cut-to-size, framed to fit, framed with ceramic frit coating); nickel plated steel sheet; steel components (pipes for rotors; pipe bends and elbow fittings; tube fittings; mesh; bolts; screws; locknuts; nuts; plugs; studs; washers; dowel pins; leaf springs; springs; caps; clamps; clips; retainer plates; rings; hinges; brackets; mountings; fittings for motor vehicles); iron leaf springs; copper components (solid bars for rotors; profiles for rotors; shield plates; foil; ferrules); brass standoffs; nickel alloy plates; aluminum bonding wire (not alloy); aluminum alloy bonding wire; aluminum alloy sheets; aluminum components (foil; tube fittings; spacers; clamps; castings; forgings; plugs; hinges; brackets, mountings, fittings, bushings for motor vehicles; cooling tubes; wheels); assemblies operated by a key or radio wave signal (deck lid/trunk latch; side door latch); tubular keys; hood latches not containing any locking mechanism; metal door handles not containing lock or latch assemblies; brazing rings; electromechanical brake boosters; pumps (displacement; electric oil; centrifugal); reservoirs (brake fluid; coolant); compressors; vent fans for cooling systems; fans for center console controllers; compressor tubes; compressor discharge fittings; hose assemblies for air conditioner systems; battery chillers; heat exchangers; coolant heaters; assemblies (radiator/condenser; drive unit; printed circuit board (for: Converters; inverters; power supplies; controllers; distribution); occupant detection sensor; seatbelt adjuster; cross member; door switch plate; suspension; axle); heat exchanger coil springs; oil filters; housings (for: Air filters; flange bearings; motors; drive inverters; visual signaling equipment; lighting equipment; controllers; junction boxes; plastic connectors; gear boxes); windshield washer reservoir assemblies with motor; windshield washer nozzles; pressure relief valves; check valves; coolant manifolds; valve bodies; bearings (ball; wheel; tapered roller); door components (actuators; rocker panels; dampeners; strikers; pockets); AC electric motors exceeding 150kW;

electric vehicle motors/drive units; bearing end bells; heat sinks for drive units; stators and components (laminations; plastic pipes; stacks); motor gear cases; rotors and components (endcaps; shafts; stacks; aluminum spacers); electrical transformers; DC/DC converters; driver inverters; controllers for electric motors (direction; speed drive); wireless Qi charging modules; ferrite beads; power inductors; inverter heat sinks; metal magnets; 12V batteries; finished lithium-ion batteries; finished lithium-ion battery packs for electrically powered vehicles; lithium-ion battery cells; battery exhaust ducts; connectors (battery; printed circuit board assembly; wire harness; lug); finished battery pack enclosures; lithium-ion battery module insulators; lithium-ion battery modules; lithium-battery enclosure side rails; terminal plates; lithium-ion battery cell top plates; silicon rubber vents; lights (back panel; interior; dashboard; side exterior nose; license plate); lamps (taillight; trunk and/or luggage compartment; position; headlight; fog light; glove compartment; map; ashtray; dome light; sealed beam; tungsten halogen); light bars; interior roof lighting modules; visual signaling equipment (lamps (turn signal; brake; stop; parking; running; reverse/back up); reflectors/markers; horns); windshield wipers; defrosters; demisters; microphones for hands-free use of phone input to vehicle sound system; loudspeakers (single; multiple); microphone and loudspeaker sets; audio amplifiers; speaker grills; cameras (with or without monitors); blind spot detection radars; vehicle GPS tracking devices; radio receivers (AM/FM; satellite); antennas; capacitors (fixed; aluminum; ceramic dielectric (single layer; multilayer); plastic); fixed resistors (composition; film); thermistors; printed circuits; busbars; fuses; automotive signaling flashers; electrical relays; electrical switches; pin receptacles; junction boxes; lug connectors; terminal lugs; terminals; controller boards; switchboards; contactors; junction box plates; sensors (wheel speed; battery); electronic control units; magnet wires (aka winding wire); wire harnesses; cables for voltage not exceeding 1,000V (alone or fitted with connectors); insulated busbars (for: A voltage not exceeding 1,000V and fitted with connectors; a voltage exceeding 1,000V); insulated grounding wire for a voltage not exceeding 1,000V (fitted or not fitted with connectors); cable for a voltage exceeding 1,000V (alone or fitted with connectors); subframes; body panels; bumper components (fascia; air inlet; reinforcement beam); seat belts; seat belt webbing; cross members; fenders; hoods; body stamped components (door panel; floor panel; electric charger port door; hinge door; door skin; windshield molding); visors; torque boxes; cables (hood; decklid; door); trunk liners; cargo restraint nets; stoppers (brake pedal; accelerator pedal arm); interior door trim/molding; dashboard panels; air ducts; glove compartment doors; pillars; trunk lids; window lift mechanisms; brake components (brake discs/rotors; plates (metal backing; anchor); brake line brackets; shoes; drums; hubs; rotors; rotor shields; spindles; brake pads; shims; pistons; piston boots; boot rings; calipers); gears and components (boxes; carriers; shims); suspension systems and components (coil springs; assemblies (link; control arm); camber link bushings; shocks; struts; axle damper forks; dampers; damper dust boots; damper spring modules; knuckles; ride height sensor drop links); radiator shrouds; radiators; steering columns and components (power steering assemblies; intermediate shafts; intermediate shaft assemblies); steering wheels; steering boxes; safety airbags; accelerator pedals; sound absorbing insulation; lenses for automotive headlight lamps, parking lamps, and signal lamps; automotive navigation apparatus (electronic control units); tire pressure management systems; motor vehicle seats; lumbar seat bolsters; and, motor vehicle seat upholstery (duty rate ranges from duty free to 9.0%). The request indicates that finished lithium-ion batteries, finished lithium-ion battery packs for electrically powered vehicles, lithium-ion battery cells, lumbar seat bolsters, and motor vehicle seat upholstery will be admitted to the zone in privileged foreign (PF) status (19 CFR 146.41), thereby precluding inverted tariff benefits on such items. The request also indicates that certain materials/components are subject to duties under Section 232 of the Trade Expansion Act of 1962 (Section 232) or Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 232 and Section 301 decisions require subject merchandise to be admitted to FTZs in PF status.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is July 27, 2020.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

Dated: June 10, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–12951 Filed 6–15–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–122]

Certain Corrosion Inhibitors From the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable June 16, 2020.

FOR FURTHER INFORMATION CONTACT: Lochard Philozin, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4260.

SUPPLEMENTARY INFORMATION:

Background

On February 25, 2020, the Department of Commerce (Commerce) initiated a less-than-fair-value (LTFV) investigation of imports of certain corrosion inhibitors (corrosion inhibitors) from the People's Republic of China.[1] Currently, the preliminary determination is due no later than July 14, 2020.

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A)(b)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner[2] makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is

[1] *See Certain Corrosion Inhibitors from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 85 FR 12506 (March 3, 2020).

[2] The petitioner is Wincom Incorporated.

extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On June 3, 2020, the petitioner submitted a timely request that Commerce postpone the preliminary determination in the LTFV investigation.[3] The petitioner stated that it requests postponement of the preliminary determination because ''{a}dditional time will be necessary to ensure that Commerce is able to sufficiently review all questionnaire responses and request clarification and additional information as necessary.'' [4]

For the reason stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination by 50 days (*i.e.,* to 190 days after the date on which this investigation was initiated). As a result, Commerce will issue its preliminary determination no later than September 2, 2020. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

Notification to Interested Parties

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: June 10, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–12948 Filed 6–15–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA232]

Marine Mammals; File No. 23836

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Wildstar Films, Ltd., Embassy House, Queens Avenue, Bristol, United Kingdom, BS8 1SB (Responsible Party: Jo Harvey), has applied in due form for a permit to conduct commercial or educational photography on bottlenose dolphins (*Tursiops truncatus*).

DATES: Written, telefaxed, or email comments must be received on or before July 16, 2020.

ADDRESSES: These documents are available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Erin Markin or Carrie Hubard, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to obtain footage of bottlenose dolphins (Charleston Estuarine System Stock) in waters around Charleston County, South Carolina, including Kiawah Island, Bull Creek, and Hilton Head, for a documentary series celebrating the wildlife of America for the National Geographic Channel. Up to 980 bottlenose dolphins may be filmed from land, vessel, or unmanned aircraft systems, annually. The permit would expire on December 31, 2021.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 11, 2020.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–12950 Filed 6–15–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XS032]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands; Exempted Fishing Permit

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of an application for an exempted fishing permit; request for comments.

SUMMARY: NMFS announces the receipt of an application for an exempted fishing permit (EFP) from the NMFS Panama City, FL laboratory. If granted, the EFP would authorize NMFS or NMFS contracted commercial fishers aboard a commercial fishing vessel to collect certain deep-water snapper species in waters of the U.S. exclusive economic zone (EEZ) off Puerto Rico. The EFP would exempt this activity from complying with certain seasonal and area closures and from certain bag limits in the U.S. Caribbean EEZ. The purpose of the EFP is to gather information that could be used to define essential fish habitat (EFH) of deep-water snappers off the coast of Puerto Rico and to determine life history information for queen, silk, black, and blackfin snappers.

DATES: Comments must be received no later than July 16, 2020.

ADDRESSES: You may submit comments on the application, identified by ''NOAA–NMFS–2020–0071'', by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to

[3] *See* Petitioner's Letter, ''Certain Corrosion Inhibitors from the People's Republic of China: Petitioner's Request for Postponement of the Preliminary Determination,'' dated June 3, 2020.

[4] *Id.*

https://www.regulations.gov/docket?D=NOAA-NMFS-2020-0071, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Sarah Stephenson, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

The EFP application and related documents are available for review upon written request to any of the above addresses.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Sarah Stephenson, 727–824–5305; email: *Sarah.Stephenson@noaa.gov*.

SUPPLEMENTARY INFORMATION: The EFP is requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

The applicant is currently conducting exempted fishing activities under an EFP for a similar deep-water snapper research project off Puerto Rico that was issued on November 16, 2018, and is valid through August 1, 2020. Notice of receipt of the application for the current EFP, with an opportunity to comment, published in the **Federal Register** on July 16, 2018 (83 FR 32843). No public comments on that EFP were received from that notice or since then from the public.

The applicant requests authorization to collect deep-water reef fish species in the U.S. EEZ off the west coast of Puerto Rico. The applicant is seeking to gather information that could be used to define essential fish habitat for deep-water snapper species off Puerto Rico, and to obtain additional life history information about queen, silk, black, and blackfin snapper. Specimens would be collected by NMFS researchers and/or contractors and contracted commercial fishermen aboard a commercial fishing vessel. These activities may be conducted without NMFS staff or contractors aboard the contracted vessel. This permit would exempt project participants from certain seasonal and area closure regulations at 50 CFR 622.435 and from certain reef fish bag limit regulations at 50 CFR 622.437, as identified and described below. Pending issuance, the EFP would be expected to be effective from August 1, 2020, through August 1, 2021.

Activities under the EFP would consist of harvesting reef fish during a total of 39 fishing trips in the 1-year project period, of which 15 trips would be within the U.S. EEZ off Puerto Rico. The remaining trips would be conducted in Puerto Rico territorial waters. Sampling sites would be randomly selected from locations with a high probability of containing habitat that could be considered essential for deep-water snappers as determined by bathymetric maps produced by NOAA's Marine Spatial Ecology Division (*https://maps.ngdc.noaa.gov/viewers/bathymetry/*). The target depth range for this project is 100 to 650 m, with sampling sites selected in each 50 m depth range throughout the overall depth range.

Project activities would be conducted from August 1, 2020, through August 1, 2021. The majority of sampling would occur in September and October of 2020. Sampling would occur along the western coast of Puerto Rico from Isabela to Puerto Real, including the Isla de Desecheo Marine Reserve.

Sampling would be conducted by hook-and-line drift fishing in deep-water habitats, with an underwater camera attached to a second fishing line. On each fishing trip, 4 to 10 sites would be fished per day based on distance between the sampling sites and weather. At each site, one vertical fishing line would be deployed from the commercial fishing vessel with a surface float and bottom weight for a 20-minute soak time. Twelve #9 hooks would be attached to the bottom 2 m of the line and manual snapper reels would be used to retrieve the line. Video cameras encased in deep-water housings and an LED light would be attached to a small, lightweight frame deployed on the second fishing line for a 30-minute soak time. Once deployed, the system would rest on the seafloor via tripod legs.

The applicant would target queen, silk, black, and blackfin snappers, but anticipates encountering other species. A maximum of 450 of the targeted species (up to 150 queen snapper; up to 120 silk snapper; up to 120 blackfin snapper; up to 60 black snapper) would be retained under the EFP. Additionally, a maximum of 400 of the incidental species (up to 100 vermilion and wenchman snapper combined; up to 100 red hind; up to 100 yellowfin, red, tiger, and black grouper combined; and up to 100 yellowedge grouper) would be either be possessed onboard the vessel only for the purpose of taking length measurements prior to being returned to the water if caught during seasonal and area closures, or would be retained if caught during other times.

Length measurements would be recorded for all targeted and incidental species except for species for which harvest is prohibited under Federal law (*i.e.,* goliath and Nassau groupers, and midnight, rainbow, and blue parrotfishes). These prohibited species would be returned immediately to the water with a minimum of harm. The gonads, eyes, and otoliths of the targeted species would be removed for histological and ageing analyses conducted by NMFS, contracted observers, Puerto Rico's Department of Natural and Environmental Resources, and the University of South Carolina.

In order to minimize the negative biological effects of bringing these deep-water species to the surface, the commercial fishing vessel would have venting tools onboard to properly vent fish being released to facilitate their return to depth.

Under the EFP, the applicant would be allowed to fish for and possess the targeted and incidental deep-water species in or from the Bajo de Sico closed area during the October 1 through March 31 closure period (50 CFR 622.435(a)(2)(iv)). A maximum of 25 fishing trips would occur in the Bajo de Sico area during the project. In addition, the applicant would be allowed to fish for or possess the targeted and incidental deep-water species during species-specific seasonal closures: Yellowfin, red, tiger, black, and yellowedge grouper during the February 1 through April 30 seasonal closure (50 CFR 622.435(a)(1)(i)); red hind grouper during the December 1 through the last day of February seasonal closure from the EEZ west of 67°10′ W longitude (50 CFR 622.435(a)(1)(ii)); and silk, black, blackfin, and vermilion snappers during the October 1 through December 31 seasonal closure (50 CFR 622.435(a)(1)(iii)). The applicant intends to retain samples of the targeted species caught during the seasonal or area closures. After samples are taken from the targeted species, the remainder of the fish caught during a seasonal or area closure would be given to the contracted commercial fishermen for personal use and consumption. For incidental species, the EFP would allow the applicant to possess the species during the applicable seasonal and area

closures for sufficient time to collect and record length measurements. If the targeted or incidental species are caught outside the closed seasons and closed areas, the commercial fishermen may retain them and sell them, consistent with applicable law. Additionally, as applicable for the targeted and incidental species described within the application and this notice, the applicant would be exempt from bag limit regulations at 50 CFR 622.437(b)(1).

NMFS finds this application warrants further consideration based on a preliminary review. Possible conditions the agency may impose on this permit, if it is granted, include but are not limited to, a prohibition on conducting sampling activities within marine protected areas, marine sanctuaries, or special management zones, without additional authorization, and requiring compliance with best practices in the event of interactions with any protected species. NMFS may also require annual reports summarizing the amount of reef fish species harvested during the seasonal and area closures, as well as during the period of effectiveness of any issued EFP. Additionally, NMFS would require any sea turtles taken incidentally during the course of the activities to be handled with due care to prevent injury to live specimens, observed for activity, and returned to the water.

A final decision on issuance of the EFP will depend on NMFS' review of public comments received on the application, consultations with the affected state(s), the Council, and the U.S. Coast Guard, and a determination that it is consistent with all applicable laws.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 10, 2020.

Hélène M.N. Scalliet,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–12873 Filed 6–15–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XX054]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application from the Ocean Associated Incorporated contains all of the required information and warrants further consideration. The Exempted Fishing Permit would allow one commercial fishing vessel to fish outside of fishery regulations in support of research conducted by the applicant.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before July 1, 2020.

ADDRESSES: You may submit written comments by following method:

- *Email: nmfs.gar.efp@noaa.gov*. Include in the subject line ''Comments on OAIRopeless Fishing EFP.''

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, 978–281–9225.

SUPPLEMENTARY INFORMATION: The Ocean Associates Incorporated (OAI) submitted a complete application for an Exempted Fishing Permit (EFP) on March 12, 2020, to conduct commercial fishing activities that the regulations would otherwise restrict. The OAI is requesting an exemption from Federal lobster regulations that would authorize a federally-permitted commercial lobster vessel to participate in a ropeless lobster gear study. This EFP would exempt the participating vessel from the Federal gear marking requirements found at 50 CFR 697.21(b)(2). This would allow for the use of a single buoy marker on a trawl of more than three traps.

The purpose of this study is to test a prototype ropeless fishing system to potentially prevent entanglements of protected species, primarily North Atlantic right whales. This is a continuation of a study that started in 2018. The traps were deployed on a commercial fishing vessel in 2019 to get fishermen confident in deploying the gear. The trawl was deployed nine times with soak times ranging from 9–20 minutes in an average depth of 120 ft (36.5 m). The spool performed as designed and was retrieved easily with all deployments. This study is funded through the NMFS Bycatch Reduction Engineering Program (NA18NMF4720279).

The EFP would authorize the participating vessel to deploy two experimental trawls consisting of five or more traps. Experimental trawls would have a rope spool, fitted with an acoustic release, deployed on one end of the trawl, with a buoy line attached to the other. Soak time would be between 2–5 days, but may be modified depending on what each fisherman decides is appropriate for fishing. Sampling would occur from May through November 2020 in Lobster Conservation Management Area 3. Initial deployments would be overseen by a Woods Hole Oceanographic Institute engineering team, but later would be observed by OAI personnel. There would be 42 deployments of experimental trawls.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 10, 2020.

Hélène M.N. Scalliet,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–12897 Filed 6–15–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XW016]

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Trawl Rationalization Program; 2020 Cost Recovery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice, 2020 cost recovery fee percentage correction.

SUMMARY: This action provides participants in the Pacific Coast Groundfish Trawl Rationalization Program (Trawl Program), Shorebased Individual Fishing Quota (IFQ) Program

with the updated 2020 fee percentage needed to calculate the required payments for the cost recovery fees due for the remainder of 2020. For the remainder of calendar year 2020, NMFS announces that the Shorebased IFQ Program fee percentage will be 2.88 percent.

DATES: Applicable June 16, 2020.

FOR FURTHER INFORMATION CONTACT: Christopher Biegel, Cost Recovery Program Coordinator, (503) 231–6291, fax (503) 872–2737, email *Christopher.Biegel@NOAA.gov.*

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires NMFS to collect fees to recover the costs directly related to the management, data collection and analysis, and enforcement directly related to and in support of a limited access privilege program (LAPP) (16 U.S.C. 1854(d)(2)), also called ''cost recovery.'' The Pacific Coast Groundfish Trawl Rationalization Program is a LAPP, implemented in 2011, and consists of three sector-specific programs: The Shorebased IFQ Program, the Mothership (MS) Co-op Program, and the Catcher Processer (CP) Co-op Program. In accordance with the MSA, and based on a recommended structure and methodology developed in coordination with the Pacific Fishery Management Council, NMFS began collecting mandatory fees of up to 3 percent of the ex-vessel value of groundfish from each program (Shorebased IFQ Program, MS Co-op Program, and CP Co-op Program) in 2014. NMFS collects the fees to recover the incremental costs of management, data collection and analysis, and enforcement of the Groundfish Trawl Rationalization Program. Additional background can be found in the cost recovery proposed and final rules, 78 FR 7371 (February 1, 2013) and 78 FR 75268 (December 11, 2013), respectively. The details of cost recovery for the Groundfish Trawl Rationalization Program are in regulation at 50 CFR 660.115 (Trawl fishery-cost recovery program), 660.140 (Shorebased IFQ Program), 660.150 (MS Co-op Program), and 660.160 (CP Co-op Program).

To calculate the fee percentages, NMFS uses the formula specified in regulation at § 660.115(b)(1), where the fee percentage by sector equals the lower of 3 percent or DPC for that sector divided by total ex-vessel value (V) for that sector multiplied by 100 (Fee percentage = the lower of 3 percent or $(DPC/V) \times 100$).

'DPC,' as defined in the regulations at § 660.115(b)(1)(i), are the actual incremental costs for the previous fiscal year directly related to the management, data collection and analysis, and enforcement of each program (Shorebased IFQ Program, MS Co-op Program, and CP Co-op Program). Actual incremental costs means those net costs that would not have been incurred but for the implementation of the Groundfish Trawl Rationalization Program, including both increased costs for new requirements of the program and reduced costs resulting from any program efficiencies.

''V'', as specified at § 660.115(b)(1)(ii), is the total ex-vessel value, as defined at § 660.111, for each sector from the previous calendar year. The regulations define ex-vessel value slightly differently for each sector, thus NMFS uses slightly different methods to calculate ''V'' for each sector. For the Shorebased IFQ Program, NMFS used the ex-vessel value for calendar year 2018 as reported in Pacific Fisheries Information Network (PacFIN) from shorebased IFQ electronic fish tickets, as this was the most recent complete set of data.

NMFS announced the 2020 cost recovery fees in the **Federal Register** on December 11, 2019 (84 FR 67720). Subsequently, NMFS determined that the DPC for the Shorebased IFQ Program inadvertently included costs that were not recoverable as well as some staff costs that should have been included. The recalculation has resulted in an updated cost recovery fee that will be in effect for the remainder of the 2020 calendar year.

The adjustments were associated with the West Coast Region (WCR) staff time and contracting, Northwest Fisheries Science Center Scientific Data Management Program (SDM) contracting, and the Pacific States Marine Fisheries Commission (PSMFC) grant. These adjustments are shown below (in Table 1).

TABLE 1

Sector	WCR contracting adjustment	WCR staff adjustment	SDM adjustment	PSMFC adjustment	Adjustment for 2021 calculation
IFQ	−$6,300.00	$3,200.00	−$196,423.00	−$31,751.89	−$231,273.89

The redetermination resulted in an adjustment to the Shorebased IFQ Program 2020 cost recovery fee percentage. This adjustment is shown below (in Table 2).

TABLE 2

IFQ total costs	Correction	Final IFQ totals	IFQ ex-vessel value	IFQ fee percentage
$1,807,551.12	−$231,273.87	$1,576,277.25	$54,795,365.00	2.88

Because the adjustment has resulted in a lower fee for the Shorebased IFQ Program, NMFS will calculate the fees that should have been collected under the 2.88 percent fee and include the excess as a credit in the 2021 fee calculation.

Cost recovery fees are submitted to NMFS by Fish buyers via *Pay.gov* (*https://www.pay.gov/paygov/*). The fee percentage will be updated upon publication of this notice. Fees are only accepted in *Pay.gov* by credit/debit card or bank transfers. Cash or checks cannot be accepted. Fish buyers registered with *Pay.gov* can login in the upper left-hand corner of the screen. Fish buyers not

registered with *Pay.gov* can go to the cost recovery forms directly from the website below. A link to the IFQ *Pay.gov* form is listed below: IFQ: *https://www.pay.gov/public/form/start/58062865.*

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

Dated: June 10, 2020.

Hélène M.N. Scalliet,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–12891 Filed 6–15–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

United States Integrated Ocean Observing System Advisory Committee

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of new member solicitation for the United States Integrated Ocean Observing System (U.S. IOOS) Advisory Committee.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is soliciting applications for membership on the United States Integrated Ocean Observing System Advisory Committee (the Committee), which is a Federal advisory committee. Members of the Committee will fulfill the requirements of the Integrated Coastal and Ocean Observation System Act of 2009 (the Act). The Committee provides advice to the Under Secretary of Commerce for Oceans and Atmosphere and to the Interagency Ocean Observation Committee on the planning, integrated design, operation, maintenance, enhancement, and expansion of the United States Integrated Ocean Observing System (U.S. IOOS). U.S. IOOS promotes research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies and modeling systems, addresses regional and national needs for ocean information, gathers data on key coastal, ocean, and Great Lakes variables and ensures timely and sustained dissemination and availability of these data for societal benefits. U.S. IOOS benefits national safety, the economy, and the environment through support for national defense, marine commerce and forecasting, navigation safety, weather, climate, energy siting and production, economic development, ecosystem-based management of marine and coastal areas, conservation of ocean and coastal resources and public safety.

The Act requires the establishment and administration of this Committee by the Under Secretary of Commerce for Oceans and Atmosphere.

NOAA will hereby accept applications for membership on the Committee to fill two vacancies that occurred in late 2019. These vacancy appointments shall be for the remainder of the unexpired term of the vacancy, which ends August 15, 2021. An individual so appointed may subsequently be appointed for an additional three-year term. The Act states: ''Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the [Integrated Ocean Observing] System, or use of data products provided through the System.'' NOAA encourages individuals with expertise in oceanographic data, products, and services; coastal management; fisheries management; coastal and marine spatial planning; geodesy; water levels; and other science-related fields to submit applications for Committee membership. To apply for membership on the Committee, applicants should submit a resume highlighting their qualifications as indicated in the **ADDRESSES** section. NOAA is an equal-opportunity employer.

DATES: Nominations should be submitted no later than July 30, 2020. Applications received after July 30, 2020 may not be considered during this membership application cycle, but may be considered for future membership cycles.

ADDRESSES: Submit an application for Committee membership, including cover letter, resume, and requested items below, to Laura Gewain via Email *Laura.Gewain@noaa.gov.* Please direct any questions regarding application submission to Laura Gewain via Email or Telephone: 240–533–9456.

FOR FURTHER INFORMATION CONTACT: Krisa Arzayus, 1315 East-West Highway, Station 2616, Silver Spring, MD 20910; Telephone: 240–533–9455; Email: *Krisa.Arzayus@noaa.gov.*

SUPPLEMENTARY INFORMATION: This notice responds to the ICOOS Act of 2009 (Pub. L. 111–11, section 12304), which requires the Under Secretary of Commerce for Oceans and Atmosphere to solicit nominations for Committee membership. The Committee will advise the NOAA Administrator or Interagency Ocean Observation Committee on matters related to the responsibilities and authorities set forth in section 12302 of the ICOOS Act of 2009 and other appropriate matters as the Under Secretary refers to the Committee for review and advice.

The United States Integrated Ocean Observing System Advisory Committee will provide advice on:

(a) Administration, operation, management, and maintenance of the System;

(b) Expansion and periodic modernization and upgrade of technology components of the System;

(c) Identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in dissemination information to end-user communities and to the general public; and

(d) Any other purpose identified by the Under Secretary of Commerce for Oceans and Atmosphere or the Interagency Ocean Observation Committee.

The Committee's voting members will be appointed by the Under Secretary of Commerce for Oceans and Atmosphere. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or the use of data products provided through the System. Members are selected on a standardized basis, in accordance with applicable Department of Commerce guidance. Members will be appointed for three-year terms, renewable once. One Committee member will be designated by the Under Secretary as chairperson. Full-time officers or employees of the United States may not be appointed as a voting member. Members will be appointed as special Government employees (SGEs) for purposes of section 202(a) of title 18, United States Code. Members serve at the discretion of the Under Secretary and are subject to government ethics standards. Members of the Committee will not be compensated for service on the Committee, but they may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

The Committee will meet at least once each year, and at other times at the call of the Under Secretary, the Interagency Ocean Observation Committee, or the Committee Chairperson. The Committee has approximately fifteen voting members. This solicitation is to obtain candidate applications for up to two full voting member vacancies.

To apply for membership, applicants must submit the following five items,

including a cover letter that responds to the five questions below. The entire package should be a maximum length of eight pages or fewer. NOAA is an equal opportunity employer.

(1) A cover letter that responds to the five questions listed below and serves as a statement of interest to serve on the panel. Please see ''Short Response Questions'' below.

(2) Highlight the nominee's specific area(s) of expertise relevant to the purpose of the Panel from the list in the **Federal Register** Notice.

(3) A short biography of 300 to 400 words.

(4) A current resume.

(5) The nominee's full name, title, institutional affiliation, mailing address, email, phone, fax and contact information.

Short Response Questions:

(1) List your area(s) of expertise, as listed above.

(2) List the geographic region(s) of the country with which you primarily associate your expertise.

(3) Describe your leadership or professional experience that you believe will contribute to the effectiveness of this panel.

(4) Describe your familiarity and experience with U.S. IOOS data, products, and services.

(5) Generally describe the breadth and scope of your knowledge of stakeholders, users, or other groups who interact with NOAA or other U.S. IOOS agencies and whose views and input you believe you can share with the panel.

Individuals Selected for Committee Membership

Upon selection and agreement to serve on the United States Integrated Ocean Observing System Advisory Committee, one becomes a Special Government Employee (SGE) of the United States Government. An SGE is an officer or employee of an agency who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, either on a full-time or intermittent basis. After the membership selection process is complete, applicants who are selected to serve on the Committee must complete the following actions before they can be appointed as a Committee member:

(a) Background Check (on-line Background Check process and fingerprinting conducted through NOAA Workforce Management); and

(b) Confidential Financial Disclosure Report: As an SGE, one is required to file annually a Confidential Financial Disclosure Report to avoid involvement in a real or apparent conflict of interest. One may find the Confidential Financial Disclosure Report at the following website: *http://www.usoge.gov/forms/form_450.aspx.*

Krisa M. Arzayus,

Deputy Director, U.S. Integrated Ocean Observing System Office, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2020–12913 Filed 6–15–20; 8:45 am]

BILLING CODE 3150–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Program and National Estuarine Research Reserve

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting and opportunity to comment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management will hold a public meeting to solicit comments on the performance evaluation of the Maryland Coastal Management Program and Chesapeake Bay Maryland National Estuarine Research Reserve.

DATES: NOAA will consider all written comments received by July 31, 2020. The virtual public meeting will be held on Wednesday July 22, 2020 at 12:00 p.m. EDT.

ADDRESSES: You may submit comments on the coastal management program and national estuarine research reserve NOAA intends to evaluate by emailing Carrie Hall, Evaluator, NOAA Office for Coastal Management at *Carrie.Hall@noaa.gov*. Comments that the Office for Coastal Management receives are considered part of the public record and may be publicly accessible. Any personal identifying information (*e.g.,* name, address) submitted voluntarily by the sender may also be publicly accessible. NOAA will accept anonymous comments.

To participate in the public meeting Wednesday, July 22, 2020 at 12:00 p.m. EDT, registration is required one hour in advance by 11:00 a.m. EDT.

Registration: http://noaacsc.adobeconnect.com/cbmnerrpublicmeeting/event/event_info.html. You may participate online or by phone. If you would like to provide comment during the public meeting, please select ''yes'' during the online registration. The line-up of speakers will be based on your date and time of registration.

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, NOAA Office for Coastal Management by phone at (240) 533–0730 or email *Carrie.Hall@noaa.gov*. Copies of the previous evaluation findings, coastal management program's 2016–2020 Assessment and Strategy and reserve's management plan and site profile may be viewed and downloaded on the internet at *http://coast.noaa.gov/czm/evaluations*. A copy of the evaluation notification letter and most recent progress reports may be obtained upon request by contacting Carrie Hall.

SUPPLEMENTARY INFORMATION: Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved state coastal programs and national estuarine research reserves. The process includes one or more public meetings, consideration of written public comments, and consultations with interested Federal, state, and local agencies and members of the public. For the evaluation of the Maryland Coastal Management Program NOAA will consider the extent to which the state has met the national objectives, adhered to the management program approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. For the evaluation of the Chesapeake Bay Maryland National Estuarine Research Reserve, NOAA will consider the extent to which the state has met the national objectives, adhered to its management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the Coastal Zone Management Act. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2020–12874 Filed 6–15–20; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of National Estuarine Research Reserve

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting and opportunity to comment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management will hold a public meeting to solicit comments on the performance evaluation of the Mission Aransas National Estuarine Research Reserve.

DATES: *Mission Aransas National Estuarine Research Reserve:* The public meeting will be held on July 16, 2020, and written comments must be received on or before July 26, 2020. For specific dates, times, and locations of the public meetings, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: You may submit comments on the coastal program NOAA intends to evaluate by any of the following methods:

Public Meeting and Oral Comments: A public meeting will be held virtually. For specific information on how to participate see **SUPPLEMENTARY INFORMATION**.

Written Comments: Please submit written comments to Pam Kylstra, Program Development Specialist, NOAA Office for Coastal Management, 2234 South Hobson Avenue, Charleston, South Carolina 29405 or email comments to *Pam.Kylstra@noaa.gov*. Comments that the Office for Coastal Management receives are considered part of the public record and may be publicly accessible. Any personal identifying information (*e.g.,* name, address) submitted voluntarily by the sender may also be publicly accessible. NOAA will accept anonymous comments.

FOR FURTHER INFORMATION CONTACT: Pam Kylstra, Program Development Specialist, NOAA Office for Coastal Management, NOS/NOAA, 2234 South Hobson Avenue, Charleston, South Carolina 29405, by phone at (843) 740–1259 or email *Pam.Kylstra@noaa.gov*. Copies of the previous evaluation findings may be viewed and downloaded on the internet at *https://coast.noaa.gov/czm/evaluations/evaluation_findings/index.html*. A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved state coastal programs. The process includes one or more public meetings, consideration of written public comments, and consultations with interested Federal, state, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the University of Texas at Austin has met the national objectives, adhered to the management program approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

You may participate or submit oral comments at the public meeting scheduled as follows:

Date: Thursday, July 16, 2020
Time: 6:00 p.m., local time

Instructions for joining the public meeting and providing public comment will be made available by July 2, 2020 at *https://coast.noaa.gov/czm/evaluations/*.

Written public comments must be received on or before July 26, 2020.

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2020–12876 Filed 6–15–20; 8:45 am]

BILLING CODE 3150–JE–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 200521–0144]

RIN 0660–XC047

The National Strategy To Secure 5G Implementation Plan

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice; Extension of Comment Period.

SUMMARY: On May 28, 2020, the National Telecommunications and Information Administration (NTIA), on behalf of the Executive Branch, published a Notice seeking comments in accordance with the Secure 5G and Beyond Act of 2020 to inform the development of an Implementation Plan for the National Strategy to Secure 5G. Through this Notice, NTIA is extending the comment deadline by seven days from June 18, 2020, to June 25, 2020.

DATES: Comments must be received on or before June 25, 2020.

ADDRESSES: Written comments may be submitted by email to *secure5G@ntia.gov*. Comments submitted by email should be machine-searchable and should not be copy-protected. Written comments also may be submitted by mail to the National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Room 4725, Attn: Secure 5G RFC, Washington, DC 20230. Responders should include the name of the person or organization filing the comment, as well as a page number, on each page of their submissions. All comments received are a part of the public record and will generally be posted to *http://www.ntia.doc.gov/* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NTIA will also accept anonymous comments.

FOR FURTHER INFORMATION CONTACT: Travis Hall, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Room 4725, Washington, DC 20230; Telephone: (202) 482–3522; Email: *thall@ntia.doc.gov*. For media inquiries: Stephen Yusko, Office of Public Affairs, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4897, Washington, DC 20230; telephone: (202) 482–7002; email: *press@ntia.doc.gov*.

SUPPLEMENTARY INFORMATION: In accordance with the Secure 5G and Beyond Act of 2020, Public Law 116–129, the National Telecommunications and Information Administration (NTIA), on behalf of the Executive Branch, is requesting comments to inform the development of an Implementation Plan for the National Strategy to Secure 5G. NTIA published a Notice and Request for Public Comments in the **Federal Register** on May 28, 2020. *See* NTIA, Notice, The National Strategy to Secure

5G Implementation Plan, Docket No. 200521–0144, 85 FR 32016 (May 28, 2020), available at: *https://www.ntia.gov/files/ntia/publications/fr-secure-5g-implementation-plan-05282020.pdf.* The original deadline for submission of comments was June 18, 2020. With today's Notice, NTIA extends the comment deadline by seven days until June 25, 2020. All other information in the May 28, 2020 Notice and Request for Public Comments remains unchanged.

Dated: June 11, 2020.

Kathy Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2020–12960 Filed 6–15–20; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board

National Assessment Governing Board; Meetings

AGENCY: National Assessment Governing Board, U.S. Department of Education.

ACTION: Notice of virtual meetings.

SUMMARY: The National Assessment Governing Board (hereafter referred to as Governing Board) announces two virtual meetings that are scheduled on June 29, 2020. The meeting will have two sessions—a closed session which is not open to the public, followed by a session open to the public via video and audio access. This notice sets forth the agenda for the two meetings and meeting participation information. Notice of the meeting is required under § 10(a)(2) of the Federal Advisory Committee Act (FACA).

DATES: *Dates and Times:*

June 29, 2020: National Assessment Governing Board Meetings.

Session 1: Closed meeting: 2:00 p.m. to 4:00 p.m. Eastern Time (ET).

Session 2: Open meeting: 4:00 p.m. to 5:00 p.m. Eastern Time (ET).

ADDRESSES: Virtual Meetings.

FOR FURTHER INFORMATION CONTACT: Munira Mwalimu, Executive Officer/Designated Federal Official for the Governing Board, 800 North Capitol Street NW, Suite 825, Washington, DC 20002, telephone: (202) 357–6938, fax: (202) 357–6945, email: *Munira.Mwalimu@ed.gov.*

SUPPLEMENTARY INFORMATION:

Statutory Authority and Function: The Governing Board is established under the National Assessment of Educational Progress Authorization Act, Title III of Public Law 107–279. The Governing Board is established to formulate policy for NAEP, which is administered by the National Center for Education Statistics (NCES). The Governing Board's responsibilities include the following: Selecting subject areas to be assessed, developing assessment frameworks and specifications, developing appropriate student achievement levels for each grade and subject tested, developing standards and procedures for state and national comparisons, improving the form and use of NAEP, developing guidelines for reporting and disseminating results, and releasing initial NAEP results to the public. Governing Board members serve 4-year terms, subject to renewal for another 4 years, at the discretion of the Secretary of Education.

Meeting Agenda

On Monday, June 29, 2020, the Governing Board will convene virtually in closed session from 2:00 p.m. to 4:00 p.m. to discuss independent cost estimates related to the impact of the COVID–19 pandemic on the NAEP 2021 operations and subsequent potential impacts on the NAEP budget and assessment schedule. The Board will receive a briefing from Peggy Carr, Associate Commissioner, NCES, on cost implications which will involve reviewing the government's independent cost estimates for possibly revising the national assessment activities. These discussions may impact current and future NAEP contracts and budgets and must be kept confidential. Public disclosure of this confidential information would significantly impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of § 552b(c) of Title 5 of the United States Code.

Following the closed session, on Monday, June 29, 2020, the Governing Board will convene virtually in open session from 4:00 p.m. to 5:00 p.m. ET. The meeting will begin with Governing Board Chair Haley Barbour's review of the meeting agenda and a summary of the policy issues the Governing Board will need to consider in reviewing the impact of COVID–19 on the NAEP 2021 planned assessments. This session will be informed by discussions led by Peggy Carr, Associate Commissioner, NCES, and Lesley Muldoon, Governing Board Executive Director followed by Governing Board discussion. The Chair then will provide closing remarks and highlight next steps on plans for the 2021 NAEP Schedule of Assessments. The meeting will adjourn at 5:00 p.m. ET.

Public Participation: The open session of the Governing Board meeting is open to the public through advance registration. Virtual public participation is available with view access, along with an audio option for listening. The Governing Board is empowered to conduct the virtual meeting in a manner that will facilitate the orderly conduct of business and accomplish meeting objectives in a timely manner. A link to the registration page will be posted on the Governing Board's website *https://www.nagb.gov* no later than 5 working days prior to the meetings. Members of the public who need additional information on the meeting may contact Munira Mwalimu at the address or telephone number listed above.

Access to Records of the Meeting: Pursuant to FACA requirements, the public may access the meeting agenda for the open session of the June 29 meeting of the Governing Board at *https://www.nagb.gov* no later than June 25, 2020.

Reasonable Accommodations: The Governing Board website is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), please notify the contact person listed in this notice no later than June 22, 2020. Written comments related to the work of the Governing Board may be submitted electronically or in hard copy to the attention of the Executive Officer/Designated Federal Official (see contact information noted above). Information on the Governing Board and its work can be found at *www.nagb.gov.*

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* This site allows the public to view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the Adobe website. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, the advanced search feature at this site allow searches to documents published by the Department.

Authority: Pub. L. 107–279, Title III—National Assessment of Educational Progress § 301.

Lesley Muldoon,

Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.

[FR Doc. 2020–12952 Filed 6–15–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

[Docket No. ED–2020–SCC–0077]

Agency Information Collection Activities; Comment Request; Certification and Agreement for the ESSER Fund Application

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 17, 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–0077. 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 Christopher Tate, 202–453–6047.

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: Certification and Agreement for the ESSER Fund Application.

OMB Control Number: 1810–0743.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 52.

Total Estimated Number of Annual Burden Hours: 260.

Abstract: This is a request for regular approval of an information collection. On April 23, 2020 the Department was granted approval for this information collection that solicited from State educational agencies (SEAs) applications for funding under section 18003 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the Elementary and Secondary School Emergency Relief Fund (ESSER Fund). The ESSER Fund awards grants to State educational agencies (SEAs) for the purpose of providing local educational agencies (LEAs), including charter schools that are LEAs, with emergency relief funds to address the impact that Novel Coronavirus Disease 2019 (COVID–19) has had, and continues to have, on elementary and secondary schools across the nation. LEAs must provide equitable services to students and teachers in non-public schools as required under the CARES Act. On June 5, 2020, a change to the emergency collection was approved in order to allow ED to provide clarity on the reporting requirements for the ESSER Fund. The Department is seeking public comment for this collection in order to comply with the terms of clearance.

Dated: June 11, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2020–12946 Filed 6–15–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Technical Assistance on State Data Collection—National Technical Assistance Center To Improve State Capacity To Collect, Report, Analyze, and Use Accurate IDEA Part B and Part C Fiscal Data

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2020 for a National Technical Assistance Center to Improve State Capacity to Collect, Report, Analyze, and Use Accurate IDEA Part B and Part C Fiscal Data (Fiscal Data Center), Catalog of Federal Domestic Assistance (CFDA) number 84.373F. The Fiscal Data Center will provide technical assistance (TA) to improve the capacity of States to meet the data collection requirements under Parts B and C of the Individuals with Disabilities Education Act (IDEA). The Fiscal Data Center will support States in collecting, reporting, and determining how to best analyze and use their IDEA Parts B and C fiscal data to establish and meet high expectations for each child with a disability and will customize its TA to meet each State's specific needs. This notice relates to the approved information collection under OMB control number 1894–0006.

DATES:

Applications Available: June 16, 2020.

Deadline for Transmittal of Applications: July 31, 2020.

Deadline for Intergovernmental Review: September 29, 2020.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to

Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

FOR FURTHER INFORMATION CONTACT: Jennifer Finch, U.S. Department of Education, 400 Maryland Avenue SW, Room 5016C, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–6610. Email: *Jennifer.Finch@ed.gov.*

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SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Technical Assistance on State Data Collection program is to improve the capacity of States to meet IDEA data collection and reporting requirements. Funding for the program is authorized under section 611(c)(1) of IDEA, which gives the Secretary the authority to reserve not more than ½ of 1 percent of the amounts appropriated under Part B for each fiscal year to provide TA activities authorized under section 616(i) of IDEA, where needed, to improve the capacity of States to meet the data collection requirements under Parts B and C of IDEA. The maximum amount the Secretary may reserve under this set-aside for any fiscal year is $25,000,000, cumulatively adjusted by the rate of inflation. Section 616(i) of IDEA requires the Secretary to review the data collection and analysis capacity of States to ensure that data and information determined necessary for the implementation of section 616 of IDEA are collected, analyzed, and accurately reported to the Secretary. It also requires the Secretary to provide TA (from funds reserved under section 611(c)(1)), where needed, to improve the capacity of States to meet the data collection requirements under Parts B and C of IDEA, which include the data collection and reporting requirements in sections 616 and 618 of IDEA. Additionally, the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019; and the Further Consolidated Appropriations Act, 2020 give the Secretary the authority to use funds reserved under section 611(c) to ''administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA.'' Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019, and Continuing Appropriations Act, 2019, Div. B, Title III of Public Law 115–245, 132 Stat. 3100 (2018); Further Consolidated Appropriations Act, 2020, Div. A, Title III of Public Law 116–94, 133 Stat. 2590 (2019).

Priority: This priority is from the notice of final priority and requirements (NFP) for this program published elsewhere in this issue of the **Federal Register**.

Background: The purpose of this priority is to establish a Fiscal Data Center to provide States with TA to assist them in meeting their fiscal data collection and reporting obligations under IDEA. Under Part B of IDEA, State educational agencies (SEAs) are required to submit fiscal data to the Department in (1) the IDEA Part B local educational agency (LEA) Maintenance of Effort (MOE) Reduction and Coordinated Early Intervening Services (CEIS) (LEA MOE/CEIS) Data Collection; and (2) Section V of the IDEA Part B Annual Application. Under IDEA Part C, State lead agencies (LAs) are also required to report fiscal data to the Department in (1) Section III of the IDEA Part C Annual Application (use of funds); and (2) Section IV of the IDEA Part C Annual Application (indirect costs).

In reviewing the data submitted by States, the Department finds that States continue to need support to build their capacity to submit valid and reliable IDEA Part B and Part C fiscal data. It is important for these data to be accurate so that States can use them to more effectively manage all available funding resources for services for children with disabilities and ensure that IDEA funds are used as a payor of last resort. In addition, under IDEA Part B, States may suffer significant monetary consequences as a result of inaccurate data reporting or noncompliance identified through these data collections.

Data Under IDEA Part B

In FY 2014, the Department funded the Technical Assistance on State Data Collection—IDEA Fiscal Data Center, which provided TA to improve the capacity of States to meet the following IDEA Part B fiscal data collection requirements under section 618 of IDEA: (1) Maintenance of State Financial Support (MFS) for special education and related services; and (2) LEA MOE/CEIS.

Since that time, the Department added new data elements to the LEA MOE/CEIS data collection based on the final LEA MOE regulations that were published in the **Federal Register** on April 28, 2015 (80 FR 23644), and States will need to ensure that the data they submit under those new elements are valid and reliable. In addition, the Department continues to identify errors in States' Part B LEA MOE/CEIS data submissions through its annual review process. Finally, based on the Office of Special Education Programs' (OSEP) monitoring visits and subsequent fiscal findings in several States, OSEP has determined that States continue to need support in understanding the requirements relating to the data elements reported under the LEA MOE/CEIS data collection.

For example, OSEP has identified noncompliance in the methodologies used by some States to calculate the amounts of their LEAs' IDEA Part B subgrants. This type of noncompliance has broader implications for LEAs and States that receive increased or decreased funding for special education and related services. As an illustration of the potential impact of fiscal noncompliance, an error in calculating the amount of an LEA's IDEA Part B allocation affects the amounts the LEA may expend to meet other fiscal requirements, such as LEA MOE reduction under 34 CFR 300.205, voluntary CEIS under 34 CFR 300.226(a), comprehensive CEIS under 34 CFR 300.646(d), and proportionate share for parentally placed private school children with disabilities under 34 CFR 300.133. Based on the complexities and high stakes involved in reporting valid and reliable IDEA Part B fiscal data, the Department determined that States continue to need TA to improve their data collection capacity, their ability to analyze and use that data, and their ability to ensure data are accurate and can be reported to the Department and the public.[1]

Accurately collecting and reporting valid and reliable IDEA Part B fiscal data is critically important for States and LEAs. Failure of a State to report accurate data on MFS may result in a reduction of IDEA Part B section 611 funds. Failure of an LEA to meet LEA MOE may result in repayment by the SEA of non-Federal funds to the Department. In addition, accurate fiscal information is needed for States to make informed decisions on the use of their IDEA Part B funds. Finally, valid and reliable fiscal data allow OSEP to better

[1] The Department's FY 2014 notice of proposed priority (79 FR 24661) provided information on the challenges States face in understanding, submitting, analyzing and using IDEA Part B fiscal data.

protect the Federal interest in the approximately $13.2 billion of IDEA Part B grants made available to States by the Department in Federal fiscal year (FFY) 2019 by ensuring that States and LEAs meet their obligation to collect and report accurate data on IDEA's MFS and LEA MOE requirements.

TA on collecting, reporting, analyzing, and using other IDEA Part B and Part C data reported under sections 616 and 618 of IDEA will be provided by the National Technical Assistance Center to Improve State Capacity to Collect, Report, Analyze, and Use Accurate IDEA Part B Data, CFDA number 84.373Y, and the National Technical Assistance Center to Improve State Capacity to Collect, Report, Analyze, and Use Accurate Early Childhood IDEA Data, CFDA number 84.373Z, for which notices of final priority and requirements were published in the **Federal Register** on August 12, 2019 (84 FR 39736 and 84 FR 39727).

Data Under IDEA Part C

In its review of State submissions of IDEA Part C fiscal data, the Department found that States need support to submit accurate, valid, and reliable data in two areas: (1) Use of IDEA Part C funds; and (2) indirect costs.[2] In its reviews, OSEP found inconsistencies within the IDEA Part C Annual Application between the fiscal data reported by a State LA and the related fiscal certification and assurances that the State must provide as part of its application for eligibility.

In its IDEA Part C Annual Application, each LA must provide several fiscal-related assurances and a fiscal-related certification. Specifically, each LA must—

(1) Ensure its statewide system has a single line of responsibility, including—

(a) The identification and coordination of all available resources for early intervention services within the State, including those from Federal, State, local, and private sources, consistent with subpart F of 34 CFR part 303; and

(b) The assignment of financial responsibility in accordance with subpart F of 34 CFR part 303 and specifically ensure IDEA Part C funds are used as payor of last resort (including any method under IDEA section 640);

(2) Coordinate all available funding sources for IDEA Part C services (including its system of payments);

(3) Use IDEA Part C funds to supplement, not supplant, the level of State and local funds expended for infants and toddlers with disabilities; and

(4) Charge administrative direct and indirect costs to the IDEA Part C grant consistent with applicable Federal fiscal requirements.[3]

In addition, each LA must certify that the arrangements to establish financial responsibility for the provision of IDEA Part C services among appropriate public agencies under 34 CFR 303.511 and the LA's contracts with early intervention service (EIS) providers regarding financial responsibility for the provision of IDEA Part C services meet the requirements in 34 CFR 303.500 through 303.521 and are current as of the date of submission of the certification.[4] Fiscal data related to this certification may need to also be reported in Section III of the IDEA Part C Annual State Application under funding for other State agencies to the extent Federal IDEA Part C funds are used in conjunction with State funding or other support provided by State agencies other than the State LA.

In several instances, States' reporting of IDEA Part C fiscal data in their applications indicates that there is confusion related to the implementation of underlying Part C fiscal requirements. Many States need support in understanding the administrative costs that may be charged to IDEA Part C grants as direct and indirect costs. Additionally, in their annual application numerous States are unable to identify or disaggregate the costs for direct services, as well as costs attributable to other State agencies, due to confusion regarding the fiscal certification, and fiscal assurances regarding the payor of last resort, system of payments, methods, and related fiscal coordination requirements.

OSEP's review of the fiscal data in Section III of the IDEA Part C application (use of funds) indicates that States need TA in this area. This review has identified inconsistencies in data across categories of expenses (including direct and indirect costs) and between the fiscal data reported by the State and the related fiscal assurances and certification regarding funding needed or provided by other State agencies (and any methods, such as interagency agreements or other appropriate written mechanisms) and the State's related application requirements, including its system of payments policies. States' fiscal data reflect confusion with the fiscal requirements not only under the IDEA Part C statute and regulations, but also the fiscal requirements under the Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, codified in 2 CFR part 200 (OMB Uniform Guidance).

Specifically, OSEP has identified issues with, and States have raised questions about, how to report IDEA Part C fiscal data regarding the amount of IDEA Part C funds to be used for: (1) Administrative costs, such as positions partially or wholly funded by IDEA Part C funds, and the amount of fringe benefits (reported in Section III.A.); (2) maintenance and implementation activities for the LA and the State Interagency Coordinating Council (ICC) (including any costs that require prior approval by OSEP, such as equipment, rent, and participant support costs for trainings and conferences) (reported in Section III.B.); (3) direct services (disaggregated by the type of service and expended consistently with IDEA's payor-of-last-resort and system of payments requirements) (reported in Section III.C.); and (4) activities by other State agencies (reported in Section III.D.). The fiscal data in each of these categories reflects a need for TA on the requirements in the OMB Uniform Guidance as they apply to IDEA Part C LAs and EIS providers.

OSEP has also found that States need TA with Section III use of funds or ''budget'' amendment requests after the grant is issued to comply with fiscal requirements and in order to expend unused IDEA Part C funds prior to those funds lapsing. These fiscal requirements are also codified in the OMB Uniform Guidance.

In Section IV.B. of the IDEA Part C application, the LA must report on whether the State plans to charge indirect costs to the IDEA Part C grant through the use of a restricted indirect cost rate agreement or a cost allocation plan that is approved by the LA's Federal cognizant agency and provide appropriate documentation.

Sections III.F.6 and IV.B also require States to indicate that, if indirect costs are being charged to the IDEA Part C grant, the State must indicate the total

[2] These fiscal data are reported in the following sections of the IDEA Part C Application: (1) Section III: Use of Federal IDEA Part C Funds for the State LA and the Interagency Coordinating Council (ICC); and (2) Section IV.B: Restricted Indirect Cost Rate/ Cost Allocation Plan data, which the Department collects, *inter alia,* under section 618(a)(3) of IDEA.

[3] These assurances are provided in Section II.B., items 13 and 24. The assurance numbers are from the FFY 2019 IDEA Part C Annual State Application, which can be accessed at *https://osep.grads360.org/#communities/pdc/documents/17654.*

[4] This is certification number 3 in Section II.C. of the application, and it is provided, under IDEA section 640 and 34 CFR 303.202, in Section II.C. It can be accessed at *https://osep.grads360.org/#communities/pdc/documents/17654.*

amount of the overall Federal IDEA Part C grant funds that will be charged for restricted indirect costs and provide appropriate approval documentation. If the State charges indirect costs to its IDEA Part C grant, then, under 34 CFR 303.225(c), an LA may charge them through either: (1) A restricted indirect cost rate agreement that meets the requirements in 34 CFR 76.560 through 76.569; or (2) a cost allocation plan that meets the non-supplanting requirements in 34 CFR 303.225(b) and 34 CFR part 76.[5] OSEP has worked with LAs when it identifies large amounts of IDEA Part C funding being reserved for administrative or indirect costs and believes that LAs need TA both on reporting indirect cost data to the Department in the application and on applying indirect costs and related Federal requirements to the IDEA Part C grant. This is particularly relevant to LAs that have a cognizant Federal agency other than the Department and to ensure that States and LAs meet requirements in the Education Department General Administrative Regulations and the OMB Uniform Guidance, which require indirect costs for IDEA Part C grants to be calculated on a restricted basis due to IDEA Part C's nonsupplanting requirement.[6] The Fiscal Data Center will support States in appropriately applying their previously negotiated or provisionally approved indirect cost rate agreements or a cost allocation plan as described above. The Fiscal Data Center will not support LAs in negotiating an indirect cost rate agreement with their cognizant agencies.

States need TA in reporting valid and reliable IDEA Part C fiscal data, understanding the underlying requirements in Section III and Section IV of the IDEA Part C Annual State Application, and optimally using and analyzing the data submitted to the Department.

Indirect Costs Charged by the Fiscal Data Center to the Grant.

In addition, this priority includes an indirect cost cap that is the lesser of the grantee's actual indirect costs as determined by the grantee's negotiated indirect cost rate agreement with its cognizant Federal agency and 40 percent of the grantee's modified total direct cost (MTDC) base. We believe this cap is appropriate as it maximizes the availability of funds for the primary TA purposes of this priority. The Department has done an analysis of the indirect cost rates for all current TA centers funded under the Technical Assistance and Dissemination and Technical Assistance on State Data Collection programs as well as other grantees that are large, midsize, and small businesses and small nonprofit organizations and has found that, in general, total indirect costs charged on these grants by these entities were at or below 35 percent of total direct costs (TDC). We recognize that, dependent on the structure of the investment and activities, the MTDC base could be much smaller than the TDC, which would imply a higher indirect cost rate than those calculated here. The Department arrived at a 40 percent rate to address some of that variation. This would account for a 12 percent variance between TDC and MTDC. However, we note that, in the absence of a cap, certain entities would likely charge indirect cost rates in excess of 40 percent of MTDC. Based on our analysis, it appears that those entities would likely be larger for-profit and nonprofit organizations, but these organizations appear to be outliers when compared to the majority of other large businesses as well as the entirety of OSEP's grantees. Setting an indirect cost rate cap of 40 percent would be in line with the majority of applicants' existing negotiated rates with the cognizant Federal agency.

This priority aligns with two priorities from the Secretary's Final Supplemental Priorities and Definitions for Discretionary Grant Programs, published in the **Federal Register** on March 2, 2018 (83 FR 9096): Priority 2: Promoting Innovation and Efficiency, Streamlining Education With an Increased Focus on Student Outcomes, and Providing Increased Value to Students and Taxpayers; and Priority 5: Meeting the Unique Needs of Students and Children with Disabilities and/or Those With Unique Gifts and Talents.

The Fiscal Data Center must be awarded and operated in a manner consistent with the nondiscrimination requirements contained in the U.S. Constitution and the Federal civil rights laws.

Absolute Priority: For FY 2020 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

National Technical Assistance Center to Improve State Capacity to Collect, Report, Analyze, and Use Accurate IDEA Part B and Part C Fiscal Data.

The purpose of this priority is to fund a cooperative agreement to establish and operate the National Technical Assistance Center to Improve State Capacity to Collect, Report, Analyze, and Use Accurate IDEA Part B and Part C Fiscal Data (Fiscal Data Center).

The Fiscal Data Center will provide TA to improve the capacity of States to meet the IDEA Parts B and C fiscal data collection requirements under IDEA section 618 and increase States' knowledge of the underlying IDEA fiscal requirements and calculations necessary to submit valid and reliable data for the following collections: (1) MFS in Section V of the IDEA Part B Annual State Application; (2) LEA MOE/CEIS; (3) Description of Use of Federal IDEA Part C Funds for the LA and the ICC in Section III of the IDEA Part C Annual State Application; and (4) Restricted Indirect Cost Rate/Cost Allocation Plan Information in Sections III and IV of the IDEA Part C Annual State Application. States will also receive TA from the Fiscal Data Center on the underlying fiscal requirements of IDEA related to these collections and how they impact the States' ability to meet IDEA fiscal data collection requirements.

Note: The Fiscal Data Center may neither provide TA to States on negotiating indirect cost rate agreements with their cognizant Federal agencies nor act as an agent or representative of States in such negotiations.

The Fiscal Data Center must be designed to achieve, at a minimum, the following outcomes:

(a) Increased capacity of States to collect, report, analyze, and use high-quality IDEA Part B and Part C fiscal data;

(b) Increased State knowledge of underlying statutory and regulatory fiscal requirements and the calculations necessary to submit valid and reliable fiscal data under IDEA Part B and Part C;

(c) Improved fiscal infrastructure (*e.g.,* sample interagency agreements, standard operating procedures and templates) by coordinating and promoting communication and effective fiscal data collection and reporting strategies among relevant State offices,

[5] Approximately three quarters of States have a department of health or social services as the LA for Part C. In those cases, the U.S. Department of Health and Human Services is the cognizant Federal agency for indirect cost purposes. For certain territories, the U.S. Department of the Interior is the cognizant Federal agency for indirect cost purposes. For LAs that are also SEAs, the Department is the cognizant agency for approving the LA's restricted indirect cost rate or cost allocation plan. If an LA has a cognizant Federal agency other than the Department for determining the LA's restricted indirect cost rate or approving its cost allocation plan, the LA must attach a copy of the approved restricted indirect cost rate agreement or cost allocation plan to the Department in the IDEA Part C Annual Application.

[6] Appendix VI and Appendix VII to 2 CFR 200.

including SEAs, LAs and other State agencies, LEAs, schools, and EIS programs or providers;

(d) Increased capacity of States to submit accurate and timely fiscal data to enhance current State validation procedures to prevent errors in State-reported IDEA data;

(e) Increased capacity of States to train personnel to meet the IDEA fiscal data collection and reporting requirements under sections 616 and 618 of IDEA through development of effective tools and resources (*e.g.,* templates, tools, calculators, and documentation of State data processes); and providing opportunities for in-person and virtual cross-State collaboration about IDEA fiscal data collection and reporting requirements (required under section 618 of IDEA);

(f) Improved capacity of SEAs, LEAs, LAs, and EIS programs or providers to collect and use IDEA fiscal data to identify issues and address those issues through monitoring, TA, and stakeholder involvement; and

(g) Improved IDEA fiscal data validation using results from data reviews conducted by the Department to work with States and generate tools that can be used by States to accurately communicate fiscal data to local consumers (*e.g.,* parents, LEAs, EIS programs or providers, the general public) and lead to improvements in the validity and reliability of fiscal data required by IDEA.

In addition to these programmatic requirements, to be considered for funding under this priority, applicants must meet the application and administrative requirements in this priority, which are—

(a) Describe, in the narrative section of the application under ''Significance,'' how the proposed project will—

(1) Use knowledge of how SEAs, LAs, LEAs, and EIS programs and providers are meeting IDEA Part B and Part C fiscal data collection and reporting requirements and the underlying statutory and regulatory fiscal requirements, as well as knowledge of State and local data collection systems, as appropriate;

(2) Examine applicable national, State, and local data to determine the current capacity needs of SEAs, LAs, LEAs, and EIS programs and providers to meet IDEA Part B and Part C fiscal data collection and reporting requirements;

(3) Train SEAs and LAs on how to use IDEA section 618 fiscal data as a means of both improving data quality and identifying programmatic strengths and areas for improvement; and

(4) Disseminate information regarding how SEAs and LAs are currently meeting IDEA fiscal data collection and reporting requirements and are using IDEA section 618 data as a means of both improving data quality and identifying programmatic strengths and areas for improvement.

(b) Demonstrate, in the narrative section of the application under ''Quality of project services,'' how the proposed project will—

(1) Ensure equal access and treatment for members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe how it will—

(i) Identify the needs of the intended recipients for TA and information; and

(ii) Ensure that services and products meet the needs of the intended recipients of the grant;

(2) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) In Appendix A, the logic model (as defined in 34 CFR 77.1) by which the proposed project will achieve its intended outcomes that depicts, at a minimum, the goals, activities, outputs, and intended outcomes of the proposed project;

(3) Use a conceptual framework to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework. Include a copy of the conceptual framework in Appendix A;

Note: The following websites provide more information on logic models and conceptual frameworks: *www.osepideasthatwork.org/logicModel* and *www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework.*

(4) Be based on current research and make use of evidence-based practices (EBPs).[7] To meet this requirement, the applicant must describe—

(i) The current research on fiscal data management and data system integration, and related EBPs; and

(ii) How the proposed project will incorporate current research and EBPs in the development and delivery of its products and services;

(5) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) How it proposes to identify or develop the knowledge base on fiscal data management and data system integration and the underlying fiscal requirements of IDEA;

(ii) Its proposed approach to universal, general TA,[8] which must identify the intended recipients, including the type and number of recipients, that will receive the products and services under this approach;

(iii) Its proposed approach to targeted, specialized TA,[9] which must identify—

(A) The intended recipients, including the type and number of recipients, that will receive the products and services under this approach;

(B) Its proposed approach to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their current infrastructure, available resources, and ability to build capacity at the State and local levels; and

(C) The process by which the proposed project will collaborate with OSEP-funded centers and other federally funded TA centers to develop and implement a coordinated TA plan when such other centers are involved in a State; and

(iv) Its proposed approach to intensive, sustained TA,[10] which must identify—

[7] For the purposes of this priority, ''evidence-based'' means the proposed project component is supported, at a minimum, by evidence that demonstrates a rationale (as defined in 34 CFR 77.1), where a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

[8] ''Universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's website by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[9] ''Targeted, specialized TA'' means TA services based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

[10] ''Intensive, sustained TA'' means TA services often provided on-site and requiring a stable,

Continued

(A) The intended recipients, including the type and number of recipients, that will receive the products and services under this approach;

(B) Its proposed approach to addressing States' challenges reporting high-quality IDEA fiscal data to the Department and the public, which should, at a minimum, include providing on-site consultants to the SEA or LA to—

(*1*) Assess all 57 IDEA Part C programs to determine LA organizational structure and their capacity to submit valid and reliable IDEA Part C fiscal data;

(*2*) Assess all 60 entities that receive IDEA Part B grants to determine their capacity to submit valid and reliable IDEA Part B fiscal data;

(*3*) Identify and document model practices for data management and data system integration policies, procedures, processes, and activities within the State;

(*4*) Develop and adapt tools and provide technical solutions to meet State-specific data needs; and

(*5*) Develop a sustainability plan for the State to continue the data management and data system integration work in the future;

(C) Its proposed approach to measure the readiness of SEAs and LAs to work with the project, including their commitment to the initiative, alignment of the initiative to their needs, current infrastructure, available resources, and ability to build capacity at the State and local levels;

(D) Its proposed plan to prioritize States with the greatest need for intensive TA to receive products and services;

(E) Its proposed plan for assisting SEAs and LAs to build or enhance training systems that include professional development based on adult learning principles and coaching;

(F) Its proposed plan for working with appropriate levels of the education system (*e.g.,* SEAs, regional TA providers, districts, local programs, families) to ensure that there is communication between each level and that there are systems in place to support the collection, reporting, analysis, and use of high-quality IDEA fiscal data as well as fiscal data management and data system integration; and

(G) The process by which the proposed project will collaborate with OSEP-funded centers and other federally funded TA centers to develop and implement a coordinated TA plan when they are involved in a State;

(6) Develop products and implement services that maximize efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration; and

(iii) How the proposed project will use non-project resources to achieve the intended project outcomes.

(c) In the narrative section of the application under ''Quality of the project evaluation,'' include an evaluation plan for the project developed in consultation with and implemented by a third-party evaluator.[11] The evaluation plan must—

(1) Articulate formative and summative evaluation questions, including important process and outcome evaluation questions. These questions should be related to the project's proposed logic model required in paragraph (b)(2)(ii) of these requirements;

(2) Describe how progress in and fidelity of implementation, as well as project outcomes, will be measured to answer the evaluation questions. Specify the measures and associated instruments or sources for data appropriate to the evaluation questions. Include information regarding reliability and validity of measures where appropriate;

(3) Describe strategies for analyzing data and how data collected as part of this plan will be used to inform and improve service delivery over the course of the project and to refine the proposed logic model and evaluation plan, including subsequent data collection;

(4) Provide a timeline for conducting the evaluation and include staff assignments for completing the plan. The timeline must indicate that the data will be available annually for the Annual Performance Report (APR); and

(5) Dedicate sufficient funds in each budget year to cover the costs of developing or refining the evaluation plan in consultation with a third-party evaluator, as well as the costs associated with the implementation of the evaluation plan by the third-party evaluator.

(d) Demonstrate, in the narrative section of the application under ''Adequacy of resources,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities;

(4) The proposed costs are reasonable in relation to the anticipated results and benefits, and how funds will be spent in a way that increases their efficiency and cost-effectiveness, including by reducing waste or achieving better outcomes; and

(5) The applicant will ensure that it will recover the lesser of: (i) Its actual indirect costs as determined by the grantee's negotiated indirect cost rate agreement with its cognizant Federal agency; and (ii) 40 percent of its modified total direct cost (MTDC) base as defined in 2 CFR 200.68.

Note: The MTDC is different from the total amount of the grant. Additionally, the MTDC is not the same as calculating a percentage of each or a specific expenditure category. If the grantee is billing based on the MTDC base, the grantee must make its MTDC documentation available to the program office and the Department's Indirect Cost Unit. If a grantee's allocable indirect costs exceed 40 percent of its MTDC as defined in 2 CFR 200.68, the grantee may not recoup the excess by shifting the cost to other grants or contracts with the U.S. Government, unless specifically authorized by legislation. The grantee must use non-Federal revenue sources to pay for such unrecovered costs.

(e) Demonstrate, in the narrative section of the application under ''Quality of the management plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

ongoing relationship between the TA center staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

[11] A ''third-party'' evaluator is an independent and impartial program evaluator who is contracted by the grantee to conduct an objective evaluation of the project. This evaluator must not have participated in the development or implementation of any project activities, except for the evaluation activities, nor have any financial interest in the outcome of the evaluation.

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key project personnel and any consultants and subcontractors will be allocated and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality, relevant, and useful to recipients; and

(4) The proposed project will benefit from a diversity of perspectives, including those of families, educators, TA providers, researchers, and policy makers, among others, in its development and operation.

(f) Address the following application requirements. The applicant must—

(1) Include, in Appendix A, personnel-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(2) Include, in the budget, attendance at the following:

(i) A one and one-half day kick-off meeting in Washington, DC, after receipt of the award, and an annual planning meeting in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative;

(ii) A two- and one-half-day project directors' conference in Washington, DC, during each year of the project period; and

(iii) Three annual two-day trips to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP;

(3) Include, in the budget, a line item for an annual set-aside of 5 percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with, and approved by, the OSEP project officer. With approval from the OSEP project officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period;

(4) Maintain a high-quality website, with an easy-to-navigate design, that meets government or industry-recognized standards for accessibility;

(5) Include, in Appendix A, an assurance to assist OSEP with the transfer of pertinent resources and products and to maintain the continuity of services to States during the transition to this new award period and at the end of this award period, as appropriate; and

(6) Budget at least 50 percent of the grant award for providing intensive, sustained TA.

Program Authority: 20 U.S.C. 1411(c), 1416(i), 1418(c), and 1442; the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019, and Continuing Appropriations Act, 2019, Div. B, Title III of Public Law 115–245, 132 Stat. 3100 (2018); and Further Consolidated Appropriations Act, 2020, Div. A, Title III of Public Law 116–94, 133 Stat. 2590 (2019).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR 300.702. (e) The NFP.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: $3,975,000 in years 1 and 2, $4,425,000 in years 3 and 4, and $4,200,000 in year 5.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2021 from the list of unfunded applications from this competition.

Maximum Award: We will not make an award exceeding $3,975,000 in years 1 and 2, $4,425,000 in years 3 and 4, and $4,200,000 in year 5 for a single budget period of 12 months.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* SEAs; LAs under Part C of the IDEA; LEAs, including public charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; freely associated States and outlying areas; Indian Tribes or Tribal organizations; and for-profit organizations.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application. Under 34 CFR 75.708(e), a grantee may contract for supplies, equipment, and other services in accordance with 2 CFR part 200.

4. *Other General Requirements:*

(a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants for, and recipients of, funding must, with respect to the aspects of their proposed project relating to the absolute priority, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application. *Grants.gov* has relaxed the requirement for applicants to have an active registration in the System for Award Management (SAM) in order to apply for funding during the COVID–19 pandemic. An applicant that does not have an active SAM registration can still register with *Grants.gov*, but must contact the *Grants.gov* Support Desk, toll-free, at 1–800–518–4726, in order to take advantage of this flexibility.

2. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

3. *Funding Restrictions:* We reference regulations outlining funding

restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 70 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the recommended page limit does apply to all of the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are as follows:

(a) *Significance (10 points).*

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

(b) *Quality of project services (35 points).*

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework.

(iii) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice.

(iv) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(v) The extent to which the TA services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources.

(vi) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(c) *Quality of the project evaluation (15 points).*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(iii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(iv) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(d) *Adequacy of resources and quality of project personnel (15 points).*

(1) The Secretary considers the adequacy of resources for the proposed project and the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator.

(ii) The qualifications, including relevant training and experience, of key project personnel.

(iii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(iv) The qualifications, including relevant training, experience, and independence, of the evaluator.

(v) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(vi) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(vii) The extent to which the budget is adequate to support the proposed project.

(viii) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(e) *Quality of the management plan (25 points).*

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(iii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(iv) How the applicant will ensure that a diversity of perspectives is brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* Under the Government Performance Results Modernization Act of 2010, the Department has established a set of performance measures that are designed to yield information on various aspects of the effectiveness and quality of the Technical Assistance on State Data Collection program. These measures are:

- Program Performance Measure 1: The percentage of TA and dissemination products and services deemed to be of high quality by an independent review panel of experts qualified to review the substantive content of the products and services.
- Program Performance Measure 2: The percentage of TA and dissemination

products and services deemed by an independent review panel of qualified experts or members of the target audiences to be of high relevance to educational and early intervention policy or practice.

• Program Performance Measure 3: The percentage of all TA and dissemination products and services deemed by an independent review panel of qualified experts or members of target audiences to be useful in improving educational or early intervention policy or practice.

• Program Performance Measure 4: The cost efficiency of the Technical Assistance on State Data Collection Program includes the percentage of milestones achieved in the current annual performance report period and the percentage of funds spent during the current fiscal year.

The measures apply to projects funded under this competition, and grantees are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in annual and final performance reports to the Department (34 CFR 75.590).

The Department will also closely monitor the extent to which the products and services provided by the Center meet needs identified by stakeholders and may require the Center to report on such alignment in their annual and final performance reports.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Mark Schultz,

Commissioner, Rehabilitation Services Administration, Delegated the authority to perform the functions and duties of the Assistant Secretary for the Office of Special Education and Rehabilitative Services.

[FR Doc. 2020–11504 Filed 6–15–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Request for Information (RFI) on Battery Critical Materials Supply Chain R&D

AGENCY: Advanced Manufacturing Office (AMO), Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Request for information (RFI).

SUMMARY: The U.S. Department of Energy (DOE) invites public comment on its Request for Information (RFI) number DE–FOA–0002358 regarding the BATTERY CRITICAL MATERIALS SUPPLY CHAIN R&D. This RFI pertains to a Research & Development (R&D) Battery Critical Materials Supply Chain Workshop planned to be hosted by the Office of Energy Efficiency & Renewable Energy (EERE), Advanced Manufacturing Office (AMO), Geothermal Technologies Office (GTO) and Vehicle Technologies Office (VTO). The purpose of this RFI is to solicit feedback from industry, academia, research laboratories, government agencies, and other stakeholders on issues related to challenges and opportunities in the upstream and midstream critical materials battery supply chains. Such input will inform the agenda of the *R&D Battery Critical Materials Supply Chain Workshop* planned for the fall of 2020 to determine opportunities, gaps, and bottlenecks in the battery cathode materials supply and the value chain.

DATES: Responses to the RFI must be received by July 16, 2020.

ADDRESSES: Interested parties are to submit comments electronically to *BatteryCriticalMaterialsRFI@ee.doe.gov.* Include Battery Critical Materials Supply Chain R&D in the subject of the title. Only electronic responses will be accepted. The complete RFI document is located at *https://eere-exchange.energy.gov/.*

FOR FURTHER INFORMATION CONTACT: Question may be addressed to Helena Khazdozian at 202–586–9236 or *BatteryCriticalMaterialsRFI@ee.doe.gov.* Further instruction can be found in the RFI document posted on EERE Exchange.

SUPPLEMENTARY INFORMATION: The purpose of this RFI is to solicit feedback from industry, academia, research laboratories, government agencies, and other stakeholders on issues related to challenges and opportunities in the upstream and midstream critical materials battery supply chains. EERE is specifically interested in information on raw minerals production and refining and processing of cathode materials including cobalt, lithium, and battery grade (Class I) nickel.[1] Informed by previous roundtable discussions, EERE plans to organize an R&D Battery Critical Materials Supply Chain Workshop in the fall of 2020 to determine opportunities, gaps, and bottlenecks in the battery cathode materials supply and the value chain. This workshop will be guided by the goal to create a diverse, domestic battery supply chain in the next 5 years. EERE is specifically seeking input on the current state of the battery cathode materials supply chains and gaps and opportunities for near-term and long-term R&D. Such input will inform the agenda of the workshop planned for next fall as well as to inform the development of the R&D roadmap as part of implementation of the Federal Strategy. Specific questions can be found in the RFI. The RFI is available at: *https://eere-exchange.energy.gov/.*

Confidential Business Information

Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and

[1] Nickel is not a critical mineral commodity on the list published by the Secretary of Interior. *https://www.federalregister.gov/documents/2018/05/18/2018-10667/final-list-of-critical-minerals-2018.*

exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Signing Authority

This document of the Department of Energy was signed on June 1, 2020, by Valri Lightner, Acting Director, Advanced Manufacturing Office, Office of Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on June 11, 2020.

Treena V. Garrett,

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

[FR Doc. 2020–12918 Filed 6–15–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Coal Council

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a virtual meeting of the National Coal Council (NCC) via WebEx. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, July 16, 2020; 12:00 noon to 1:00 p.m. (EST).

ADDRESSES: This will be virtual meeting conducted through WebEx. If you wish to join the meeting you must register by close of business (5 p.m. EST) on Friday, July 10th by using the form available at the following URL: *http://www.nationalcoalcouncil.org/page-NCC-Events.html*. The email address you provide in the on-line registration form will be used to forward instructions on how to join the meeting using WebEx. WebEx requires a computer, web browser and an installed application (free). Instructions for joining the webcast will be sent to you two days in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Thomas Sarkus, U.S. Department of Energy, National Energy Technology Laboratory, Mail Stop 920–125, P.O. Box 10940, Pittsburgh, PA 15236–0940; Telephone (412) 386–5981; email: *thomas.sarkus@netl.doe.gov*.

SUPPLEMENTARY INFORMATION:

Purpose of the Council: The National Coal Council provides advice and recommendations to the Secretary of Energy on general policy matters relating to coal and the coal industry.

Purpose of Meeting: The National Coal Council (the Council) will hold a virtual meeting via webcast at 12:00 noon to 1:00 p.m. (EST) on July 16, 2020 for the purpose of reviewing and voting on the following report: *COAL POWER: Smart Policies for Cleaner Stronger Energy*. The Council membership will be asked to accept this report and forward it to the U.S. Secretary of Energy. The draft report is available on the National Coal Council website at the following URL: *https://www.nationalcoalcouncil.org/studies/2020/COAL-POWER-Cleaner-Stronger-Energy.pdf*.

Tentative Agenda

1. Call to order and opening remarks by Thomas Sarkus, NCC Deputy Designated Federal Officer, U.S. Department of Energy.
2. Presentation, Q&A session, and vote on NCC report: *COAL POWER: Smart Policies for Cleaner Stronger Energy*.
3. Public Comment Period and Closing Remarks.
4. Adjourn.

All attendees are requested to register in advance for the meeting at: *http://www.nationalcoalcouncil.org/page-NCC-Events.html.*

Public Participation: The meeting is open to the public. If you would like to file a written statement to be read during the virtual webcast, you may do so within three calendar days of the event. Please email your written statement to Thomas Sarkus at *thomas.sarkus@netl.doe.gov* by 5:00 p.m. (EST) on Monday, July 13, 2020. If you would like to make an oral statement during the call regarding the reports being reviewed, you must both register to attend the webcast and also contact Thomas Sarkus, (412) 386–5981 or *thomas.sarkus@netl.doe.gov* to state your desire to speak. You must make your request for an oral statement at least 3 calendar days before the meeting. Reasonable provision will be made to include oral statements at the conclusion of the meeting. However, those who fail to register in advance may not be accommodated. Oral statements are limited to 2-minutes per organization, and per person.

Minutes: A recording of the call will be posted on the FACA Database website: *www.nationalcoalcouncil.org*.

Signed in Washington, DC, on June 10, 2020.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2020–12877 Filed 6–15–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15010–000]

Renewable Energy Aggregators; 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 Casa Grande Pumped Storage Project (Casa Grande Project or project) to be located in the city of Casa Grande, in Pinal 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 dam and a surface area of 300 acres with a storage capacity of 7,500 acre-feet of water; (2) a newly constructed roller compacted concrete lower reservoir of 485 acres with a storage capacity of approximately 9,500 acre-feet; (3) two 3,241-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 four ternary style pump/generating units; (5) two 3,000-foot-long, 21-foot-

diameter tailrace tunnels; and (6) a connection to an existing 137 kV transmission circuit within the project boundary. The estimated annual generation of the Casa Grande 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–15010–000.

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–15010) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 10, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–12927 Filed 6–15–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC20–21–000]

Commission Information Collection Activities (FERC–583); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–583, Annual Kilowatt Generating Report (Annual Charges).

DATES: Comments on the collection of information are due August 17, 2020.

ADDRESSES: You may submit comments (identified by Docket No. IC20–21–000) by either of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, at Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov* and telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–583, Annual Kilowatt Generating Report (Annual Charges).

OMB Control No.: 1902–0136.

Type of Request: Three-year extension of the FERC–583 information collection requirements, with the addition of two activities that are in use without a control number: (1) Application of a State or municipal licensee or exemptee for total or partial exemption from the assessment of annual charges; and (2) Appeals and requests for rehearing of billing for annual charges.

Abstract: Section 10(e) of the Federal Power Act (FPA) [1] requires the Federal Energy Commission (FERC or Commission) to collect annual charges from entities that generate electricity, using hydropower, in accordance with Commission authorization. Such charges reimburse the federal government for the cost of administering Part I of the FPA,[2] the use of tribal lands, the use of federal lands, and the use of federal dams.

Regulations at 18 CFR 11.1(c)(5) and 11.1(d)(4) require annual kilowatt generating reports from licensees and exemptees. The Commission's Financial Services Division uses the reports to determine the amount of annual charges to be assessed each licensee and exemptee.

Types of Respondent: (1) Hydropower licensees of projects more than 1.5 megawatts of installed capacity; (2) Holders of exemptions under section 30 of the FPA; [3] and (3) exemptees under sections 405 and 408 of the Public Utility Regulatory Policy Act.[4]

Estimate of Annual Burden: [5] The following table shows the estimated annual burdens:

[1] 16 U.S.C. 803(e).

[2] 16 U.S.C. 791 through 823d.

[3] 16 U.S.C. 823a.

[4] 16 U.S.C. 2705.

[5] ''Burden'' is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

FERC–583—ESTIMATED ANNUAL BURDENS

Type of response	Number of respondents	Annual number of responses per respondent	Total number of responses (Col. B × Col. C)	Average hours & cost[6] per response	Total annual burden hours & total annual cost (Col. D × Col. E)	Cost per respondent (Col. F ÷ Col. B)
A	B	C	D	E	F	G
Annual kilowatt generating report 18 CFR 11.1(c)(5) and 11.1(d)(4).	520	1	520	2 hrs.; $166	1,040 hrs.; $86,320	$166
Application of a State or municipal licensee or exemptee for total or partial exemption from the assessment of annual charges 18 CFR 11.6.	48	1	48	2 hrs.; $166	96 hrs.; $7,968	166
Appeals and requests for rehearing of billing for annual charges 18 CFR 11.20.	3	1	3	40 hrs.; $3,320	120 hrs.; $9,960	3,320
Totals	571		571		1,256 hrs.; $104,248.	

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: June 10, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12939 Filed 6–15–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: June 18, 2020, 10:00 a.m.

PLACE: Open to the public via audio Webcast only.[1]

STATUS: OPEN.

MATTERS TO BE CONSIDERED: Agenda.

* NOTE—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's website at *http://ferc.capitolconnection.org/* using the eLibrary link.

1068TH MEETING—OPEN MEETING

[June 18, 2020, 10:00 a.m.]

Item No.	Docket No.	Company
	ADMINISTRATIVE	
A–1	AD20–1–000	Agency Administrative Matters.
A–2	AD20–2–000	Customer Matters, Reliability, Security and Market Operations.
	ELECTRIC	
E–1	EL19–90–000	ISO New England Inc.
E–2	EL19–91–000	PJM Interconnection, L.L.C.
E–3	EL19–92–000	Southwest Power Pool, Inc.
E–4	RM01–8–000	Filing Requirements for Electric Utility Service Agreements.
	RM10–12–000	Electricity Market Transparency Provisions of Section 220 of the Federal Power Act.
	RM12–3–000	Revisions to Electric Quarterly Report Filing Process.
	ER02–2001–000	Electric Quarterly Reports.
E–5	RM20–12–000	Potential Enhancements to the Critical Infrastructure Protection Reliability Standards.
E–6	OMITTED.	
E–7	OMITTED.	
E–8	ER19–1428–003	ISO New England Inc.
E–9	OMITTED.	
E–10	OMITTED.	

[6] The Commission staff thinks that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits. Based upon FERC's 2020 annual average full-time equivalent of $172,329 per year (for salary plus benefits), the average hourly cost is $83.00 per hour.

[1] Join FERC online to listen live at *http://ferc.capitolconnection.org/*.

1068TH MEETING—OPEN MEETING—Continued

[June 18, 2020, 10:00 a.m.]

Item No.	Docket No.	Company
E–11	ER11–3658–001, ER12–1920–001, ER13–1595–001, ER14–2085–001.	Entergy Services, Inc.
E–12	ER18–899–002	Commonwealth Edison Company.
	ER18–903–002	Delmarva Power & Light Company.
	ER18–904–002	Atlantic City Electric Company.
	ER18–905–002	Potomac Electric Power Company; PJM Interconnection, L.L.C.
E–13	ER19–1823–002, ER19–1960–001, ER19–1960–002.	Midcontinent Independent System Operator, Inc.
E–14	ER19–1943–002	NorthWestern Corporation.
E–15	ER20–1313–000, ER19–1357–000	GridLiance High Plains LLC.
	ER18–2358–001 (consolidated)	Southwest Power Pool, Inc.
E–16	ER19–1954–001	Southwest Power Pool, Inc.
E–17	ER19–2347–001	California Independent System Operator Corporation.
E–18	OMITTED.	
E–19	EL20–10–000	Anbaric Development Partners, LLC v. PJM Interconnection, L.L.C.
E–20	EL19–82–001	Harbor Cogeneration Company, LLC v. Southern California Edison Company.
E–21	EL19–78–000	National Railroad Passenger Corporation v. PPL Electric Utilities Corporation and PJM Interconnection, L.L.C.
E–22	EL20–29–000	LS Power Grid California, LLC.
E–23	OMITTED.	
E–24	OMITTED.	
E–25	OMITTED.	
E–26	ER19–1931–001	Electric Energy, Inc.
E–27	ER19–1934–003	Tucson Electric Power Company.
E–28	ER19–1935–002	UNS Electric, Inc.
	GAS	
G–1	RM20–14–000	Five-Year Review of the Oil Pipeline Index.
G–2	AC19–95–000	Alliance Pipeline L.P.
G–3	RP20–521–000	Betelgeuse Energy, LLC v. El Paso Natural Gas Company, L.L.C.
G–4	RP19–1523–003, RP19–1523–000, RP19–78–005, RP19–78–001, RP19–78–000.	Panhandle Eastern Pipe Line Company, LP.
	RP19–257–007, RP19–257–005	Southwest Gas Storage Company.
	HYDRO	
H–1	P–2467–020, P–2179–043	Merced Irrigation District.
H–2	P–2088–068	South Feather Water and Power Agency.
H–3	P–1971–129	Idaho Power Company.
	CERTIFICATES	
C–1	CP19–512–000	Texas Eastern Transmission, LP.
C–2	CP19–517–000	Gulf South Pipeline Company, LLC.
C–3	CP19–78–001	PennEast Pipeline Company, LLC.
C–4	CP20–466–000	New Fortress Energy LLC.
C–5	CP19–19–000	Magnolia LNG LLC.
C–6	CP19–14–000	Mountain Valley Pipeline, LLC.
C–7	CP20–8–000	ANR Pipeline Company.
C–8	OMITTED.	
C–9	CP20–16–000	Portland Natural Gas Transmission System.

Issued: June 11, 2020.

Kimberly D. Bose,

Secretary.

The public is invited to listen to the meeting live at *http://ferc.capitolconnection.org/.* Anyone with internet access who desires to hear this event can do so by navigating to *www.ferc.gov*'s Calendar of Events and locating this event in the Calendar. The event will contain a link to its audio webcast. The Capitol Connection provides technical support for this free audio webcast. It will also offer access to this event via phone bridge for a fee. If you have any questions, visit *http://ferc.capitolconnection.org/* or contact Shirley Al-Jarani at 703–993–3104.

[FR Doc. 2020–13038 Filed 6–12–20; 4:15 pm]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–2016–000]

Gichi Noodin Wind Farm, 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 Gichi Noodin Wind Farm, 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 30, 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: June 10, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–12925 Filed 6–15–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–1987–000]

Cerro Gordo Wind, 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 Cerro Gordo Wind, 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 30, 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 TTY, (202) 502–8659.

Dated: June 10, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–12926 Filed 6–15–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP20–911–001.

Applicants: Rockies Express Pipeline LLC.

Description: Tariff Amendment: REX 2020–06–03 RP20–911 Amendment to be effective 6/1/2020.

Filed Date: 6/3/20.

Accession Number: 20200603–5134.

Comments Due: 5 p.m. ET 6/15/20.

Docket Numbers: RP20–949–000.

Applicants: Big Sandy Pipeline, LLC.

Description: § 4(d) Rate Filing: FTS FOSA Modification—June 2020 to be effective 8/1/2020.

Filed Date: 6/9/20.

Accession Number: 20200609–5031.

Comments Due: 5 p.m. ET 6/22/20.

Docket Numbers: RP20–950–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: June 2020 NRA Cleanup Filing to be effective 7/9/2020.
Filed Date: 6/9/20.
Accession Number: 20200609–5066.
Comments Due: 5 p.m. ET 6/22/20.
Docket Numbers: RP20–951–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: TETLP NRA Name Change Cleanup—Colonial to Boston eff 7–9–20 to be effective 7/9/2020.
Filed Date: 6/9/20.
Accession Number: 20200609–5134.
Comments Due: 5 p.m. ET 6/22/20.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 10, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–12924 Filed 6–15–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC20–131–000]

Gulf Power Company; Notice of Petition for Waiver

Take notice that on June 1, 2020, Gulf Power Company (Petitioner), filed a petition for a limited waiver of Distribution Expense Account 593, Maintenance of overhead lines (Major only) of the Commission's Uniform System of Accounts, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene, or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Comments: 5:00 p.m. Eastern Time on July 1, 2020.

Dated: June 10, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12940 Filed 6–15–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC20–72–000.
Applicants: Exelon Generation Company, LLC, Calvert Cliffs Nuclear Power Plant, LLC, Nine Mile Point Nuclear Station, LLC, R.E. Ginna Nuclear Power Plant, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Exelon Generation Company, LLC, et al.
Filed Date: 6/5/20.
Accession Number: 20200605–5262.
Comments Due: 5 p.m. ET 6/26/20.
Docket Numbers: EC20–73–000.
Applicants: Portland General Electric Company, Wheatridge Wind Energy, LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act, et al. of Portland General Electric Company, et al.
Filed Date: 6/8/20.
Accession Number: 20200608–5215.
Comments Due: 5 p.m. ET 7/23/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–1061–002.
Applicants: Turquoise Nevada LLC.
Description: Tariff Amendment: Second Amended and Restated Co-Tenancy and Shared Facilities Agreement to be effective 2/22/2020.
Filed Date: 6/10/20.
Accession Number: 20200610–5122.
Comments Due: 5 p.m. ET 7/1/20.
Docket Numbers: ER20–1648–001.
Applicants: Inter-Power/AhlCon Partners, L.P.
Description: Triennial Market Power Analysis of Inter-Power/AhlCon Partners, L.P.
Filed Date: 6/9/20.
Accession Number: 20200609–5171.
Comments Due: 5 p.m. ET 8/10/20.
Docket Numbers: ER20–2018–000.
Applicants: Versant Power.
Description: § 205(d) Rate Filing: Service Agreements Notice of Succession to Versant Power to be effective 5/11/2020.
Filed Date: 6/9/20.
Accession Number: 20200609–5138.
Comments Due: 5 p.m. ET 6/30/20.
Docket Numbers: ER20–2019–000.
Applicants: Gray County Wind, LLC.
Description: Baseline eTariff Filing: Gray County Wind, LLC Application for MBR Authority to be effective 8/9/2020.
Filed Date: 6/9/20.
Accession Number: 20200609–5156.
Comments Due: 5 p.m. ET 6/30/20.
Docket Numbers: ER20–2020–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2020–06–10_SA3500_METC-Calhoun

County Solar GIA (J857) to be effective 5/27/2020.

Filed Date: 6/10/20.

Accession Number: 20200610–5056.

Comments Due: 5 p.m. ET 7/1/20.

Docket Numbers: ER20–2021–000.

Applicants: E.I. du Pont de Nemours and Company.

Description: Notice of Cancellation of Market-Based Rate Tariff of E.I. du Pont de Nemours and Company.

Filed Date: 3/16/20.

Accession Number: 20200316–0020.

Comments Due: 5 p.m. ET 7/1/20.

Docket Numbers: ER20–2022–000.

Applicants: Commonwealth Edison Company, PJM Interconnection, L.L.C., Rochelle Municipal Utilities.

Description: Tariff Cancellation: Notice of Cancellation Service Agreement No. 4232 to be effective 6/9/2020.

Filed Date: 6/10/20.

Accession Number: 20200610–5077.

Comments Due: 5 p.m. ET 7/1/20.

Docket Numbers: ER20–2023–000.

Applicants: Techren Solar II LLC.

Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 7/1/2020.

Filed Date: 6/10/20.

Accession Number: 20200610–5097.

Comments Due: 5 p.m. ET 7/1/20.

Docket Numbers: ER20–2024–000.

Applicants: Commonwealth Edison Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Commonwealth Edison City of Rochelle Interconnection Agreement to be effective 6/9/2020.

Filed Date: 6/10/20.

Accession Number: 20200610–5100.

Comments Due: 5 p.m. ET 7/1/20.

Docket Numbers: ER20–2025–000.

Applicants: Rock Garden Solar LLC.

Description: § 205(d) Rate Filing: Certificate of Concurrence Tap Line to be effective 6/11/2020.

Filed Date: 6/10/20.

Accession Number: 20200610–5135.

Comments Due: 5 p.m. ET 7/1/20.

Docket Numbers: ER20–2026–000.

Applicants: Selkirk Cogen Partners, L.P.

Description: Compliance filing: Selkirk Cogan Partners, L.P. MBR Change in Status Filing to be effective 6/12/2020.

Filed Date: 6/10/20.

Accession Number: 20200610–5146.

Comments Due: 5 p.m. ET 7/1/20.

Docket Numbers: ER20–2027–000.

Applicants: Cedar Springs Transmission, LLC.

Description: Baseline eTariff Filing: Cedar Springs Transmission LLC Application for MBR Authority to be effective 6/10/2020.

Filed Date: 6/10/20.

Accession Number: 20200610–5147.

Comments Due: 5 p.m. ET 7/1/20.

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: June 10, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–12922 Filed 6–15–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–2014–000]

Rattlesnake Flat, 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 Rattlesnake Flat, 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 30, 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: June 10, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–12923 Filed 6–15–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–470–000]

Washington 10 Storage Corporation, South Romeo Gas Storage Company, LLC; Notice of Application

Take notice that on May 29, 2020, Washington 10 Storage Corporation (Washington 10), One Energy Plaza, 2130 WCB, Detroit, Michigan 48226–1279; and South Romeo Gas Storage Company, LLC (South Romeo), One

Energy Plaza, 16 WCB, Detroit, Michigan 48226 (together, Applicants), filed in Docket No. CP20–470–000 an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations for authorization to operate as jurisdictional facilities certain assets that heretofore have been constructed and operated to provide intrastate transportation services, as well as limited interstate transportation services. Applicants further request that the Commission issue to South Romeo a limited jurisdiction certificate authorizing the lease by South Romeo of storage capacity at South Romeo's Washington 28 storage facility to Washington 10. Finally, Applicants request that the Commission grant certain blanket certificates under 18 CFR parts 157 and 284, and general waivers relevant to the operation of interstate storage facilities and storage facilities operating under limited jurisdiction, all as more fully described in their application which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Any questions concerning this application may be directed to Leah Chamberlin, Office of the General Counsel, DTE Energy Company, One Energy Plaza—1635 WCB, Detroit, Michigan 48226–1279, by telephone at (313) 235–3165, or by email at *leah.chamberlin@dteenergy.com.*

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the environmental assessment (EA) for this proposal. The issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new NGA section 3 or section 7 proceeding.[1] Persons desiring to become a party to a certificate proceeding are to intervene in a timely manner. If seeking to intervene out-of-time, the movant is required to ''show good cause why the time limitation should be waived,'' and should provide justification by reference to factors set forth in Rule 214(d)(1) of the Commission's Rules and Regulations.[2]

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on July 1, 2020.

Dated: June 10, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–12937 Filed 6–15–20; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1124; FRS 16837]

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

[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC ¶ 61,167 at ¶ 50 (2018).

[2] 18 CFR 385.214(d)(1).

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 17, 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.: 3060–1124.

Title: 80.231, Technical Requirements for Class B Automatic Identification System (AIS) Equipment.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 20 respondents; 50,020 responses.

Estimated Time per Response: 1 hour per requirement.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154, 303, 307(e), 309 and 332 of the Communications Act of 1934, as amended.

Total Annual Burden: 50,020 hours.

Annual Cost Burden: $25,000.

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 September 19, 2008, the Commission adopted a Second Report and Order, FCC 08–208, which added a new section 80.231, which requires that manufacturers of Class B Automatic Identification Systems (AIS) transmitters for the Marine Radio Service include with each transmitting device a statement explaining how to enter static information accurately and a warning statement that entering inaccurate information is prohibited. The Commission is seeking to extend this collection in order to obtain the full three-year clearance from OMB. Specifically, the information collection requires that manufacturers of AIS transmitters label each transmitting device with the following statement: WARNING: It is a violation of the rules of the Federal Communications Commission to input an MMSI that has not been properly assigned to the end user, or to otherwise input any inaccurate data in this device. Additionally, prior to submitting a certification application (FCC Form 731, OMB Control Number 3060–0057) for a Class B AIS device, the following information must be submitted in duplicate to the Commandant (CG–521), U.S. Coast Guard, 2100 2nd Street SW, Washington, DC 20593–0001: (1) The name of the manufacturer or grantee and the model number of the AIS device; and (2) copies of the test report and test data obtained from the test facility showing that the device complies with the environmental and operational requirements identified in IEC 62287–1. After reviewing the information described in the certification application, the U.S. Coast Guard will issue a letter stating whether the AIS device satisfies all of the requirements specified in IEC 62287–1. A certification application for an AIS device submitted to the Commission must contain a copy of the U.S. Coast Guard letter stating that the device satisfies all of the requirements specified in IEC–62287–1, a copy of the technical test data and the instruction manual(s).

These reporting and third-party disclosure requirements aid the Commission monitoring advance marine vessel tracking and navigation information transmitted from Class B AIS devices to ensure that they are accurate and reliable, while promoting marine safety.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2020–12915 Filed 6–15–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0016; OMB 3060–0075, OMB 3060–0932, OMB 3060–1133; FRS 16835]

Information Collections 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 17, 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.: 3060–0016.

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule C (Former FCC Form 346); Sections 74.793(d) and 74.787, LPTV Out-of-Core Digital Displacement Application; Section 73.3700(g)(1)–(3), Post-Incentive Auction Licensing and Operations; Section 74.799, Low Power Television and TV Translator Channel Sharing.

Form No.: FCC Form 2100, Schedule C.

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: 4,460 respondents and 4,460 responses.

Estimated Time per Response: 2.5–7 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 Section 154(i), 303, 307, 308 and 309 of the Communications Act of 1934, as amended.

Total Annual Burden: 42,370 hours.

Annual Cost Burden: $23,026,757.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 2100, Schedule C is used by licensees/permittees/applicants when applying for authority to construct or make changes in a Low Power Television, TV Translator or DTV Transition.

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 Form 2100, Schedule C, 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: 3060–0075.

Title: Application for Transfer of Control of a Corporate Licensee or Permittee, or Assignment of License or Permit, for an FM or TV Translator Station, or a Low Power Television Station, FCC Form 345.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not for profit institutions; Local or Tribal Government.

Number of Respondents and Responses: 1,700 respondents; 3,900 responses.

Estimated Time per Response: 0.075–1.25 hours.

Frequency of Response: Third party disclosure requirement and on occasion reporting requirement.

Total Annual Burden: 3,013 hours.

Total Annual Cost: $3,943,979.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 310 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: Filing of the FCC Form 345 is required when applying for authority for assignment of license or permit, or for consent to transfer of control of a corporate licensee or permittee for an FM or TV translator station, or low power TV station.

This collection also includes the third-party disclosure requirement of 47 CFR Section 73.3580 (OMB approval was received for Section 73.3580 under OMB Control Number 3060–0031). Section 73.3580, as amended in the Commission's 2020 Public Notice Second Report and Order, discussed below, requires local public notice of the filing of all applications to assign or transfer control of a broadcast station authorization, including those of an FM or TV translator or booster station or LPTV station. Notice is given by an applicant posting notice of the application filing on its station website, its licensee website, its parent entity website, or on a publicly accessible, locally targeted website, for 30 consecutive days beginning within five business days of acceptance of the application for filing. The online notice must link to a copy of the application

as filed in the Commission's LMS licensing database. Applicants for assignment or transfer of control of a low-power television (LPTV) station that locally originates programming must also make a total of six on-air announcements giving notice that their applications have been accepted for filing.

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. Applicants, including applicants for assignment or transfer of control of authorizations for FM or TV translators or LPTV 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 an applicant for assignment or transfer of control of an LPTV station that locally originates programming, 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 Form 345, 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 No.: 3060–0932.

Title: FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule E (Former FCC Form 301–CA); 47 CFR Sections 73.3700(b)(1)(i)–(v) and (vii), (b)(2)(i) and (ii); 47 CFR Section 73.6028; 47 CFR Section 74.793(d).

Form No.: FCC Form 2100, Schedule E (Application for Media Bureau Audio and Video Service Authorization) (Former FCC Form 301–CA).

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: 745 respondents and 745 responses.

Estimated Time per Response: 2.25 hours–6 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 47 U.S.C. 151, 154(i), 157 and 309(j) as amended; Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 6402 (codified at 47 U.S.C. 309(j)(8)(G)), 6403 (codified at 47 U.S.C. 1452), 126 Stat. 156 (2012) (Spectrum Act) and the Community Broadcasters Protection Act of 1999.

Total Annual Burden: 6,146 hours.

Annual Cost Burden: $4,334,902.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 2100, Schedule E (formerly FCC Form 301–CA) is to be used in all cases by a Class A television station licensee seeking to make changes in the authorized facilities of such station. FCC Form 2100, Schedule E requires applicants to certify compliance with certain statutory and regulatory requirements. Detailed instructions on the FCC Form 2100, Schedule E provide additional information regarding Commission rules and policies. FCC Form 2100, Schedule E is presented primarily in a ''Yes/No'' certification format. However, it contains appropriate places for submitting explanations and exhibits where necessary or appropriate. Each certification constitutes a material representation. Applicants may only mark the ''Yes'' certification when they are certain that the response is correct. A ''No'' response is required if the applicant is requesting a waiver of a pertinent rule and/or policy, or where the applicant is uncertain that the application fully satisfies the pertinent rule and/or policy. FCC Form 2100, Schedule E filings made to implement post-auction channel changes will be considered minor change applications.

Class A applications for a major change are subject to third party disclosure requirement of Section 73.3580, which requires local public notice that the application has been accepted for filing. Notice is given by an applicant posting notice of the application filing on its station website, its licensee website, its parent entity website, or on a publicly accessible, locally targeted website, for 30 consecutive days beginning within five business days of acceptance of the application for filing. The online notice must link to a copy of the application as filed in the Commission's LMS licensing database.

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 Class A television 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 Form 2100, Schedule E, 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: 3060–1133.

Title: Application for Permit to Deliver Programs to Foreign Broadcast

Stations (FCC Form 308); 47 CFR Section 73.3545 and 73.3580.

Form No.: FCC Form 308.

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 26 respondents; 48 responses.

Estimated Time per Response: 0.5 hours–2 hours.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 325(c) of the Communications Act of 1934, as amended.

Total Annual Burden: 40 hours.

Annual Cost Burden: $18,642.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, 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 FCC Form 308, 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 FCC Form 308, 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.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2020–12917 Filed 6–15–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1271; FRS 16842]

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 of 1995 (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.

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.

DATES: Written PRA comments should be submitted on or before August 17, 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 contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1271.

Title: Promoting Telehealth for Low-Income Consumers, COVID–19 Telehealth Program.

Form Numbers: FCC Forms 460, 461, 462, and 463.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; Not-for-profit institutions; Federal Government; and State, Local, or Tribal governments.

Number of Respondents and Responses: 7,300 respondents; 34,623 responses.

Estimated Time per Response: 0.30–25 hours.

Frequency of Response: One-time, and annual reporting requirements; recordkeeping requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in sections 1–4, 201–205, 214, 254, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201–205, 214, 254, 303(r), and 403, and the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116–136, 134 Stat. 281 (2020).

Total Annual Burden: 198,347 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No Impact(s).

Nature and Extent of Confidentiality: The Name, Address, DUNS Number and Business Type will be disclosed in accordance with the FFATA/DATA Act reporting requirements as part of the COVID–19 Telehealth Program. Also, COVID–19 Telehealth Program award and disbursement amounts will be made public. We intend to keep other information submitted under the COVID–19 Telehealth Program confidential to the extent permitted by law. There is no assurance of confidentiality provided to respondents as part of the Connected Care Pilot Program, the selected applicants and estimated funding will be made public. Respondents under both programs may request materials or information submitted to the Commission to be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: On March 31, 2020, the Commission adopted a Report and Order entitled *Promoting Telehealth for Low-Income Consumers; COVID–19 Telehealth Program,* WC Docket No. 18–213, WC Docket No. 20–89 (FCC 20–44),

establishing two programs designed to assist health care providers in providing connected care services to consumers—the COVID–19 Telehealth Program and the Connected Care Pilot Program (collectively, Programs). The information collected herein is necessary in order to facilitate the Commission's and the Universal Service Administrative Company's administration of the Programs and to prevent waste, fraud, and abuse. The information also will allow the Commission to evaluate the extent to which the Programs are complying with the applicable rules and procedures for each program, and the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2020–12881 Filed 6–15–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0400; FRS 16844]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before July 16, 2020.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0400.

Title: Part 61, Tariff Review Plan (TRP).

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 2,749 respondents; 4,152 responses.

Estimated Time per Response: 0.5–53 hours.

Frequency of Response: One-time, on occasion, biennially, and annual reporting requirements.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection (IC) is contained in section 47 U.S.C. 10(a) of the Communications Act of 1934, as amended.

Total Annual Burden: 60,722 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Respondents are not being asked to submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe are confidential, respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission has developed standardized Tariff Review Plans (TRPs) that set forth the summary material that incumbent LECs (ILECs) file to support revisions to the rates in their interstate access service tariffs. The TRPs display basic data on rate development in a consistent manner, thereby facilitating review of the ILEC rate revisions by the Commission and interested parties. The TRPs have served this purpose effectively in past years.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–12919 Filed 6–15–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0755; FRS 16843]

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) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before August 17, 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 contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0755.

Title: Sections 59.1 through 59.4, Infrastructure Sharing.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 75 respondents; 1,125 responses.

Estimated Time per Response: 1–2 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 259 of the Communications Act of 1934, as amended.

Total Annual Burden: 2,025 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such data under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: There are three reporting and third party disclosure requirements under section 259 of the Communications Act of 1934, as amended. They are (1) filing of tariffs, contracts or arrangements; (2) providing information concerning deployment of new services and equipment; and (3) notice upon termination of section 259 agreements. The information collections by the Commission under the requirement are (1) incumbent local exchange carriers (incumbent LECs) will file for public inspection any tariffs, contracts and agreements for infrastructure sharing with third parties (qualifying carriers); (2) incumbent LECs will provide timely information on planned deployments of new services and equipment to third parties (qualifying carriers); and incumbent LECs will furnish third parties (qualifying carriers) with 60 day notice prior to termination of a section 259 sharing agreement to protect customers from sudden changes in service.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of Secretary.

[FR Doc. 2020–12882 Filed 6–15–20; 8:45 am]

BILLING CODE 6712–01–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 public portions of 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(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* 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 July 1, 2020.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Todd Madson, Jefferson, Iowa;* to retain, individually, voting shares of Security Financial, Inc., Farnhamville, Iowa, and thereby indirectly retain voting shares of Security Savings Bank, Gowrie, Iowa.

Board of Governors of the Federal Reserve System, June 11, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–12956 Filed 6–15–20; 8:45 am]

BILLING CODE P

FEDERAL RETIREMENT THRIFT INVESTMENT

Board Member Meeting

June 22, 2020, 10:00 a.m.—Telephonic

Open Session

1. Approval of the May 13th and 27th 2020 Board Meeting Minutes
2. Monthly Reports

(a) Participant Activity Report

(b) Investment Performance

(c) Legislative Report

3. Quarterly Report

(d) Vendor Risk Management

4. 5-Year L Fund Update

5. Internal Audit Update

Executive Session

Information covered under 5 U.S.C. 552b(c)(4).

Contact Person For More Information: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

SUPPLEMENTARY INFORMATION: Dial-in (listen only) information: Number: 1–877–446–3914, Code: 8127023.

Dated: June 9, 2020.

Megan Grumbine,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2020–12908 Filed 6–15–20; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Guidance for Tribal Temporary Assistance for Needy Families (TANF) (OMB #0970–0157)

AGENCY: Office of Family Assistance; Administration for Children and Families; HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) is requesting a 3-year extension of form ACF–123: Guidance for Tribal Temporary Assistance for Needy Families (TANF) (OMB #0970–0157, expiration date: 6/30/2020). There are minor clarifying changes requested to the guidance.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION:

Description: 42 U.S.C. 612 (Section 412 of the Social Security Act) requires each Indian tribe that elects to administer and operate a TANF program to submit a TANF Tribal Plan. The TANF Tribal Plan is a mandatory statement submitted to the Secretary of HHS by the Indian tribe, which consists of an outline of how the Indian tribes' TANF program will be administered and operated. It is used by the Secretary to determine whether the plan is approvable and to determine that the Indian tribe is eligible to receive a TANF assistance grant. It is also made available to the public.

Respondents: Indian tribes applying to operate a TANF program and to renew their Tribal Family Assistance Plan.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Guidance For The Tribal Temporary Assistance For Needy Families (TANF) Program	75	1	68	5,100	1,700

Estimated Total Annual Burden Hours: 1700.

Authority: 42 U.S.C. 612.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–12932 Filed 6–15–20; 8:45 am]

BILLING CODE 4184–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcing an Opportunity To Become a National Youth Sports Strategy Champion

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of the Assistant Secretary for Health, Office of Disease Prevention and Health Promotion.

ACTION: Notice.

SUMMARY: The Office of Disease Prevention and Health Promotion (ODPHP) invites public and private sector organizations that support the *National Youth Sports Strategy* (NYSS) to become a National Youth Sports Strategy Champion (NYSS Champion). NYSS Champions can be youth-serving organizations that work in alignment with the NYSS or organizations that support youth sports through donations or other means. Organizations should submit a statement of interest acknowledging their support of the NYSS vision: That one day, all youth will have the opportunity, motivation, and access to play sports—regardless of their race, ethnicity, sex, ability, or ZIP code. NYSS Champions will receive recognition from ODPHP and the President's Council on Sports, Fitness, and Nutrition (PCSFN) on Health.gov, a digital NYSS Champion badge to highlight their support of the NYSS, and tools to disseminate the NYSS and promote physical activity.

DATES: Statements of interest to become an NYSS Champion will be accepted starting on June 16, 2020.

ADDRESSES: Statements of interest can be submitted via email to *sports@hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Katrina L. Piercy, Ph.D., R.D., Office of Disease Prevention and Health Promotion (ODPHP), Office of the Assistant Secretary for Health (OASH), U.S. Department of Health and Human Services (HHS); 1101 Wootton Parkway, Suite 420, Rockville, MD 20852; Telephone: (240) 453–8280. Email: *sports@hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background: On behalf of HHS, ODPHP leads the development and implementation of the Physical Activity Guidelines for Americans and the

National Youth Sports Strategy (NYSS) and manages the PCSFN. The PCSFN is the only federal advisory committee focused solely on the promotion of physical activity, fitness, sports, and nutrition.

HHS released the NYSS in September 2019 in response to Executive Order 13824. ODPHP led the development of the NYSS, in collaboration with the Centers for Disease Control and Prevention and the National Institutes of Health, and with recommendations from the PCSFN. The NYSS aims to unite U.S. youth sports culture around a shared vision: That one day, all youth will have the opportunity, motivation, and access to play sports—regardless of their race, ethnicity, sex, ability, or ZIP code. The NYSS specifically outlines steps for everyone to take action and help improve the youth sports landscape in the United States. A framework for understanding youth sports participation highlights opportunities and action items for youth, adults, organizations, communities, and public agencies (*https://health.gov/sites/default/files/2019-10/NYSS_ExecutiveSummary.pdf*). NYSS Champion organizations are working toward the NYSS vision and are promoting and supporting youth sports, particularly in underserved populations.

Requirements of Interested Organizations: ODPHP invites organizations that support youth sports and that demonstrate efforts toward improving the youth sports landscape in the United States to submit a statement of interest to become an NYSS Champion. Participating organizations will sign a letter of understanding (LOU) to outline the terms and parameters of their support for the NYSS. Organizations with an active LOU will be granted use of the digital NYSS Champion badge as long as the organization continues to work in alignment with the NYSS. Use of the NYSS Champion badge does not imply any federal endorsement of the collaborating organization's general policies, activities, or products.

Eligibility for Interested Organizations: To be eligible to become an NYSS Champion, an organization shall: (1) Have a demonstrated interest in, understanding of, and experience with supporting youth sports; (2) have an organizational or corporate mission that is aligned with the NYSS vision; and (3) agree to sign a LOU with ODPHP, which will set forth the details of how the organization is supporting the vision of the NYSS.

Statement of Interest Requirements:

Each statement of interest shall contain:

(1) Organization name, location, website, and submitter's contact information;

(2) a brief description of the organization's mission and/or values; and

(3) a description of how the organization supports or plans to support the NYSS vision, such as prioritizing underserved populations, donating funds or equipment, or alignment with specific opportunities and action items outlined in the NYSS (*https://health.gov/sites/default/files/2019-10/NYSS_ExecutiveSummary.pdf*).

Submission of a statement of interest does not guarantee acceptance as an NYSS Champion. ODPHP will review and evaluate statements of interest for alignment with the NYSS vision.

Carter Blakey,

Acting Director, Office of Disease Prevention and Health Promotion.

[FR Doc. 2020–12955 Filed 6–15–20; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Research to Action: Assessing and Addressing Community Exposures to Environmental Contaminants.

Date: June 24, 2020.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27709 (Virtual Meeting).

Contact Person: Alfonso R. Latoni, Ph.D., Chief and Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27709, (919) 541–7571, *alfonso.latoni@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; NIH Pathway to Independence Award (K99/R00).

Date: June 25, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27709 (Virtual Meeting).

Contact Person: Varsha Shukla, Ph.D., Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Science, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27709, (984) 287–3288, *Varsha.shukla@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Mechanism for Time Sensitive Research Opportunities in Environmental Health Sciences.

Date: June 30, 2020.

Time: 11:00 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27709 (Virtual Meeting).

Contact Person: Janice B. Allen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Science, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27709, (919) 541–7556, *allen9@niehs.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: June 10, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–12885 Filed 6–15–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Emergency Awards: Rapid Investigation of Severe Acute Respiratory Syndrome Coronavirus 2 (SARS–CoV–2) and Coronavirus Disease 2019 (COVID–19).

Date: June 25, 2020.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F52, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Jennifer H. Meyers, Ph.D., Scientific Review Officer, Scientific Review Program, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F52, Rockville, MD 20852, 301–761–6602, *jennifer.meyers@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 10, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–12887 Filed 6–15–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel P01 Review.

Date: June 22, 2020.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, 6001 Executive Blvd., North Bethesda, MD 20852, (Video Assisted Meeting).

Contact Person: Li Jia, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH, 6001 Executive Boulevard, Room 3208D, Rockville, MD 20852, 301 451–2854, *li.jia@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel Member conflict SEP.

Date: June 23, 2020.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, 6001 Executive Blvd., North Bethesda, MD 20852, (Video Assisted Meeting).

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, National Institutes of Health, National Institute of Neurological Disorders And Stroke, 6001 Executive Blvd., Suite 3208, Rockville, MD 20852, 301–496–3755, *natalia.strunnikova@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Clinical Trial Readiness for Rare Neurological and Neuromuscular Diseases.

Date: June 25, 2020.

Time: 1:30 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, 6001 Executive Blvd., North Bethesda, MD 20852, (Video Assisted Meeting).

Contact Person: Ana Olariu, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Blvd., Room 3208, MSC 9529, Bethesda, MD 20892, (301) 496–9223, *Ana.Olariu@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Summer Research Education Experience Program.

Date: June 29, 2020.

Time: 11:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, 6001 Executive Blvd., North Bethesda, MD 20852, (Video Assisted Meeting).

Contact Person: Deanna Lynn Adkins, Ph.D., Scientific Review Officer, Scientific Review Branch, NSC Building, Bethesda, MD 20892, 301–496–9223, *deanna.adkins@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: June 10, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–12886 Filed 6–15–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0083]

Agency Information Collection Activities: United States-Caribbean Basin Trade Partnership Act (CBTPA)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget

(OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than July 16, 2020) to be assured of consideration.

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: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (85 FR 12000) on February 28, 2020, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: United States-Caribbean Basin Trade Partnership Act.

OMB Number: 1651–0083.

Form Number: CBP Form 450.

Abstract: The provisions of the United States-Caribbean Basin Trade Partnership Act (CBTPA) were adopted by the U.S. with the enactment of the Trade and Development Act of 2000 (Pub. L. 106–200). The objective of the CBTPA is to expand trade benefits to countries in the Caribbean Basin. For preferential duty treatment under CBTPA, CBP requires under 19 CFR 10.234 and 10.236 that importers have a CBTPA Certification of Origin (CBP Form 450) in their possession at the time of the claim, and that importers provide it to CBP upon request. CBP Form 450 collects data such as contact information for the exporter, importer and producer, and information about the goods being claimed.

This collection of information is provided for by 19 CFR 10.224. CBP Form 450 is accessible at: *https://www.cbp.gov/newsroom/publications/forms?title=450&=Apply.*

Current Actions: This submission is being made to extend the expiration date with no change to the estimated burden hours. There are no changes to CBP Form 450 or to the data collected on this form.

Type of Review: Extension without change.

Affected Public: Businesses.

Estimated Number of Respondents: 15.

Estimated Number of Responses per Respondent: 286.13.

Estimated Total Annual Responses: 4,292.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 8,584.

Dated: June 11, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–12912 Filed 6–15–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2020–0025; OMB No. 1660–0147]

Agency Information Collection Activities: Proposed Collection; Comment Request; Coronavirus (COVID–19) Donations Web Portal

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: 60-Day Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on new information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning a voluntary donations web portal located on the *FEMA.gov* internet site. This information will allow FEMA to collect voluntary information on possible donations of key equipment and resources that can be distributed to key organizational recipients directly responding to the COVID–19 pandemic.

DATES: Comments must be submitted on or before August 17, 2020.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2020–0025. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW, 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, 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 read the Privacy and Security Notice that is available via a link on the homepage of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Cindy Ramsay, Supervisory External Affairs Specialist, Public Affairs Division, *cindy.ramsay@fema.dhs.gov.* You may contact the Information

Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: FEMA implemented a web form into the *FEMA.gov* internet site to collect voluntary donations of medical equipment. This information will allow FEMA to collect voluntary information on possible donations of key equipment and resources that can be distributed to key organizational recipients directly responding to the COVID–19 pandemic.

The web form collects:

- Collection of Company Information;
- Collection of Company Point of Contact Information; and
- Logistical details of goods for potential donations in direct support of COVID–19 response.

FEMA has authorization to perform this function as described in the National Response Framework, Fourth Edition, October 28, 2019. The National Response Framework Volunteer and Donations Management Support Annex states in its Purpose, ''The Volunteer and Donations Management Support Annex describes the coordination processes used to support the state in ensuring the most efficient and effective use of unaffiliated volunteers, unaffiliated organizations, and unsolicited donated goods to support all Emergency Support Functions (ESFs) for incidents requiring a Federal response, including offers of unaffiliated volunteer services and unsolicited donations to the Federal Government.''

Collection of Information

Title: Coronavirus (COVID–19) Donations Web Portal.

Type of Information Collection: New Collection.

OMB Number: OMB Collection 1660–0147.

FEMA Forms: FEMA Form 248–0–0–1; Donations Web Portal.

Abstract: Because of the substantial risk to life, safety, or health of individuals due to the probable shortage in emergency medical equipment, supporting distribution infrastructure and other life-sustaining equipment related to Coronavirus (COVID–19) treatment, FEMA implemented a web form into the *FEMA.gov* internet site to collect voluntary donations of medical equipment.

This information will allow FEMA to collect voluntary information on possible donations of key equipment and resources that can be distributed to key organizational recipients directly responding to the COVID–19 pandemic.

FEMA will determine if the goods being donated are needed by any organization responding to the COVID–19 situation and uses the information to connect donors making donations with organizations in need by helping to coordinate the movement of those goods either on their own or through contracts. The type of coordination and assistance will vary depending on the type and number of items being donated and the need for the donation.

Affected Public: All individuals in any way involved with the COVID–19 pandemic as it pertains to medical services, medical equipment or exposure to the COVID–19 virus.

Estimated Number of Respondents: 340.

Estimated Number of Responses: 3,400.

Estimated Total Annual Burden Hours: 567.

Estimated Total Annual Respondent Cost: $14,697.

Estimated Respondents' Operation and Maintenance Costs: None.

Estimated Respondents' Capital and Start-Up Costs: None.

Estimated Total Annual Cost to the Federal Government: $34,153.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Maile Arthur,

Deputy Director, Information Management Division, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2020–12941 Filed 6–15–20; 8:45 am]

BILLING CODE 9111–19–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2020–N080; FXES11140800000–201–FF08EVEN00]

Draft Habitat Conservation Plan and Draft Categorical Exclusion for the Singh Parcel, Los Osos, San Luis Obispo County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft Habitat Conservation Plan (HCP) and draft categorical exclusion for activities described in an application for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended. The ITP would authorize take of a listed species incidental to construction of a single-family residence. The applicant developed the draft HCP in support of their application for an ITP. The Service prepared a draft categorical exclusion in accordance with the National Environmental Policy Act to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on these documents.

DATES: Written comments should be received on or before July 16, 2020.

ADDRESSES: *To obtain documents:* You may download a copy of the draft HCP and categorical exclusion screening form at *http://www.fws.gov/ventura/,* available in ''Latest News Stories'' under the ''News Room'' tab, or you may request copies of the documents by sending U.S. mail to our Ventura office, or by phone (see **FOR FURTHER INFORMATION CONTACT**).

To submit written comments: Please send us your written comments using one of the following methods:

- *U.S. mail:* Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.
- *Email: amrita_duggal@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Amrita Duggal, Biologist, by email at *amrita_duggal@fws.gov,* by phone at 805–677–3346, or via the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft habitat conservation plan (HCP) and the

associated draft categorical exclusion with an application for an incidental take permit (ITP) from Stephanie Singh (applicant). The permit would authorize take of the federally endangered Morro shoulderband snail (*Helminthoglypta walkeriana*) incidental to activities described in the HCP for the construction of a single-family residence in Los Osos, San Luis Obispo County, California. The applicant developed a draft HCP as part of her application for an ITP under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The Service prepared a draft categorical exclusion in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on these documents.

Background

The Morro shoulderband snail was listed as endangered on December 15, 1994 (59 FR 64613). Section 9 of the ESA prohibits the ''take'' of fish or wildlife species listed as endangered. ''Take'' is defined under the ESA to include the following activities: ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize incidental take of listed species. Incidental take is take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Issuance of an ITP also must not jeopardize the existence of federally listed fish, wildlife, or plant species, pursuant to Section 7 of the ESA and 50 CFR 402.02. The permittee would receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5)).

Applicant's Proposed Activities

The applicant has applied for a permit for incidental take of the Morro shoulderband snail. The take would occur in association with the construction of a single-family home and associated activities, such as vegetation removal, site grubbing, and grading for proposed development. The proposed development, including the home, infrastructure, future detached workshop and all associated disturbance areas, would be sited on approximately 0.56 acre (ac) of the 4.7-ac property. To mitigate the effects of the taking of Morro shoulderband snail, the applicant proposes to set aside 2 ac of the 4.7-ac property under a conservation easement that would be dedicated, in perpetuity, to the County of San Luis Obispo.

The HCP includes avoidance and minimization measures for the Morro shoulderband snail and mitigation for unavoidable loss of habitat. The applicant's conservation strategy includes an on-site conservation area that will be restored to coastal dune scrub habitat suitable for occupation by Morro shoulderband snail through removal of non-native plants, natural regeneration of native coastal scrub species, and seeding with native species characteristic of coastal dune scrub habitat.

Pursuant to the categorical exclusion determination, FWS concludes that neither the permit nor the Federal action is anticipated to significantly affect the quality of the human environment, due to the small size of the proposed project located within an existing residential neighborhood.

Public Comments

If you wish to comment on the draft HCP and low-effect ITP screening form, you may submit comments by one of the methods 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 view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Stephen Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2020–12929 Filed 6–15–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2020–N074; FXES11140800000–201–FF08EVEN00]

Draft Habitat Conservation Plan and Draft Categorical Exclusion for the Garrapata Tanks Slope Repair Project in Monterey County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft habitat conservation plan (HCP) and draft categorical exclusion (CatEx) for activities described in an application for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended. The ITP would authorize take of a listed species incidental to water tank stabilization activities on private property near Big Sur in Monterey County, California. The applicant developed the draft HCP as part of their application for an ITP. The Service prepared a draft CatEx in accordance with the National Environmental Policy Act to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on these documents.

DATES: Written comments should be received on or before July 16, 2020.

ADDRESSES: *Obtaining Documents:* You may download a copy of the draft HCP and draft CatEx at *http://www.fws.gov/ventura/,* or you may request copies of the documents by U.S. mail (below) or by phone (see **FOR FURTHER INFORMATION CONTACT**).

Submitting Written Comments: Please send us your written comments using one of the following methods:

- *U.S. mail:* Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.
- *Email: debora_kirkland@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Debora Kirkland, Fish and Wildlife Biologist, by phone at 805–677–3321, via the Federal Relay Service at 1–800–877–8339 for TTY assistance, or by mail at the Ventura address (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft habitat conservation plan (HCP) and draft categorical exclusion (CatEx) with an application for an incidental take permit (ITP) by California American Water (applicant). The ITP would authorize take of the federally endangered Smith's blue butterfly (*Euphilotes enoptes smithi*) incidental to activities described in the HCP for the stabilization of a slope beneath two 40,000-gallon water tanks, repair of a cement pad, and revegetation and restoration of the disturbance area, on private property near Big Sur in Monterey County, California. The applicant developed a draft HCP as part

of the application for an ITP under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The Service prepared a draft CatEx in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on these documents.

Background

The Service listed the Smith's blue butterfly as endangered in 1976 (41 FR 22041). Section 9 of the ESA prohibits take of fish and wildlife species listed as endangered (16 U.S.C. 1538). Under the ESA, ''take'' is defined to include the following activities: ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532). Under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)), we may issue permits to authorize take of listed fish and wildlife species that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for endangered species are in the Code of Federal Regulations (CFR) at 50 CFR 17.22. Issuance of an ITP also must not jeopardize the existence of federally listed fish, wildlife, or plant species, pursuant to section 7 of the ESA and 50 CFR 402.02. The permittee would receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5)).

Proposed Activities

The applicant has applied for a permit for incidental take of the Smith's blue butterfly. The take would occur in association with the repair of a concrete slab under two 40,000-gallon water tanks, stabilization of a failing vegetated slope, and revegetation and restoration of the slope and staging area on approximately 1.1 acres. The HCP includes avoidance and minimization measures for the Smith's blue butterfly and mitigation for unavoidable loss of habitat. As mitigation for habitat loss, the applicant proposes to revegetate the staging area and stabilize the slope with native coastal sage scrub seed. The applicant also proposes to conduct 5 years of restoration monitoring and invasive species control throughout the revegetated areas to improve the quality of species habitat in the project area.

The Service prepared the draft CatEx in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) to evaluate the potential effects to the natural and human environment resulting from issuing the ITP under the plan.

Public Availability of Comments

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 view, 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. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Stephen Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2020–12928 Filed 6–15–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/A0A501010.999900]

Phase I Negative Proposed Finding on the Fernandeño Tataviam Band of Mission Indians

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Proposed Finding.

SUMMARY: The Office of Federal Acknowledgment (OFA) within the Office of the Assistant Secretary—Indian Affairs (AS–IA) within the Department of the Interior (Department) hereby provides notice that OFA has issued a Phase I negative Proposed Finding (PF) in response to the petition it received from the group known as the Fernandeño Tataviam Band of Mission Indians (FTB), headquartered in San Fernando, California. The petitioner seeks Federal acknowledgment as an Indian Tribe under the Department's regulations. The OFA has found that FTB meets only three of the four mandatory criteria reviewed under the Phase I review, as defined by the regulations.

DATES: Comments on this Phase I negative PF are due on or before October 14, 2020.

ADDRESSES: Please address comments on the PF to the Department of the Interior, Office of the Assistant Secretary—Indian Affairs, Attn: Office of Federal Acknowledgment, 1849 C Street NW, MS–4071 MIB, Washington, DC 20240.

Any individuals or entities that make submissions to OFA must also provide copies of their comments and evidence to the petitioner at Fernandeño Band of Mission Indians c/o Rudy Ortega, Jr., 1019 Second Street, #1, San Fernando, California 91340. Electronic copies of the PF, as well as other related documents, are available on OFA's website (*www.bia.gov/as-ia/ofa*).

FOR FURTHER INFORMATION CONTACT: R. Lee Fleming, Director, Office of Federal Acknowledgment, (202) 513–7650; *lee.fleming@bia.gov.*

SUPPLEMENTARY INFORMATION: The OFA publishes this notice pursuant to § 83.34 of the Department's Federal acknowledgment regulations at 25 CFR part 83 (which became effective July 31, 2015), ''Procedures for Federal Acknowledgement of Indian Tribes.''

The Department's regulations under 25 CFR part 83 establish the procedures and criteria by which a group may seek Federal acknowledgment as an Indian Tribe, establishing a government-to-government relationship with the United States. To obtain Federal acknowledgment by the United States under § 83.5, the petitioner must submit evidence documenting that the group meets criteria § 83.11(a) *Indian entity identification,* (d) *Governing document,* (e) *Descent,* (f) *Unique membership,* and (g) *Congressional termination* and must either:

- Demonstrate previous Federal acknowledgment under § 83.12(a) and meet the requirements of § 83.12(b); or
- Meet criteria § 83.11(b) *Community* and (c) *Political authority.*

Section 83.26 describes the two phases of the process for reviewing the criteria in § 83.11. During the Phase I review, OFA determines if the petitioner meets criteria § 83.11(d), (e), (f), and (g). Based on the evidence submitted by FTB and evidence Departmental staff obtained through its verification and evaluation process, OFA has found that FTB meets only three of the four mandatory criteria under the Phase I review: Criteria § 83.11(d), (f), and (g). FTB does not meet criterion § 83.11(e). Therefore, OFA has issued a negative PF, which contains a summary of the evidence, reasoning, and analyses that are the basis for the PF.

Under § 83.34(a), OFA will provide copies of the Phase I negative PF and any supporting reports to the petitioner.

This provision also requires OFA to provide copies of the PF and any supporting reports to individuals and entities listed in § 83.22(d).

Under § 83.34(b), OFA will publish the PF and any supporting reports on its website at *https://www.bia.gov/as-ia/ofa.* Requests for a copy of PF should be addressed to the Federal Government as instructed in the **ADDRESSES** section of this notice.

Publication of this notice of the PF in the **Federal Register** initiates a 120-day comment period. During this comment period, the petitioner or any individual or entity may submit comments and evidence to OFA to rebut or support the PF, pursuant to § 83.35(a). Copies of comments on the PF submitted to OFA should also be provided to the petitioner, as required by § 83.35(b) and as instructed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

If OFA receives comments on this PF, then the petitioner will have 60 days to submit a written response to those comments, with citations to and explanations of supporting evidence, and the supporting evidence cited and explained in the response, pursuant to § 83.37. After the expiration of that comment period, the petitioner will have 60 days to elect to challenge the PF before an administrative law judge, as outlined in §§ 83.38 through 83.39.

A petitioner can withdraw its documented petition at any point in the process, but the petition will be placed at the end of the numbered register of documented petitions upon resubmission and may not regain its initial priority number, pursuant to § 83.30.

The Director of the Office of Federal Acknowledgment R. Lee Fleming approved the issuance of OFA's Phase I negative PF.

Robert Fleming,

Director, Office of Federal Acknowledgment.

[FR Doc. 2020–12775 Filed 6–15–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[20XLLAZ941200.L1440000.ET0000; AZA30749]

Notice of Application for Proposed Withdrawal Extension and Notification of Public Meeting, San Francisco Peaks/Mount Elden Recreation Area, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) is providing notice of an application from the United States Forest Service (USFS) requesting that Public Land Order (PLO) 7467 be extended for an additional 20-year term. PLO 7467 withdrew 74,689 acres of National Forest System lands in the Coconino National Forest, San Francisco Peaks/Mount Elden Recreation Area, Arizona. The PLO withdrew these lands from settlement, sale, location, or entry under the general land laws and the United States mining laws, but not from leasing under the mineral leasing laws. This notice also gives the public the opportunity to comment on the withdrawal extension application, and announces the date, time, and venue for a virtual public meeting.

DATES: Comments must be received by September 14, 2020. The USFS will hold a virtual public meeting in connection with the proposed withdrawal extension on August 17, 2020, at 5:00 p.m. The USFS will publish the date and instructions about how to access the online public meeting in the *Arizona Daily Sun* (Flagstaff) and the *Arizona Republic* (Phoenix Metropolitan area) newspapers a minimum of 15 days prior to the meetings.

ADDRESSES: All comments should be sent to the BLM Arizona State Office, One North Central, Suite 800, Phoenix, Arizona 85004; faxed to 602–417–9452; or sent by email to *BLM_AZ_Withdrawal_Comments@blm.gov.* The BLM will not consider comments received via telephone calls.

FOR FURTHER INFORMATION CONTACT: Sara Ferreira, Land Law Examiner, BLM, at 602–417–9598; by email at *sferreir@blm.gov;* or you may contact the BLM office at the address noted above. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The USFS has filed an application to extend for an additional 20-year term a withdrawal established by PLO 7467 (65 FR 61180), which will expire on October 15, 2020. The legal descriptions written in PLO 7467 are revised to reflect the Cadastral Survey's Specifications for Descriptions of Land:

Gila and Salt River Meridian, Arizona

T. 21 N., R. 7 E.,
sec. 1;
sec. 2, excepting H.E.S. No. 86.
T. 21 N., R. 8 E.,
sec. 6, excepting SE¼NE¼SE¼NE¼, E½SE¼SE¼NE¼, E½SE¼SW¼, S½SW¼SE¼SW¼, NE¼SE¼SE¼NE¼SE¼, E½SW¼SE¼SE¼NE¼SE¼, SE¼SE¼SE¼NE¼SE¼, S½SE¼.
T. 22 N., R. 6 E.,
secs. 1 thru 3;
sec. 4, excepting SE¼ NW¼;
secs. 9 thru 11;
sec. 12, excepting NW¼;
sec. 13, N½;
secs. 14 and 15;
sec. 16, E½.
T. 22 N., R. 7 E.,
secs. 1 thru 18;
secs. 20 thru 26;
sec. 27, excepting NE¼;
secs. 28 and 29;
sec. 32, N½;
sec. 33, N½, N½SW¼, N½SE¼, SW¼SE¼, W½NW¼NW¼SE¼SE¼, W½SW¼NW¼SE¼SE¼, W½NW¼SW¼SE¼SE¼, W½SW¼SW¼SE¼SE¼;
sec. 34, N½, N½SW¼, E½SW¼SW¼, NW¼SE¼;
secs. 35 and 36.
T. 22 N., R. 8 E.,
secs. 5 thru 7;
sec. 8, excepting E½SE¼;
sec. 17, excepting N½NE¼NE¼NE¼, N½NW¼NE¼NE¼;
secs. 18 and 19;
sec. 20, excepting S½SE¼NE¼NE¼, SE¼SW¼NE¼NE¼, S½SE¼NE¼;
sec. 29, excepting E½SW¼SE¼SE¼, SE¼SE¼SE¼;
secs. 30 and 31;
sec. 32, N½, N½SW¼, SW¼SW¼, N½NE¼NE¼SE¼SW¼, N½NW¼NE¼SE¼SW¼, W½SE¼SW¼, N½SE¼, E½SW¼SE¼, N½NE¼NW¼SW¼SE¼, N½NW¼NW¼SW¼SE¼, SE¼SE¼.
T. 23 N., R. 6 E.,
sec. 8, lots 1, 2, 7, and 8;
sec. 9;
sec. 10, excepting W½NW¼NE¼NW¼, SE¼NW¼NE¼NW¼, E½NW¼NW¼, NE¼NW¼NW¼NW¼;
sec. 11, excepting W½SE¼SE¼NE¼SW¼, W½NE¼NE¼SE¼SW¼, W½SE¼NE¼SE¼SW¼, W½NE¼SE¼SE¼SW¼, W½SE¼SE¼SW¼, W½SE¼SE¼SE¼SW¼;
sec. 12;
sec. 13, excepting SW¼NE¼NE¼, NE¼SE¼NE¼NE¼, W½SE¼NE¼NE¼, SE¼NW¼NE¼, N½NE¼SW¼NE¼, N½NW¼SE¼NE¼;
sec. 14, excepting N½NE¼NE¼, N½NE¼SW¼NE¼NE¼, N½NW¼SW¼NE¼NE¼, N½NE¼SE¼NE¼NE¼, N½NW¼SE¼NE¼NE¼, N½NW¼NE¼, N½NE¼SW¼NW¼NE¼,

N½NW¼SW¼NW¼NE¼,
N½NE¼SE¼NW¼NE¼,
N½NW¼SE¼NW¼NE¼,
N½NE¼NW¼,
N½NE¼SW¼NE¼NW¼,
N½NW¼SW¼NE¼NW¼,
N½NE¼SE¼NE¼NW¼,
N½NW¼SE¼NE¼NW¼,
N½NW¼NW¼,
N½NE¼SW¼NW¼NW¼,
N½NW¼SW¼NW¼NW¼,
N½NE¼SE¼NW¼NW¼,
N½NW¼SE¼NW¼ NW¼, SW¼SW¼;
sec. 15, excepting SE¼SE¼;
secs. 16 and 17;
secs. 20 and 21;
sec. 22, excepting NE¼NE¼, NW¼,
S½SW¼SW¼, SW¼NE¼SE¼SW¼,
S½NW¼SE¼SW¼, SW¼SE¼SW¼,
W½SE¼SE¼SW¼;
sec. 23, excepting NW¼NW¼,
SW¼NE¼SW¼SW¼,
S½SW¼SW¼SW¼, SE¼SW¼SW¼,
S½SE¼SW¼, SW¼SW¼SE¼;
secs. 24 and 25;
sec. 26, excepting SE¼SW¼NE¼NE¼,
N½NE¼NW¼NE¼,
N½NW¼NW¼NE¼,
NE¼NW¼SE¼NE¼, NW¼, N½SW¼,
subject to a reservation by Summit Properties, Inc., described in a Warranty Deed recorded in Coconino County, Arizona in Docket 663, Pages 481 thru 484;
sec. 27, lot 1, N½NE¼NE¼,
SW¼NE¼NE¼,
N½NE¼SE¼NE¼NE¼,
W½SE¼NE¼NE¼, NW¼NE¼,
E½SW¼NE¼, E½NW¼SW¼NE¼,
E½SW¼SW¼NE¼,
S½NE¼NE¼SE¼NE¼,
W½NE¼SE¼NE¼,
SE¼NE¼SE¼NE¼, W½SE¼NE¼,
SE¼SE¼NE¼, S½SW¼NW¼NW¼,
SW¼SE¼NW¼NW¼,
W½NE¼SW¼NW¼, W½SW¼NW¼,
SE¼SW¼NW¼, SW¼SE¼NW¼,
N½NE¼SW¼, N½SW¼NE¼SW¼,
N½SE¼NE¼SW¼, W½NW¼SW¼,
W½SW¼SW¼, SE¼SW¼SW¼,
S½SE¼SW¼, N½NE¼SE¼,
N½SW¼NE¼SE¼, SE¼NE¼SE¼,
N½NW¼SE¼, N½SW¼NW¼SE¼,
N½SE¼NW¼SE¼, SW¼SW¼SE¼,
W½SE¼SW¼SE¼, E½SE¼SE¼;
secs. 28 and 29;
secs. 32 and 33;
sec. 34, SW¼NW¼NE¼, NW¼, SE¼;
sec. 35, lots 1 thru 5, N½NE¼,
E½NW¼SE¼NE¼, E½SW¼SE¼NE¼,
E½SE¼NE¼, N½NE¼NW¼,
W½SW¼NE¼NW¼, SE¼NE¼NW¼,
N½NW¼NW¼, SW¼NW¼NW¼,
W½SW¼NW¼, N½SW¼,
N½SW¼SW¼, SE¼;
sec. 36.

T. 23 N., R. 7 E.,
secs. 7 thru 12;
sec. 13, excepting S½SE¼SW¼, M.S. No. 4652;
secs. 14 thru 17;
sec. 18, lots 3 thru 5, E½, N½NE¼NW¼,
SE¼NE¼NW¼, N½NE¼NW¼NW¼,
E½SE¼NW¼, S½SW¼SE¼NW¼,
E½SW¼;
secs. 19 thru 23;
sec. 24, lots 1 thru 4, N½NW¼NE¼,
E½SW¼NW¼NE¼,
E½NW¼SW¼NW¼NE¼,
E½NW¼NW¼SW¼NW¼NE¼,
E½SW¼NW¼SW¼NW¼NE¼,
E½SW¼SW¼NW¼NE¼,
E½NW¼SW¼NW¼NE¼,
E½SW¼SW¼SW¼NW¼NE¼,
SE¼NW¼NE¼, NE¼SW¼NE¼,
E½NW¼SW¼NE¼,
E½NW¼NW¼SW¼NE¼,
E½NW¼NW¼NW¼SW¼NE¼,
E½SW¼NW¼NW¼SW¼NE¼,
E½SW¼NW¼SW¼NE¼,
E½NW¼SW¼NW¼SW¼NE¼,
E½SW¼SW¼NW¼SW¼NE¼,
S½SW¼NE¼,
W½NW¼NW¼SW¼NE¼NW¼,
W½SW¼NW¼SW¼NE¼NW¼,
W½NW¼SW¼SW¼NE¼NW¼,
W½SW¼SW¼SW¼NE¼NW¼,
W½NW¼,
W½NW¼NW¼NW¼SE¼NW¼,
W½SW¼NW¼NW¼SE¼NW¼,
W½NW¼SW¼NW¼SE¼NW¼,
W½SW¼SW¼NW¼SE¼NW¼,
S½SE¼NW¼, SW¼, W½SE¼,
excepting M.S. No. 4652;
secs. 25 thru 34;
sec. 35, excepting a right-of-way described in two Quit-claim Deeds recorded in Coconino County, Arizona in Book 34 of Deeds, Pages 598 and 604;
sec. 36.

T. 23 N., R. 8 E.,
sec. 7;
sec. 17, SW¼;
sec. 18, excepting NW¼NE¼;
sec. 19;
sec. 20, W½;
sec. 29, N½, SW¼, E½NE¼SE¼,
E½NW¼NE¼SE¼,
W½NE¼NW¼SE¼, W½NW¼SE¼,
W½SE¼NW¼SE¼, W½SW¼SE¼,
W½NE¼SW¼SE¼, N½NE¼SE¼SE¼;
secs. 30 and 31;
sec. 32, W½NW¼NE¼,
W½SE¼NW¼NE¼, S½NE¼, W½,
SE¼.
The areas described aggregate 74,689 acres.

PLO 7467 withdrew these lands from location and entry under the United States mining laws, but not from leasing under the mineral leasing laws, for a period of 20 years. The extension will continue the withdrawal established by PLO 7467 to protect the cultural significance, capital investments and dispersed recreation in the USFS's San Francisco Peaks/Mount Elden Recreation Area.

The withdrawal extension would continue the purpose of the withdrawal established by PLO 7467 to protect the capital investments and high-quality recreation values in the USFS's San Francisco Peaks/Mount Elden Recreation area.

The use of a right-of-way, interagency agreement, or cooperative agreement would not provide adequate protection for the capital improvement investments that the USFS has made to the San Francisco Peaks/Mount Elden Recreation Area.

No additional water rights would be needed to fulfill the purpose of the requested withdrawal extension. There are no suitable alternative sites since these lands contain the developed San Francisco Peaks/Mount Elden Recreation Area.

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.

Notice is hereby given that a virtual (online) public meeting in connection with the application for withdrawal extension will be held on August 17, 2020, at 5:00 p.m. The USFS will publish a notice of the time and online venue in a local newspaper a minimum of 15 days before the scheduled date of the meeting.

(Authority: 43 CFR 2300)

Raymond Suazo,

State Director.

[FR Doc. 2020–12914 Filed 6–15–20; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–30409; 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 30, 2020, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by July 1, 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 30, 2020. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

IOWA

Madison County

Winterset High School, 110 West Washington St., Winterset, SG100005339

KENTUCKY

Jefferson County

Nugent House, 845 South 6th St., Louisville, SG100005342

NEBRASKA

Burt County

Fuller, A.B., House, 400 8th St., Decatur, SG100005334

Douglas County

J.F. Bloom & Company, 4411 North 20th St., Omaha, SG100005335

Little Bohemia, Roughly South 13th St. from Hickory St. to 1 block north of William St., Omaha, SG100005336

Holt County

St. Patrick's Catholic Church (Rural Church Architecture in Nebraska MPS), 301 East Benton St., O'Neill, MP100005337

Lincoln County

North Platte Commercial Historic District (Lincoln Highway in Nebraska MPS), South: 4th St. to Front St., Vine St. to Chestnut St. North: 7th St. to 9th St., Vine St. to Dewey St., North Platte, MP100005338

OREGON

Multnomah County

Williams Avenue YWCA (African American Resources in Portland, Oregon, from 1851 to 1973 MPS), 6 North Tillamook St., Portland, MP100005333

SOUTH DAKOTA

Minnehaha County

Jones, E.O. and Etta, House, 835 South Main Ave., Sioux Falls, SG100005340

Todd County

He Dog Consolidated School (Schools in South Dakota MPS), 25300 BIA 4, Parmelee, MP100005331

A request for removal has been made for the following resources:

MICHIGAN

Genesee County

Flint Brewing Company, 2001 Saginaw St., Flint, OT80001854

Fenton Seminary (Genesee County MRA), 309 West High St., Fenton, OT82000508

Iron County

Beechwood Store (Iron County MRA), 215 Beechwood Store Rd., Iron River Township, OT83003662

Marquette County

Sundberg Block, 517–523 Iron St., Negaunee, OT11000196

Authority: Section 60.13 of 36 CFR part 60.

Dated: June 2, 2020.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2020–12930 Filed 6–15–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 201S180110; S2D2S SS08011000 SX064A000 20XS501520; OMB Control Number 1029–0118]

Agency Information Collection Activities; Federal Inspections and Monitoring

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

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 17, 2020.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to the Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240; or by email to *mgehlhar@osmre.gov*. Please reference OMB Control Number 1029–0118 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at 202–208–2716.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the OSMRE; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the OSMRE enhance the quality, utility, and clarity of the information to be collected; and (5) how might the OSMRE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: For purposes of information collection, this part establishes the procedures for any person to notify the Office of Surface Mining Reclamation and Enforcement in writing of any violation that may exist at a surface coal mining operation and to request a Federal inspection. The information will be used to investigate potential violations of the Act or applicable State regulations.

Title of Collection: Federal Inspections and Monitoring.

OMB Control Number: 1029–0118.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households.

Total Estimated Number of Annual Respondents: 38.

Total Estimated Number of Annual Responses: 38.

Estimated Completion Time per Response: 1 hour.

Total Estimated Number of Annual Burden Hours: 38.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Mark J. Gehlhar,

Information Collection Clearance Officer, Division of Regulatory Support.

[FR Doc. 2020–12875 Filed 6–15–20; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1088]

Certain Road Construction Machines and Components Thereof; Commission Decision To Institute a Rescission Proceeding; Temporary Rescission of the Seizure and Forfeiture Order; Termination of the Rescission Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute a proceeding to determine whether to temporarily rescind the Commission's seizure and forfeiture order (''SFO'') of January 14, 2020 (corrected January 23, 2020) issued against Wirtgen America, Inc. (''Wirtgen America''). The SFO is temporarily rescinded. The rescission proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 29, 2017, based on a complaint, as supplemented, filed by Caterpillar Inc. of Peoria, Illinois and Caterpillar Paving Products, Inc. of Minneapolis, Minnesota (collectively, ''Caterpillar''). *See* 82 FR 56625–26 (Nov. 29, 2017). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) (''section 337''), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain road construction machines and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,140,693 (''the '693 patent''); 9,045,871; and 7,641,419. *See id.* The notice of investigation identifies the following respondents: Wirtgen GmbH of Windhagen, Germany; Joseph Vögele AG of Ludwigshafen, Germany; Wirtgen Group Holding GmbH of Windhagen, Germany; and Wirtgen America of Antioch, Tennessee (collectively, ''Wirtgen''). *See id.* The Office of Unfair Import Investigations is not a party to this investigation. *See id.*

On June 27, 2019, the Commission found a violation of section 337 in the above-identified investigation based on the infringement of claim 19 of the '693 patent and issued a limited exclusion order against the infringing articles and a cease and desist order against Wirtgen America (collectively, ''the remedial orders''). The U.S. Customs and Border Protection (''Customs'') subsequently excluded six Wirtgen machines in December 2019. Based on such exclusion, the Commission issued the subject SFO on January 14, 2020 (corrected January 23, 2020).

On January 30, 2020, Wirtgen filed a civil action against Customs and related government parties in the Court of International Trade (''CIT'') under 28 U.S.C. 1581(a) and (i). The Commission moved to intervene to contest the CIT's exercise of jurisdiction, and the CIT denied the Commission's motion. The CIT exercised jurisdiction under section 1581(a) over Customs' objections and granted summary judgment for Wirtgen as to the excluded machines. The CIT also ordered Customs to release the machines for entry into the United States no later than Thursday, May 21, 2020. Arguing that the predicate for the SFO has been invalidated by the CIT, on May 21, 2020, Wirtgen filed an emergency motion to stay or to temporarily rescind the SFO pending appeal of the CIT's decision. On May 29, 2020, Caterpillar filed a response in opposition to Wirtgen's emergency motion.

For the reasons discussed in the Commission Opinion issued concurrently herewith, the Commission has determined to deny in part and to grant in part Wirtgen's motion. Specifically, the Commission has determined to deny Wirtgen's motion with respect to staying the SFO but has determined to grant it with respect to temporarily rescinding the SFO in order to suspend its operation. This suspension applies prospectively to articles that arrive in the United States on or after the date of the accompanying Order and until such time as the CIT's decision is modified, stayed, or overturned. This suspension does not apply to the specific entries that were at issue under 28 U.S.C. 1581(a) in the CIT civil action (which were excluded, not seized, and released for entry into the United States), and this suspension does not affect or modify in any way the Commission's remedial orders issued in this investigation.

Accordingly, the Commission has determined to institute a rescission proceeding and to temporarily rescind the SFO pending appeal of the CIT's decision. The rescission proceeding is hereby terminated.

The Commission's vote for this determination took place on June 10, 2020.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 10, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–12889 Filed 6–15–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; National Longitudinal Survey of Youth 1979

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 16, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Anthony May by telephone at 202–693–4129 (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: BLS Authorizing Statute Title 29 sections 1 and 2 authorize this information collection. The National Longitudinal Survey of Youth 1979 (NLSY79) is a representative national sample of persons who were born in the years 1957 to 1964 and lived in the U.S. in 1978. These respondents were ages 14 to 22 when the first round of interviews began in 1979; they will be ages 55 to 62 as of December 31, 2019. The NLSY79 was conducted annually from 1979 to 1994 and has been conducted biennially since 1994. The longitudinal focus of this survey requires information to be collected from the same individuals over many years in order to trace their education, training, work experience, fertility, income, and program participation.

In addition to the main NLSY79, the biological children of female NLSY79 respondents have been surveyed since 1986. A battery of child cognitive, socio-emotional, and physiological assessments was administered biennially from 1986 until 2012 to NLSY79 mothers and their children. Starting in 1994, children who had reached age 15 by December 31 of the survey year (the Young Adults) were interviewed about their work experiences, training, schooling, health, fertility, self-esteem, and other topics. Funding for the NLSY79 Child and Young Adult surveys is provided by the Eunice Kennedy Shriver National Institute of Child Health and Human Development through an interagency agreement with the BLS and through a grant awarded to researchers at the Ohio State University Center for Human Resource Research (CHRR). The interagency agreement funds data collection for children and young adults up to age 24. The grant funds data collection for young adults age 25 and older.

One of the goals of the Department of Labor (DOL) is to produce and disseminate timely, accurate, and relevant information about the U.S. labor force. The BLS contributes to this goal by gathering information about the labor force and labor market and disseminating it to policymakers and the public so that participants in those markets can make more informed, and thus more efficient, choices. Research based on the NLSY79 contributes to the formation of national policy in the areas of education, training, employment programs, school-to-work transitions, and preparations for retirement. The Round 29 questionnaire, in addition to other changes, includes questions to collect some of the effects the coronavirus pandemic had on the employment, health, wealth, and retirement expectations of the NLSY79 cohort's lives.

For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 27, 2019 (84 CFR 71475). This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–BLS.

Title of Collection: National Longitudinal Survey of Youth 1979.

OMB Control Number: 1220–0109.

Affected Public: Individuals or households.

Total Estimated Number of Respondents: 11,305.

Total Estimated Number of Responses: 11,405.

Total Estimated Annual Time Burden: 14,357 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: June 10, 2020.

Anthony May,

Acting Departmental Clearance Officer.

[FR Doc. 2020–12936 Filed 6–15–20; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Coal Mine Operator Response To Schedule for Submission of Additional Evidence and Operator Response to Notice of Claim

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs' (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 16, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at (202) 693–0456 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The OWCP, Division of Coal Mine Workers' Compensation (DCMWC) administers the Black Lung Benefits Act (30 U.S.C. 901), which provides benefits to coal miners totally disabled due to pneumoconiosis and their surviving dependents. When the DCMWC makes a preliminary analysis of a claimant's eligibility for benefits, and if a coal mine operator has been identified as potentially liable for payment of those benefits, the responsible operator is notified of the preliminary analysis. Regulations codified at 20 CFR part 725 require that a coal mine operator be identified and notified of potential liability as early in the adjudication process as possible. Coal Mine Operator Response to Schedule for Submission of Additional Evidence (Form CM–2970) and Operator Response to Notice of Claim (Form CM–2970a) are used for claims filed after January 19, 2001, and indicate that the coal mine operator will submit additional evidence or respond to the notice of claim. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 12, 2020 (85 FR 14507).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Coal Mine Operator Response to Schedule for Submission of Additional Evidence and Operator Response to Notice of Claim.

OMB Control Number: 1240–0033.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 4,900.

Total Estimated Number of Responses: 9,800.

Total Estimated Annual Time Burden: 2,042 hours.

Total Estimated Annual Other Costs Burden: $2,842.

Authority: 44 U.S.C. 3507(a)(1)(D).

Crystal R. Rennie,

Acting Departmental Clearance Officer.

[FR Doc. 2020–12964 Filed 6–15–20; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Job Corps Placement and Assistant Record

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 16, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at (202) 693–0456 (this is not a toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Form ETA 678 is used to obtain information about student training for placement of students in jobs, further education or military service. It is used to evaluate overall program effectiveness and is the only form which documents a student's post-center status. The form is prepared by Job Corps centers and placement specialists for each student separating from Job Corps centers. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 2, 2020 (85 FR 132).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that

information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Job Corps Placement and Assistance Record.

OMB Control Number: 1205–0035.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 34,000.

Total Estimated Number of Responses: 34,000.

Total Estimated Annual Time Burden: 4,210 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Crystal R. Rennie,

Acting Departmental Clearance Officer.

[FR Doc. 2020–12963 Filed 6–15–20; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before July 16, 2020.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Roslyn B. Fontaine, Acting Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9557 (voice), *Noe.Song-Ae.A@dol.gov* (email), or 202–693–9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2020–007–C.

Petitioner: Rockwell Mining, LLC, 300 Kanawha Boulevard, East (ZIP 25301), P.O. Box 273, Charleston, West Virginia 25321–0273.

Mine: Matewan Tunnel, MSHA I.D. No. 46–08610, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.1108(c) (Approved conveyor belts).

Modification Request: The petitioner requests a modification of the Part 14 belt standard for Matewan Tunnel because of the unique layout of the mine as well as additional safety measures that will be put in place for its overland coal belt. These measures will make the conveyor belt in the Matewan Tunnel at least as safe as compliance with Part 14.

The petitioner states that:

(1) The Matewan Tunnel is a straight, three-entry tunnel mine developed in 1998. The mine has been non-producing since 1998. At the time of development, the sole purpose of the project was to provide an excavation to install a conveyor system to transport raw coal. The seam is 33 inches thick, requiring 48 inches of outseam excavation to facilitate the conveyor system. The Matewan Tunnel does not liberate any methane.

(2) The Matewan Tunnel consists of three entries developed on a straight course 10,500 feet from outcrop to outcrop. The roof in the belt entry (center entry) is supported by 6-foot fully grouted bolts with T5 steel channels in every row. Steel straps and four-foot conventional bolts support the ribs. The final conveyor structure is offset in the entry to provide complete access along its entire length. Thus, the ventilation system will not likely be compromised by roof or rib integrity measures.

(3) The 42-inch conveyor is 12,445 feet long and is powered by two separate drive installations located on the surface at each end of the underground excavation (500 HP at Rocklick and 1,000 HP at Harris). The conveyor is uniquely designed to turn over on each end to maintain the material handling surface in an upward facing position. Both the top and bottom structure are troughed 35 degrees to provide simultaneous transportation capacity on the top and return portions of the belt. The conveyor uses special belt with steel cable carcass related at 1,900 pounds per inch of belt width. Traveling 680 feet per minute (FPM), the belt system has a carrying capacity of 1,000 tons per hour (TPH) on each belt (top and bottom totaling 2,000 TPH).

(4) The Matewan Tunnel currently only transports a fraction of its design capacity. The Matewan Tunnel transports only raw coal from two continuous miner sections in the Black Oak Mine with an estimated daily volume of 4,000 raw tons to Rocklick. The return belt capacity is not utilized at the mine.

—The portal at the Preparation Plant side of the Matewan Tunnel is known as the Rocklick Portal. The portal at the other end is known as the Harris Portal. The Matewan Tunnel is ventilated from the Rocklick Portal with a 5.5 foot blowing fan with a 1,200 revolutions per minute speed, set to Blade Setting No. 5, producing 95,000 cubic feet per minute of airflow.

—At the Rocklick Portal, fresh air enters in the No. 1 entry and travels to the No. 11 crosscut and splits. A small portion of the air goes to entry Nos. 2 and 3 from crosscut No. 11 back to the surface at the Rocklick Portal. The remaining air flows to the Harris

Portal from crosscuts 11 to 75 in all three entries. The air in the Matewan Tunnel is considered intake common air.

—The existing belt, which is believed to have been installed between 2005 and 2007, is in working condition with little wear. There are no belt drives, tails, or dumping points in the tunnel. The belt runs one shift per day, approximately 8 to 9 hours. At the Harris Portal, an additional 1,250 feet of conveyor takes the belt to the Black Oak Mine surface loading point. At the Rocklick Portal, about 500 feet of conveyor belt takes the coal to the raw coal pile.

—The Matewan Tunnel has numerous safety features at or above the minimum standards, including:

(a) Connecting crosscuts are open every 600 feet, on each stopping line.

(b) Carbon monoxide monitors every 1,000 feet.

(c) The conveyor has belt alignment rollers every 1,000 feet.

(d) Fire taps located every 300 feet. Hoses are located at breaks #1, 37, and 74, which exceeds the minimum requirements.

(f) Two-way communications (pager phones) are located underground at every seventh break throughout the mine. The control room operator at Rocklick monitors the communication system. Two-way wireless radios worn by the surface employees can communicate with the examiner underground.

(g) The roadways are graveled.

(h) Emergency belt stop switches every seventh break.

(i) No violations have been issued on the belt since May 19, 1998.

—Certified examiners travel the belt entry on a two-man rubber ride to examine the belt twice per shift and record those findings in the required examination books.

—Normally, Matewan Tunnel operates with only one miner underground while the belt is running. The examiner of the Matewan Tunnel is a certified foreman and electrician. Examinations take about 1 hour per shift. When necessary, a certified miner helps with maintenance and other tasks in the mine.

—There are no belt drives, tailpieces, or electric motors inside the Matewan Tunnel. The belt only runs through the mine on conveyor structure and rollers.

—The belt is approximately 1 inch thick, 42 inches wide and has steel cable imbedded in the belt. The belt at each end is turned over so that the coal side is always facing up on transport and return. The design greatly reduces any spillage and accumulations in the mine.

—Self-Contained Self-Rescuer caches are stored at breaks 14, 28, 37, 42, 56, and 70. There are also emergency barricade materials kept in the No. 3 entry.

—The Matewan Tunnel also has emergency lifelines throughout. Further, the following significant fire detection and fire-fighting devices are in the mine:

(1) The beltline has 13 smoke detection and carbon monoxide (CO) sensors spaced approximately every 5 to 6 breaks. The CO sensors are currently set to ''low alarm'' at 5 parts per millions (ppm) and ''high alarm'' at 10 ppm, far below levels that present any danger to miners. The CO monitoring system will be shut off by the dispatcher if the belt hits ''high alarm'' and the sensor will be checked if it hits ''low alarm.''

(2) The two-man ride used to examine the belt has self-rescuers and separate fire extinguishers.

—The only alternative to using the Matewan Tunnel belt will be to truck Black Oak Mine coal to Rocklick. This will significantly increase the number of trucks on Route 85 in Boone County between Black Oak and Rocklick Preparation Plant. The increase in trucks going in and out of the Rocklick Preparation Plant will also add congestion to the load out traffic flow.

—The operator has not experienced any safety issues with the conveyor belt in the Matewan Tunnel nor has it received any 30 CFR 75.400 citations for accumulations of combustible materials during current ownership. The operator has not experienced any fire related issues on the conveyor belt at the Matewan Tunnel nor has it experienced any significant issues with rollers on the belt in the Matewan Tunnel beyond routine maintenance.

—Based on a chemical laboratory analysis, the belt has been confirmed to be Part 18 compliant. The belt has not been tested for Part 14 compliance due to the operator's difficulty in finding an appropriate testing facility.

The petitioner proposes the following alternative method of achieving the purposes of the standard:

(a) Prior to a qualified person entering the mine, the CO system data from the prior 2 hours will be monitored for any sign of combustion. At the end of coal transport each day (fire run), the CO system data from the prior 4 hours will be monitored for any signs of combustion (*i.e.,* CO by CO monitors on the belt).

(b) A daily functional (bump) test of at least one sensor will be conducted for CO in addition to the weekly functional test required under 30 CFR 75.1103–8. There are 13 sensors, which are checked every 13 days, with a different sensor to be bump tested each day.

(c) The operator will train miners on the location of Part 18 belt and interim safety measures being taken herein and revise instruction under 30 CFR 75.1502 as appropriate.

(d) A daily visual inspection of all fire suppression systems will be conducted by a qualified person.

(e) The operator will install a ''waterwall system'' every 2,000 feet that will be tapped into the CO monitoring system. The waterwall will activate at 50 ppm of CO. The waterwall will provide a minimum of 50 psi and 45 GPM of water curtain from roof to floor and rib to rib.

(f) Except during the on-shift exam, the belt will be cleared of coal and will run empty during examinations. Examinations generally take less than one hour. Currently, the belt runs approximately 8–9 hours a day.

(g) Other than replacing water pumps, no motors, electrical equipment, or belt drives will be added underground and no changes will be made to the belt configuration or layout while this petition is in effect.

(h) Examiners will enter the mine from the Harris Portal at the downwind side so the examiner is traveling towards the fan. From entries 75 to 11, the examiner will be traveling into fresh air. From crosscut No. 11 to the Rocklick Portal, fresh air will come from behind the examiner for those 11 breaks.

(i) Examiners will be trained to immediately notify the dispatcher in the event of CO detection. Radio contact is established throughout the Matewan Tunnel beltline. Should a fire be encountered and not extinguished according to the Mine Act, the examiner will withdraw from the Matewan Tunnel and notify MSHA as required under applicable law.

(j) If the CO detection system is down, the belt will not operate until necessary repairs have been made.

(k) All necessary replacements to belt will be Part 14 compliant.

(l) The belt will not be in operation while most maintenance is conducted on the beltline.

The petitioner asserts that the proposed alternative method will provide no less than the same measure

of protection afforded the miners under the existing standard.

Roslyn Fontaine,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2020–12962 Filed 6–15–20; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0042]

Proposed Extension of Information Collection; Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for: (1) Designation of miner representative; (2) notification of mine operator's legal identity; and (3) notification of commencement of operations and closing of mines.

DATES: All comments must be received on or before August 17, 2020.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2020–0019.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL–Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Roslyn B. Fontaine, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines. Below are explained regulatory provisions relevant to this request for collection of information.

Representative of Miners. The Mine Act establishes miners' rights that may be exercised through a representative. Title 30, Code of Federal Regulations (30 CFR) part 40 contains procedures that a person or organization must follow to be identified by the Secretary as a representative of miners. The regulations define what is meant by ''representative of miners,'' a term that is not defined in the Mine Act.

Title 30 CFR 40.2 requires a representative of miners to file the information specified in section 40.3 with the MSHA district manager and the mine operator. Title 30 CFR 40.3 requires the following information to be filed with MSHA:

(1) The name, address, and telephone number of the representative of miners. If the representative is an organization, the name, address, and telephone number of the organization and the title of the person or position, who is to serve as the representative, and his or her telephone number.

(2) The name and address of the operator of the mine where the represented miners work and the name, address, and MSHA identification number, if known, of the mine.

(3) A copy of the document evidencing the designation of the representative.

(4) A statement that the person or position named as the representative of miners is the representative for all purposes of the Act; or if the representative's authority is limited, a statement of the limitation.

(5) The names, addresses, and telephone numbers, of any additional or alternate representatives to serve in his or her absence.

(6) A statement that copies of all information filed pursuant to this section have been delivered to the operator of the affected mine, prior to, or concurrently with, the filing of this statement.

(7) A statement certifying that all information filed is true and correct followed by the signature of the representative of miners.

Title 30 CFR 40.4 requires that a copy of the information provided the mine operator pursuant to section 40.3 be posted upon receipt by the operator on the mine bulletin board and maintained in a current status. Once the required information has been filed, a representative retains his or her status unless and until his or her designation is terminated.

Under section 40.5, a representative who is unable to comply with the requirements of Part 40 must file a written statement with the appropriate MSHA district manager terminating his or her designation.

Notification of Mine Operator's Legal Identity. Section 109(d) of the Mine Act requires each operator of a coal or other mine to file with the Secretary, the name and address of such mine, the name and address of the person who controls or operates the mine, and any changes in such names and addresses.

MSHA's regulations in 30 CFR part 41 provides for the mandatory use of MSHA Form 2000–7, Legal Identity Report, for notifying MSHA of the legal identity of the mine operator. The legal identity of a mine operator is fundamental to enable the Secretary to properly ascertain the identity of persons and entities charged with violations of mandatory standards. It is also used in the assessment of civil penalties. Because of turnover in mining company ownership, and because of the statutory considerations regarding penalty assessments, the operator is required to file information regarding ownership interest in other mines held by the operator and relevant persons in a partnership, corporation, or other organization. This information is also necessary to the Department of Labor's Office of the Solicitor in determining proper parties to actions arising under the Mine Act.

Additionally, MSHA Form 7000–51, Mine Operator Identification Request, is used to allow mine operators to request an MSHA mine identification number for each mine. Mine operators request mine identification numbers prior to completing and submitting the required

MSHA Form 2000–7. Therefore, allowing mine operators to submit MSHA Form 7000–51 electronically facilitates this process.

Notification of Commencement of Operations and Closing of Mines. Under 30 CFR 56.1000 and 57.1000, operators of metal and nonmetal mines must notify MSHA when the operation of a mine will commence or when a mine is closed. Openings and closings of mines are dictated by the economic strength of the mined commodity, and by weather conditions prevailing at the mine site during various seasons.

MSHA must be made aware of mine openings and closings so that its resources can be used efficiently in achieving the requirements of the Mine Act. Section 103(a) of the Mine Act requires that each underground mine be inspected in its entirety at least four times a year, and each surface mine at least two times per year. Mines that operate only during warmer weather must be scheduled for inspection during the spring, summer, and autumn seasons. Mines are sometimes located a great distance from MSHA field offices and the notification required by this standard can prevent wasted time and trips.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to representative of miners, notification of mine operator's legal identity, and notification of commencement of operations and closing of mines. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL–Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information is necessitated by regulatory provisions concerning representative of miners, notification of mine operator's legal identity, and notification of commencement of operations and closing of mines. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0042.

Affected Public: Business or other for-profit.

Number of Respondents: 13,044.

Frequency: On occasion.

Number of Responses: 10,344.

Annual Burden Hours: 1,965 hours.

Annual Respondent or Recordkeeper Cost: $838.

MSHA Forms: MSHA Form 2000–7, Legal Identity Report; MSHA Form 7000–51, Mine Operator Identification Request; MSHA Form 2000–238, Representative of Miners Designation Form.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Roslyn B. Fontaine,

Certifying Officer.

[FR Doc. 2020–12933 Filed 6–15–20; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2020–048]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: We have submitted to OMB for approval our request to continue to use the information collections described in this notice, consisting of National Archives Trust Fund (NATF) order forms for genealogical research in the National Archives. The NATF forms included in this information collection are: NATF 84, National Archives Order for Copies of Land Entry Files; NATF 85, National Archives Order for Copies of Pension or Bounty Land Warrant Applications; and NATF 86, National Archives Order for Copies of Military Service Records. We invite you to comment on the proposed extensions.

DATES: OMB must receive written comments on or before July 16, 2020.

ADDRESSES: Send comments and recommendations for the proposed information collections to *www.reginfo.gov/public/do/PRAMain* by July 16, 2020. Find these particular information collections by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Contact Tamee Fechhelm, Paperwork Reduction Act Officer, by email at *tamee.fechhelm@nara.gov* or by telephone at 301.837.1694 with requests for additional information or copies of the proposed information collection and supporting statement.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we invite the general public and other Federal agencies to comment on proposed information collections. We published a notice of proposed collection for these information collections on April 8, 2020 (85 FR 19778) and we received no comments. We have therefore submitted the described information collections to OMB for approval.

You should address one or more of the following points in any comments or suggestions you submit: (a) Whether the proposed information collections are necessary for NARA to properly perform its functions; (b) our estimates of the burden of the proposed information collections and their accuracy; (c) ways we could enhance the quality, utility,

and clarity of the information we collect; (d) ways we could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether these collections affect small businesses. All comments will become a matter of public record.

In this notice, we solicit comments concerning the following information collections:

Collection 1

1. *Title:* Request To Use Personal Paper-to-Paper Copiers at the National Archives at the College Park Facility.

OMB number: 3095–0035.

Agency form number: None.

Type of review: Regular.

Affected public: Business or other for-profit.

Estimated number of respondents: 5.

Estimated time per response: 3 hours.

Frequency of response: On occasion.

Estimated total annual burden hours: 15 hours.

Abstract: The information collection is prescribed by 36 CFR 1254.86. Respondents are organizations that want to make paper-to-paper copies of archival holdings with their personal copiers. NARA uses the information to determine whether the request meets the criteria in 36 CFR 1254.86 and to schedule the limited space available.

Collections 2 and 3

The following two information collections relate to requests for documents or information from former military personnel and medical records, military personnel and family medical records, or personnel and medical records of former Federal civilian employees. Both of these information collections are prescribed by 36 CFR 1228.164. In accordance with rules issued by the Office of Personnel Management, NARA's National Personnel Records Center (NPRC) administers Official Personnel Folders (OPF) and Employee Medical Folders (EMF) of former Federal civilian employees. In addition, in accordance with rules issued by the Department of Defense and the Department of Transportation (U.S. Coast Guard), NPRC also administers military personnel and medical records of veterans after discharge, retirement, and death, as well as the medical records of current members of the Armed Forces and dependents of Armed Forces personnel. When veterans, dependents, and other authorized individuals request information from or copies of documents in military personnel, military medical, and dependent medical records, they must provide on forms or in letters certain information about the veteran and the nature of the request.

2. *Title:* Court Order Requirements.

OMB number: 3095–0038.

Agency form number: NA Form 13027.

Type of review: Regular.

Affected public: Veterans and former Federal civilian employees, their authorized representatives, state and local governments, and businesses.

Estimated number of respondents: 5,000.

Estimated time per response: 15 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 1,250 hours.

Abstract: We use the NA Form 13027, Court Order Requirements, to advise requesters of (1) the correct procedures to follow when requesting certified copies of records for use in civil litigation or criminal actions in courts of law, and (2) the information they need to provide so we may identify the correct records.

3. *Title:* Authorization for Release of Military Medical Patient Records; Request for Information Needed to Locate Medical Records; Request for Information Needed to Reconstruct Medical Data; Questionnaire about Military Service; and Check the Status of a Clinical & Medical Treatment Records Request.

OMB number: 3095–0039.

Agency form number: NA Forms 13036, 13042, 13055, 13075, and 13177.

Type of review: Regular.

Affected public: Veterans, their authorized representatives, state and local governments, and businesses.

Estimated number of respondents: 79,800.

Estimated time per response: 5 minutes.

Frequency of response: On occasion (when respondent wishes to request information from military personnel, military medical, or dependent medical records).

Estimated total annual burden hours: 6,650 hours.

Abstract: A major fire at the NPRC on July 12, 1973, destroyed numerous military records. If individuals' requests involve records or information from records that may have been lost in the fire, we may ask requestors to complete NA Form 13075, Questionnaire about Military Service, or NA Form 13055, Request for Information Needed to Reconstruct Medical Data, so that NPRC staff can search alternative sources to reconstruct the requested information. Requesters who ask for medical records of dependents of service personnel and hospitalization records of military personnel must complete NA Form 13042, Request for Information Needed to Locate Medical Records, so that NPRC staff can locate the desired records. Certain types of information contained in military personnel and medical records are restricted from disclosure unless the veteran provides a more specific release authorization than is normally required. Veterans must complete NA Form 13036, Authorization for Release of Military Medical Patient Records, to authorize release to a third party of a restricted type of information found in the desired record. For those who have already made a request, and want to check the status, they can use NA Form 13177, Check the Status of a Clinical & Medical Treatment Records Request.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2020–12890 Filed 6–15–20; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2020–049]

State, Local, Tribal, and Private Sector Policy Advisory Committee (SLTPS–PAC); Meeting

AGENCY: Information Security Oversight Office (ISOO), National Archives and Records Administration (NARA).

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: We are announcing an upcoming meeting of the State, Local, Tribal, and Private Sector Policy Advisory Committee (SLTPS–PAC) in accordance with the Federal Advisory Committee Act and implementing regulations.

DATES: The meeting will be on July 29, 2020, from 10:00 a.m. to 12:00 p.m.

ADDRESSES: The July 29, 2020, meeting will be a virtual meeting. See supplementary procedures below.

FOR FURTHER INFORMATION CONTACT: Robert J. Skwirot, ISOO Senior Program Analyst, by telephone at 202.357.5398, or by email at *robert.skwirot@nara.gov.* Contact ISOO at *ISOO@nara.gov.*

SUPPLEMENTARY INFORMATION: This virtual meeting is open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulations at 41 CFR 101–6. The Committee will discuss matters relating to the classified national security information program

for state, local, tribal, and private sector entities.

Procedures: Please submit the name, email address, and telephone number of people planning to attend to Robert Skwirot at ISOO (contact information above) no later than Wednesday, July 22, 2020. We will provide meeting access information to those who register.

Maureen MacDonald,

Designated Committee Management Officer.

[FR Doc. 2020–12905 Filed 6–15–20; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–049; NRC–2020–0088]

Oklo Power LLC

AGENCY: Nuclear Regulatory Commission.

ACTION: Combined license application; acceptance for docketing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff accepts and dockets an application for a combined license (COL) submitted by Oklo Power LLC (Oklo), a subsidiary of Oklo, Inc. dated March 11, 2020. The reactor is to be identified as the Aurora. The Docket Number established for this application is 52–049.

DATES: This action became effective on June 5, 2020.

ADDRESSES: Please refer to Docket ID NRC–2020–0088 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0088. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The letter of acceptance is available in ADAMS under Accession No. ML20149K616.
- *NRC's Public Website:* The combined license application is available under the NRC's Aurora—Oklo Application public website at *https://www.nrc.gov/reactors/new-reactors/advanced/oklo.html.*

FOR FURTHER INFORMATION CONTACT: Jan Mazza, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0498; email: *Jan.Mazza@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

On March 11, 2020, Oklo filed with the NRC pursuant to Section 103 of the Atomic Energy Act and part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' an application for a combined license for one micro-reactor at the Idaho National Laboratory located in Idaho. The reactor is to be identified as the Aurora.

A notice of receipt and availability of this application was previously published in the **Federal Register** on April 3, 2020 (85 FR 19032).

The NRC staff has determined that Oklo has submitted information in accordance with 10 CFR part 2, ''Agency Rules of Practice and Procedure,'' and 10 CFR part 52 that is acceptable for docketing. The Docket Number established for this application is 52–049.

The NRC staff will perform a detailed technical review of the application. Docketing of the application does not preclude the NRC from requesting additional information from the applicant as the review proceeds, nor does it predict whether the Commission will grant or deny the application. The Commission will conduct a hearing in accordance with subpart L, ''Informal Hearing Procedures for NRC Adjudications,'' of 10 CFR part 2 and will receive a report on the COL application from the Advisory Committee on Reactors Safeguards in accordance with 10 CFR 52.87, ''Referral to the Advisory Committee on Reactors Safeguards (ACRS).'' If the Commission finds that the COL application meets the applicable standards of the Atomic Energy Act and the Commission's regulations, and that required notifications to other agencies and bodies have been made, the Commission will issue a COL, in the form and containing conditions and limitations that the Commission finds appropriate and necessary.

Finally, the Commission will announce in a future **Federal Register** notice of hearing and opportunity to petition for leave to intervene as required by 10 CFR 52.85.

Dated: June 10, 2020.

For the Nuclear Regulatory Commission.

Jan M. Mazza,

Project Manager, Advanced Reactors Licensing Branch, Division of Advanced Reactors and Non-Power Production and Utilization Facilities, Office of Nuclear Reactor Regulation.

[FR Doc. 2020–12903 Filed 6–15–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0139]

Information Collection: Disposal of High-Level Radioactive Waste in a Geologic Repository at Yucca Mountain, Nevada

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled: ''Disposal of High-Level Radioactive Waste in a Geologic Repository at Yucca Mountain, Nevada.''

DATES: Submit comments by August 17, 2020. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0139. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0139 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0139. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2020–0139 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The supporting statement is available in ADAMS under Accession No. ML20126G261.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

Please include Docket ID NRC–2020–0139 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

I. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request renewal of OMB's existing approval for the information collection summarized below. This renewal occurs every three years, as specified under the Paperwork Reduction Act.

1. *The title of the information collection:* 10 CFR part 63, ''Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada.''
2. *OMB approval number:* 3150–0199.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* One time.
6. *Who will be required or asked to respond:* The State of Nevada, local governments, or affected Indian Tribes, or their representatives, requesting consultation with the NRC staff regarding review of the potential high-level waste geologic repository site, or wishing to participate in a license application review for the potential geologic repository.
7. *The estimated number of annual responses:* 12.
8. *The estimated number of annual respondents:* 12.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 1,452.
10. *Abstract:* Part 63 of title 10 of the *Code of Federal Regulations* (10 CFR), requires the State of Nevada, local governments, or affected Indian Tribes to submit information to the NRC that describes their request for any consultation with the NRC staff concerning review of the potential repository site, or NRC's facilitation for their participation in a license application review for the potential repository. Representatives of the State of Nevada, local governments, or affected Indian Tribes must submit a statement of their authority to act in such a representative capacity. The information submitted by the State of Nevada, local governments, or affected Indian Tribes is used by the Director of the Office of Nuclear Material Safety and Safeguards as a basis for decisions about the commitment of the NRC staff resources to the consultation and participation efforts.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: June 11, 2020.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2020–12921 Filed 6–15–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–331; 50–445; 50–446; 50–341; 50–261; 50–354; 50–272; 50–311; 50–284; 50–166; 50–020; 50–184; 50–277; 50–278; 50–186; 50–424; 50–425; NRC–2020–0110]

Issuance of Multiple Exemptions in Response to COVID–19; Public Health Emergency

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemptions; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued 16 exemptions in response to requests from 12 licensees. The exemptions allow these licensees temporary relief from certain requirements under NRC regulations. The exemptions are in response to the COVID–19 public health emergency (PHE). The NRC is issuing a single notice to announce the issuance of the exemptions.

DATES: The 16 exemptions were issued between May 7, 2020, and May 29, 2020.

ADDRESSES: Please refer to Docket ID NRC–2020–0110 when contacting the

NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0110. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*

For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.

FOR FURTHER INFORMATION CONTACT: James Danna, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–7422, email: *James.Danna@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC issued 16 exemptions to 12 licensees in response to requests dated between April 30, 2020, and May 21, 2020. These exemptions temporarily allow the licensees to deviate from certain requirements (as cited below) of various parts of chapter I of Title 10 of the *Code of Federal Regulations* (10 CFR).

The exemption from certain requirements of 10 CFR part 20 for the University of Missouri–Columbia (for its research reactor) allows the licensee temporary relief from the respirator fit-testing requirements of 10 CFR 20.1703(c)(6). This temporary exemption does not conflict with practices recommended by the Centers for Disease Control and Prevention to limit the spread of COVID–19. The licensee has committed to implement a licensee-specific process to manage any personnel with overdue respiratory protection fit-tests while ensuring the safety of its workers.

The exemption from certain requirements of 10 CFR part 26 for DTE Electric Company (for Fermi 2) allows the licensee temporary relief from the work-hour controls under 10 CFR 26.205(d)(1) through (d)(7). The licensee stated that its staffing levels are affected or are expected to be affected by the COVID–19 PHE, and it can no longer meet or likely will not meet the work-hour controls of 10 CFR 26.205(d)(1) through (d)(7). The licensee has committed to implementing site-specific administrative controls for COVID–19 PHE fatigue-management for personnel specified in 10 CFR 26.4(a). This temporary exemption from certain requirements of 10 CFR part 26 ensures that the licensee's control of work hours and management of worker fatigue do not unduly limit licensee flexibility in using personnel resources to most effectively manage the impacts of the COVID–19 PHE on maintaining the safe operation of this facility.

The exemptions from certain requirements of 10 CFR part 55 for Idaho State University (for its research reactor); Massachusetts Institute of Technology (for its research reactor); National Institute of Standards and Technology (for its test reactor); PSEG Nuclear LLC (for the Hope Creek Generating Station and Salem Nuclear Generating Station, Units 1 and 2); and University of Maryland (for its training reactor) allow these licensees temporary exemptions from requirements related to licensed operator requalification program scheduling (under 10 CFR 55.59(a)(1), 10 CFR 55.59(a)(2), and 10 CFR 55.59(c)(1)); licensed operator active status for research and test reactors (under 10 CFR 55.53(e)); and delays in completion of biennial medical examinations of licensed operators and senior operators (under 10 CFR 55.21 and 10 CFR 55.53(i)). These licensees have committed to compensatory measures to address the delay in receipt of recommendations from a licensed physician concerning their licensed operator's health. These licensees have also committed to implement a program to evaluate operator performance in the facility and control room to identify and correct operator performance issues in a timely manner. Lastly, the research, training, and test reactor licensees committed to use alternative measures for the hours under the 4-hour minimum of 10 CFR 55.53(e).

The exemptions from certain requirements of 10 CFR part 73 for Duke Energy Progress, LLC (for the H. B. Robinson Steam Electric Plant, Unit 2); Exelon Generation Company, LLC (for the Peach Bottom Atomic Power Station, Units 2 and 3); PSEG Nuclear LLC (for the Hope Creek Generating Station and Salem Nuclear Generating Station, Units 1 and 2); NextEra Energy Duane Arnold, LLC (for the Duane Arnold Energy Center); Southern Nuclear Operating Company, Inc. (for the Vogtle Electric Generating Plant, Units 1 and 2); and Vistra Operations Company, LLC (for the Comanche Peak Nuclear Power Plant, Units 1 and 2), allow these licensees temporary exemptions from certain requirements of 10 CFR part 73, Appendix B, ''General Criteria for Security Personnel,'' Section VI. The exemptions will help to ensure that these regulatory requirements do not unduly limit licensee flexibility in using personnel resources in a manner that most effectively manages the impacts of the COVID–19 PHE on maintaining the safe and secure operation of these facilities and the implementation of a licensee's NRC-approved security plans, protective strategy, and implementing procedures. These licensees have committed to certain security measures to ensure response readiness and for their security personnel to maintain performance capability.

The NRC is providing compiled tables of exemptions using a single **Federal Register** notice for COVID–19-related exemptions instead of issuing individual **Federal Register** notices for each exemption. The compiled tables below provide transparency regarding the number of exemptions the NRC is issuing. Additionally, the NRC publishes tables of approved regulatory actions related to the COVID–19 PHE on its public website at *https://www.nrc.gov/about-nrc/covid-19/reactors/licensing-actions.html.*

II. Availability of Documents

The tables below provide the facility name, docket number, document title, and ADAMS accession number for each exemption issued. Additional details on each exemption issued, including the exemption request submitted by the respective licensee and the NRC's decision, are provided in each exemption approval listed on the tables below. For additional directions on accessing information in ADAMS, see the **ADDRESSES** section of this document.

DUANE ARNOLD ENERGY CENTER—DOCKET NO. 50–331

Document title	ADAMS accession No.
Duane Arnold Energy Center—Exemption Request for Security Training Requirements Due to COVID–19 Pandemic, dated May 1, 2020.	ML20122A130 (non-public, withheld under 10 CFR 2.390).
Duane Arnold Energy Center—Response to Request for Additional Information Regarding Exemption Request for Security Training Requirements Due to COVID–19 Pandemic, dated May 20, 2020.	ML20141L497.
Duane Arnold Energy Center—Exemption Request from Certain Requirements of 10 CFR Part 73, Appendix B, ''General Criteria for Security Personnel,'' Section VI (EPID L–2020–LLE–0042 to L–2020–LLE–0045 and L–2020–LLE–0051 [COVID–19]), dated May 26, 2020.	ML20139A006.

COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 1 AND 2—DOCKET NOS. 50–445 AND 50–446

Document title	ADAMS accession No.
CPNPP COVID–19 Part 73 Security Training Exemption Request, dated May 14, 2020	ML20135H233 (non-public, withheld under 10 CFR 2.390).
Comanche Peak Nuclear Power Plant, Units 1 and 2—Exemption Request from Certain Requirements of 10 CFR Part 73, Appendix B, ''General Criteria for Security Personnel,'' Section VI (EPID L–2020–LLE–0061) [COVID–19], dated May 29, 2020.	ML20136A141.

FERMI 2—DOCKET NO. 50–341

Document title	ADAMS accession No.
Fermi 2 Work Hour Limits Exemption Request Due to COVID–19, dated May 11, 2020	ML20132A239.
Fermi 2—Exemption from Select Requirements of 10 CFR Part 26 (EPID L–2020–LLE–0056 [COVID–19]), dated May 14, 2020.	ML20133K055.

H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2—DOCKET NO. 50–261

Document title	ADAMS accession No.
H. B. Robinson Steam Electric Plant, Unit 2, Response in Related to the NRC Plan[n]ed Actions Requirements for Part 73, Appendix B, Section VI During the Coronavirus Disease 2019 Public Health Emergency, dated April 30, 2020.	ML20121A191 (non-public, withheld under 10 CFR 2.390).
H. B. Robinson Steam Electric Plant, Unit 2—Temporary Exemption from Certain Requirements of 10 CFR Part 73, Appendix B, ''General Criteria for Security Personnel,'' Section VI (EPID L–2020–LLE–0041 [COVID–19]), dated May 14, 2020.	ML20129J867.

HOPE CREEK GENERATING STATION—DOCKET NO. 50–354

Document title	ADAMS accession No.
Hope Creek Generating Station—Part 55 Exemption Request (COVID–19) (Redacted), dated May 4, 2020	ML20126G379.
Hope Creek Generating Station—Exemption from Select Requirements of 10 CFR Part 55, ''Operators' Licenses'' (EPID L–2020–LLE–0049 [COVID–19]), dated May 7, 2020.	ML20125A379.

HOPE CREEK GENERATING STATION—DOCKET NO. 50–354

Document title	ADAMS accession No.
Hope Creek Generating Station—Part 55 Exemption Request for Power Reactors (COVID–19) (Redacted), dated May 21, 2020.	ML20142A512.
Hope Creek Generating Station—Exemption from Select Requirements of 10 CFR Part 55, ''Operators' Licenses'' (EPID L–2020–LLE–0066 [COVID–19]), dated May 29, 2020.	ML20148M318.

HOPE CREEK GENERATING STATION AND SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2—DOCKET NOS. 50–354, 50–272, AND 50–311

Document title	ADAMS accession No.
Salem Generating Station, Units 1 and 2, and Hope Creek Generating Station—Request a Temporary Exemption from the Identified Security Training Requalification Requirements listed in the Table, dated May 12, 2020.	ML20133K163 (non-public, withheld under 10 CFR 2.390).

HOPE CREEK GENERATING STATION AND SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2—DOCKET NOS. 50–354, 50–272, AND 50–311—Continued

Document title	ADAMS accession No.
Hope Creek Generating Station and Salem Nuclear Generating Station, Unit Nos. 1 and 2—Temporary Exemptions from Certain Requirements of 10 CFR Part 73, Appendix B, ''General Criteria for Security Personnel,'' Section VI (EPID L–2020–LLE–0058 [COVID–19]), dated May 19, 2020.	ML20134J083.

IDAHO STATE UNIVERSITY RESEARCH REACTOR—DOCKET NO. 50–284

Document title	ADAMS accession No.
Idaho State University—Request for Exemption to License R–110 Requirements, dated May 13, 2020	ML20135G765.
E-mail from ISU, COVID–19 Part 55 Exemption Supplement, dated May 21, 2020	ML20142A492.
Idaho State University—Approval of Exemption from Select Requirements of 10 CFR Part 55, ''Operators' Licenses,'' dated May 22, 2020.	ML20142A499.

UNIVERSITY OF MARYLAND TRAINING REACTOR—DOCKET NO. 50–166

Document title	ADAMS accession No.
University of Maryland—Part 55 Exemption Request for Research and Test Reactors/Non-Power Reactors'' REDACTED, dated May 13, 2020.	ML20142A271.
University of Maryland—Approval of Exemption from Select Requirements of 10 CFR Part 55, ''Operators' Licenses,'' dated May 22, 2020.	ML20142A288.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY RESEARCH REACTOR—DOCKET NO. 50–020

Document title	ADAMS accession No.
10 CFR [Part] 55 Requirement Exemption Request for the Massachusetts Institute of Technology Research Reactor, Facility Operating License No. R–37, dated May 11, 2020.	ML20135H166.
Massachusetts Institute of Technology—Approval of Exemption from Select Requirements of 10 CFR Part 55, ''Operators' Licenses,'' dated May 15, 2020.	ML20135H188.

NATIONAL BUREAU OF STANDARDS TEST REACTOR—DOCKET NO. 50–184

Document title	ADAMS accession No.
E-mail COVID–19 Part 55 Exemption Request NIST—REDACTED, dated May 11, 2020	ML20136A442.
National Institute of Standards and Technology—Approval of Exemption from Select Requirements of 10 CFR Part 55, ''Operators' Licenses,'' dated May 18, 2020.	ML20133J915.

PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3—DOCKET NOS. 50–277 AND 50–278

Document title	ADAMS accession No.
Peach Bottom Atomic Power Station, Units 2 and 3, Request for Exemption from Certain 10 CFR Part 73 Training Requirements Due to Coronavirus 2019 Public Health Emergency, dated May 8, 2020.	ML20129K011 (non-public, withheld under 10 CFR 2.390).
Peach Bottom Atomic Power Station, Units 2, and 3—Exemption Request from Certain Requirements of 10 CFR Part 73, Appendix B, ''General Criteria for Security Personnel'' (EPID L–2020–LLE–0055), dated May 20, 2020.	ML20132A285.

SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2—DOCKET NOS. 50–272 AND 50–311

Document title	ADAMS accession No.
Salem Nuclear Generating Station, Units Nos. 1 and 2—Part 55 Exemption Request (COVID–19) (Redacted), dated May 4, 2020.	ML20126G378.
Salem Nuclear Generating Station, Unit Nos. 1 and 2—Exemption from Select Requirements of 10 CFR Part 55, ''Operators' Licenses'' (EPID L-220–LLE–0048 [COVID–19]), dated May 7, 2020.	ML20122A140.

SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2—DOCKET NOS. 50–272 AND 50–311

Document title	ADAMS accession No.
Salem Nuclear Generating Station, Units Nos. 1 and 2—Part 55 Exemption Request for Power Reactors (COVID–19) (Redacted), dated May 21, 2020.	ML20142A513.

SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2—DOCKET NOS. 50–272 AND 50–311—Continued

Document title	ADAMS accession No.
Salem Nuclear Generating Station, Unit Nos. 1 and 2—Exemption from Select Requirements of 10 CFR Part 55, ''Operators' Licenses'' (EPID L–220–LLE–0065 [COVID–19]), dated May 29, 2020.	ML20148M329.

UNIVERSITY OF MISSOURI—COLUMBIA RESEARCH REACTOR—DOCKET NO. 50–186

Document title	ADAMS accession No.
University of Missouri-Columbia—Applying for Respirator Exemption Signed, dated May 4,2020	ML20126G458.
The University of Missouri at Columbia—Exemption from Select Requirements of Title 10 of the *Code of Federal Regulations* Part 20, ''Standards for Protection Against Radiation'' (EPID L–2020–LLL–0008 [COVID–19]), dated May 18, 2020.	ML20128J494.

VOGTLE ELECTRIC GENERATING PLANT, UNITS 1 AND 2—DOCKET NOS. 50–424 AND 50–425

Document title	ADAMS accession No.
Vogtle Electric Generating Plant Units 1 and 2 (VEGP) Requests a Temporary Exemption from the Identified Security Training Requalification Requirements, dated May 8, 2020.	ML20129J923 (non-public, withheld under 10 CFR 2.390).
Vogtle Electric Generating Plant, Units 1 and 2—Exemption Request from Certain Requirements of 10 CFR Part 73, Appendix B, ''General Criteria for Security Personnel,'' Section VI (EPID L–2020–LLE–0047), dated May 14, 2020.	ML20126G266.

The NRC may post additional materials to the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2020–0110. The Federal rulemaking website allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2020–0110); (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

Dated: June 11, 2020.

For the Nuclear Regulatory Commission.

Jennifer C. Tobin,

Project Manager, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2020–12961 Filed 6–15–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0138]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to section 189.a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person. This biweekly notice includes all amendments issued, or proposed to be issued, from May 18, 2020, to June 1, 2020. The last biweekly notice was published on June 2, 2020.

DATES: Comments must be filed by July 16, 2020. A request for a hearing or petitions for leave to intervene must be filed by August 17, 2020.

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

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0138. Address questions about NRC Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Paula Blechman, Office of Nuclear Reactor Regulation, telephone: 301–415–2242, email: *Paula.Blechman@nrc.gov,* U.S. Nuclear Regulatory Commission, Washington DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0138, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0138.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact

the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

B. Submitting Comments

Please include Docket ID NRC–2020–0138, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown below, the Commission finds that the licensee's analyses provided, consistent with title 10 of the *Code of Federal Regulations* (10 CFR) section 50.91 is sufficient to support the proposed determination that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination, any hearing will take place after issuance. The Commission expects that the need to take action on an amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the

final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission

or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The table below provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensee's proposed NSHC determination. For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Dominion Energy Nuclear Connecticut, Inc.; Millstone Power Station, Unit No. 3; Waterford, CT	
Application Date	April 30, 2020.
ADAMS Accession No	ML20121A217.
Location in Application of NSHC	Pages 11 and 12 of Attachment 1.
Brief Description of Amendments	The proposed amendment would correct a non-conservative technical specification by revising the intercell and interconnection resistance value listed in Surveillance Requirements (SRs) 4.8.2.1.b and 4.8.2.1.c. The licensee proposes to revise the SRs in accordance with NRC Administrative Letter 98–10 to add a new acceptance criterion for total battery connection resistance. The proposed acceptance criterion would confirm that the total battery connector resistance is within preestablished limits to ensure that the batteries can perform their specified safety function by maintaining required battery terminal voltage under design-basis load conditions.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Bill Glew, Associate General Counsel, Entergy Services, Inc., 639 Loyola Avenue, 22nd Floor, New Orleans, LA 70113.
Docket Nos	50–423.
NRC Project Manager, Telephone Number	Richard Guzman, 301–415–1030.

Entergy Nuclear Operations, Inc., Entergy Nuclear Indian Point 3, LLC; Indian Point Nuclear Generating Station, Unit No. 3; Westchester County, NY	
Application Date	April 28, 2020.
ADAMS Accession No	ML20132A200.
Location in Application of NSHC	Pages 82–84 of the Enclosure.
Brief Description of Amendments	The proposed amendment would revise the Indian Point Unit 3 Facility Operating License, the Technical Specifications, the Environmental Technical Specification Requirements, and the Inter-Unit Transfer Technical Specifications to remove the requirements that would no longer be applicable after Indian Point Unit 3 is permanently shut down and defueled. Permanent cessation of operations of Indian Point Unit 3 is projected for April 30, 2021.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Bill Glew, Associate General Counsel, Entergy Services, Inc., 639 Loyola Avenue, 22nd Floor, New Orleans, LA 70113.
Docket Nos	50–286.
NRC Project Manager, Telephone Number	Richard Guzman, 301–415–1030.

Exelon Generation Company, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL	
Application Date	April 30, 2020.
ADAMS Accession No	ML20121A241.
Location in Application of NSHC	Pages 21–23 of the Enclosure.
Brief Description of Amendments	The proposed amendment would modify the Clinton Power Station, Unit No. 1 licensing basis, by the addition of a license condition, to allow for the implementation of the provisions of Title 10 of the *Code of Federal Regulations,* Part 50.69, ''Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
Docket Nos	50–461.
NRC Project Manager, Telephone Number	Joel Wiebe, 301–415–6606.

Exelon Generation Company, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL	
Application Date	April 30, 2020.
ADAMS Accession No	ML20121A178.
Location in Application of NSHC	Pages 5–7 of Attachment 1.
Brief Description of Amendments	The proposed amendment would modify the facility license and technical specification requirements to permit the use of risk informed completion times in accordance with Technical Specifications Task Force (TSTF)-505, Revision 2, ''Provide Risk-Informed Extended Completion Times—RITSTF [Risk-Informed TSTF] Initiative 4b.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
Docket Nos	50–461.
NRC Project Manager, Telephone Number	Joel Wiebe, 301–415–6606.

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Units 1 and 2; Berrien County, MI	
Application Date	April 7, 2020.
ADAMS Accession No	ML20126G454.

Location in Application of NSHC	Page 3 of Enclosure 2.
Brief Description of Amendments	The proposed amendment establishes a new completion time in Standard Technical Specification 3.7.5 where one steam supply to the turbine driven Auxiliary Feedwater (AFW) pump is inoperable concurrent with an inoperable motor driven AFW train. In addition, the proposed amendment establishes specific Conditions and Action requirements: (1) For when two motor driven AFW trains are inoperable at the same time and; (2) for when the turbine driven AFW train is inoperable either (a) due solely to one inoperable steam supply, or (b) due to reasons other than one inoperable steam supply. The changes are consistent with Technical Specifications Task Force (TSTF) Traveler, TSTF–412, Revision 3, ''Provide Actions for One Steam Supply to Turbine Driven AFW/EFW [Emergency Feedwater] Pump Inoperable.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Robert B. Haemer, Senior Nuclear Counsel, Indiana Michigan Power Company, One Cook Place, Bridgman, MI 49106.
Docket Nos	50–315, 50–316.
NRC Project Manager, Telephone Number	Scott Wall, 301–415–2855.

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Units 1 and 2; Berrien County, MI

Application Date	April 30, 2020.
ADAMS Accession No	ML20126G455.
Location in Application of NSHC	Pages 3–4 of Enclosure 2.
Brief Description of Amendments	The proposed amendment modifies the Technical Specification Surveillance Requirements (SRs) by adding exceptions to consider the SR met when automatic valves or dampers are locked, sealed, or otherwise secured in the actuated position, in order to consider the SR met. The changes are consistent with Technical Specifications Task Force (TSTF) Traveler, TSTF–541, Revision 2, ''Add Exceptions to Surveillance Requirements for Valves and Dampers Locked in the Actuated Position.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Robert B. Haemer, Senior Nuclear Counsel, Indiana Michigan Power Company, One Cook Place, Bridgman, MI 49106.
Docket Nos	50–315, 50–316.
NRC Project Manager, Telephone Number	Scott Wall, 301–415–2855.

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Units 1 and 2; Berrien County, MI

Application Date	April 30, 2020.
ADAMS Accession No	ML20132A110.
Location in Application of NSHC	Pages 4–6 of Enclosure 2.
Brief Description of Amendments	The proposed amendment would revise the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Technical Specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–567, Revision 1, ''Add Containment Sump TS to Address GSI [Generic Safety Issue]—191 Issues.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Robert B. Haemer, Senior Nuclear Counsel, Indiana Michigan Power Company, One Cook Place, Bridgman, MI 49106.
Docket Nos	50–315, 50–316.
NRC Project Manager, Telephone Number	Scott Wall, 301–415–2855.

PSEG Nuclear LLC; Hope Creek Generating Station; Salem County, NJ

Application Date	May 7, 2020.
ADAMS Accession No	ML20128J820.
Location in Application of NSHC	Pages 6–8 of Enclosure.
Brief Description of Amendments	The proposed amendment would revise Technical Specification 3.6.2.3, ''Suppression Pool Cooling,'' to modify the action for one inoperable loop from 72 hours to 7 days and modify the action for both loops inoperable to add an 8-hour allowed outage time in accordance with Technical Specification Task Force (TSTF) Traveler TSTF–230, Revision 1, ''Add new Condition B to LCO [Limiting Condition for Operation] 3.6.2.3, ''RHR [Residual Heat Removal] Suppression Pool Cooling.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jodi Varon, PSEG Services Corporation, 80 Park Plaza, T–5, Newark, NJ 07101.
Docket Nos	50–354.
NRC Project Manager, Telephone Number	James Kim, 301–415–4125.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Application Date	May 7, 2020.
ADAMS Accession No	ML20128J334.
Location in Application of NSHC	Pages 19 and 20 of Enclosure 1.
Brief Description of Amendments	The requested amendment would revise: Technical Specification (TS) 3.3.13, Engineered Safety Feature Actuation System Main Control Room (MCR) Isolation, Air Supply Initiation, and Electrical Load De-energization applicability, to exclude operability of the MCR Air Supply Iodine or Particulate Radiation—High 2 function when the MCR envelope is isolated and the MCR emergency habitability system (VES) is operating; TS 3.3.13, to include Class 1E 24-Hour Battery Charger Input Undervoltage actuation signals for VES actuation and de-energization of the MCR air supply radiation monitoring sample pumps; and TS 3.8.1, DC Sources—Operating, and TS 3.8.2, DC Sources—Shutdown, to include a Surveillance Requirement to verify each MCR air supply radiation monitoring sample pump de-energizes on an actual or simulated actuation signal.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.
Docket Nos	52–025, 52–026.
NRC Project Manager, Telephone Number	Alina Schiller, 301–415–8177.

Wolf Creek Nuclear Operating Corporation; Wolf Creek Generating Station, Unit 1; Coffey County, KS

Application Date	April 27, 2020.
ADAMS Accession No	ML20119A873.
Location in Application of NSHC	Pages 2 and 3 of Attachment VI.

Brief Description of Amendments	The amendment would revise the Wolf Creek Generating Station, Unit 1, Technical Specifications by relocating specific surveillance frequencies to a licensee-controlled program with the adoption of Technical Specifications Task Force (TSTF) Traveler TSTF–425, Revision 3, ''Relocate Surveillance Frequencies to Licensee Control—RITSTF [Risk Informed TSTF] Initiative 5b.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jay E. Silberg, Pillsbury Winthrop Shaw Pittman LLP, 1200 17th St. NW, Washington, DC 20036.
Docket Nos	50–482.
NRC Project Manager, Telephone Number	Balwant Singal, 301–415–3016.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action, see (1) the application for amendment; (2) the amendment; and (3) the Commission's related letter, Safety Evaluation, and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Energy Harbor Nuclear Corp.; Perry Nuclear Power Plant, Unit 1; Lake County, OH

Date Issued	May 22, 2020.
ADAMS Accession No	ML20099A102.
Amendment Nos	188.
Brief Description of Amendments	The amendment adopted Technical Specifications Task Force (TSTF)-564, ''Safety Limit MCPR [Minimum Critical Power Ratio],'' Revision 2, which is an approved change to the Improved Standard Technical Specifications. The amendment revised the technical specifications for the safety limit on MCPR to reduce the need for cycle-specific changes to the value while still meeting the regulatory requirement for a safety limit.
Docket Nos	50–440.

Energy Harbor Nuclear Corp.; Perry Nuclear Power Plant, Unit 1; Lake County, OH

Date Issued	May 22, 2020.
ADAMS Accession No	ML20118C167.
Amendment Nos	189.
Brief Description of Amendments	The amendment modified the non-destructive examination inspection interval for special lifting devices from annually or prior to each use, typically at each refueling outage, to a 10-year interval.
Docket Nos	50–440.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Date Issued	May 12, 2020.
ADAMS Accession No	ML20054B790.
Amendment Nos	180 and 179.
Brief Description of Amendments	The amendment revised the normal thermal loads for the passive containment cooling system tank, revised the accident thermal loads for the exterior walls below grade and basemat in the auxiliary building, and updated the critical section tables for the auxiliary building basemat, concrete walls, and floors, the shield building roof, and the spent fuel pool west wall in the Updated Final Safety Analysis Report (UFSAR). The amendment revised the Tier 2 and Tier 2* information in UFSAR Subsections 3H.3.3 and 3H.5.1.1, and Tables 3.8.5–3, 3H.5–1 through 3H.5–9, 3H.5–11, 3H.5–12, and 3H.5–15.
Docket Nos	52–025, 52–026.

IV. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual notice of consideration of issuance of amendment, proposed NSHC determination, and opportunity for a hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local

media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of NSHC. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its NSHC determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that NSHC is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves NSHC. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License or Combined License, as applicable, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

STP Nuclear Operating Company; South Texas Project, Unit 1; Matagorda County, TX

Date of Amendment	May 28, 2020.
Brief Description of Amendment	The amendment modified Technical Specification 3/4.5.1, ''Accumulators,'' to allow Unit 1 to operate with all three safety injection accumulators at reduced minimum pressure for the remainder of the current Unit 1 operating cycle, Cycle 23.
ADAMS Accession No	ML20141L612.
Amendment Nos	219.
Public Comments Requested as to Proposed NSHC (Yes/No).	Yes.
Docket Nos	50–498.

Dated: June 3, 2020.

For the Nuclear Regulatory Commission.

Mohamed K. Shams,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2020–12410 Filed 6–15–20; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Cancellation of Upcoming Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Federal Prevailing Rate Advisory Committee is issuing this notice to cancel the June 18, 2020, public meeting scheduled to be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street NW, Washington, DC. The original **Federal Register** notice announcing this meeting was published Monday, December 23, 2019.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, 202–606–2858, or email *pay-leave-policy@opm.gov.*

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2020–12665 Filed 6–15–20; 8:45 am]

BILLING CODE 6325–49–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89041; File No. SR–Phlx–2020–28]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Phlx Pricing Schedule at Options 7, Section 8, Membership Fees and Options 7, Section 9, Other Member Fees

June 10, 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 28, 2020, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') 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 the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx's Pricing Schedule at Options 7, Section 8, ''Membership Fees'' and Options 7, Section 9, ''Other Member Fees.''

While the changes proposed herein are effective upon filing, the Exchange has designated the amendments become operative on June 1, 2020.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx proposes to amend its pricing within Options 7, Section 8, ''Membership Fees'' and Options 7, Section 9, ''Other Member Fees.'' Each change will be described below.

Credit

Phlx proposes to amend Options 7, Section 8, ''Membership Fees,'' at Part A, ''Permit and Registration Fees,'' to offer a credit of $3,400, for the month of June 2020, to any member or member organization on the Trading Floor if that member or member organization was eligible for the $2,300 reduced Permit Fee as a result of having executed at least 100 options in a Phlx house account for the months of February and March 2020, and paid the $4,000 Permit Fee in April and May 2020. Open outcry on the Exchange's Trading Floor was closed on March 17, 2020 [3] and will not re-open until June 1, 2020.[4] The Exchange proposes to issue the $3,400 credit to those members or member organizations on the Trading Floor who demonstrated they did execute at least 100 options in a Phlx house account, for the months of February and March 2020, in order to qualify for the reduced Permit Fee of $2,300. The Exchange believes that these members and member organizations may have also qualified for the credit in April or May 2020, if open outcry trading was available.

The Exchange proposes to credit those qualifying members and member organizations the difference ($1,700 a month) as between the $4,000 a month Permit Fee and the reduced Permit Fee of $2,300 a month, for the months of April and May 2020 when open outcry was not available, provided the member or member organization is able to demonstrate that they qualified for the credit in February and March 2020.

This credit would not be offered to Floor Brokers,[5] Floor Lead Market Makers, or Floor Market Makers,[6] who are not eligible today for a reduced Permit Fee. Also, the credit would not be offered to member organizations who transact an electronic options business, as those member organizations remain able to transact at least 100 options in a Phlx house account.[7]

Waivers

Today, the Exchange waives certain fees related to the Phlx Trading Floor within Options 7, Section 8. Specifically, for the months of April and May 2020, the Exchange waived the Floor Broker Permit Fee of $4,000 per month to Floor Brokers.[8] The Exchange also waived the Clerk Fee [9] of $100 per month. Finally, the Exchange waived the Streaming Quote Trader (''SQT'') [10] Fees within Options 8, Section 8B. The SQT Fees are tiered fees.[11] Phlx's 7 tier SQT Fees [12] are as follows:

Number of option class assignments	SQT Fees
Tier 1: Up to 200 classes	$0.00 per calendar month.
Tier 2: Up to 400 classes	2,200 per calendar month.
Tier 3: Up to 600 classes	3,200.00 per calendar month.
Tier 4: Up to 800 classes	4,200.00 per calendar month.
Tier 5: Up to 1000 classes	5,200.00 per calendar month.
Tier 6: Up to 1200 classes	6,200.00 per calendar month.
Tier 7: All equity issues	7,200 per calendar month.

The Exchange waived the Floor Broker Permit Fee, the Clerk Fee and the SQT Fees, during the months of April and May 2020, to account for the closure of open outcry trading. As noted herein, the Trading Floor will remain closed until June 1, 2020.[13] The Exchange proposes to continue to waive these fees for the month of June 2020 to account for the fact that the Trading Floor has been closed since March 17, 2020.[14] Also, the Exchange proposes to remove obsolete language, which was relevant in April and May 2020 regarding a credit, which is no longer being offered.

Options 7, Section 9

Today, the Exchange waives certain fees related to the Phlx Trading Floor within Options 7, Section 9. Specifically, the Exchange waived the Floor Facility Fee of $330 per month, which is applicable Clerks (excluding Inactive Nominees pursuant to Options 8, Section 7), Floor Brokers, Market Makers (including SQTs) and individual Lead Market Makers), for the months of April and May 2020. The Exchange proposes to continue to waive the Floor Facility Fee for the month of June 2020 to account for the fact that the Trading

[3] *See* Options Trader Alert #2020–07.

[4] *See* Options Trader Alert #2020–08.

[5] *See* Options 7, Section 8A. Phlx assesses a Floor Broker Permit Fee of $4,000 per month. Additionally, the Exchange proposes to waive the Floor Broker Permit Fee for the month of June 2020 as described below.

[6] *See* Options 7, Section 8A. Phlx assesses a Floor Lead Market Maker and Floor Market Maker Permit Fee of $6,000 per month.

[7] Remote Lead Market Makers and Remote Market Makers access the market electronically and are therefore excluded.

[8] *See* Phlx Rules at Options 7, Section 8A.

[9] The Clerk Fee is imposed on any registered on-floor person employed by or associated with a member or member organization pursuant to Options 3, Section 19, including Inactive Nominees pursuant to Options 8, Section 7. The Clerk Fee is not imposed on permit holders. *See* Phlx Rules at Options 7, Section 8A.

[10] The term ''Streaming Quote Trader'' is defined in Options 1, Section 1(b)(54) as a Market Maker who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. *See* Options 7, Section 1. Further, Options 1, Section 1(b)(54) provides that an SQT means a Market Maker who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. An SQT may only submit such quotations while such SQT is physically present on the trading floor of the Exchange. An SQT may only submit quotes in classes of options in which the SQT is assigned.

[11] The Exchange notes, with respect to SQTs, that these participants may only submit quotations while physically present on the Trading Floor.

[12] In calculating the number of option class assignments for SQT Fees, equity options including ETFs and ETNs are counted. Currencies and indexes are not counted in the number of option class assignments.

[13] *See* note 4 above.

[14] *See* note 3 above.

Floor has been closed since March 17, 2020.[15]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[17] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [18]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [19] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[20] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [21]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .'' [22] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

Options 7, Section 8

Phlx's proposal to amend Options 7, Section 8, ''Membership Fees,'' at Part A, ''Permit and Registration Fees,'' to offer a credit of $3,400, for the month of June 2020, to any member or member organization on the Trading Floor, if that member or member organization was eligible for the $2,300 reduced Permit Fee as a result of having executed at least 100 options in a Phlx house account for the months of February and March 2020, is reasonable. Open outcry trading was closed on March 17, 2020,[23] and will not re-open until June 1, 2020.[24] The Exchange proposes to issue the $3,400 credit to those members or member organizations on the Trading Floor who demonstrated they executed at least 100 options in a Phlx house account for the months of February and March 2020, and paid the $4,000 Permit Fee in April and May 2020, in order to qualify for the reduced Permit Fee of $2,300. The Exchange believes that these members and member organizations may have also qualified for the credit in April or May 2020, if open outcry trading were available. The Exchange proposes to credit those qualifying member and member organizations on the Trading Floor the difference ($1,700 per month) as between the $4,000 a month Permit Fee and the reduced Permit Fee of $2,300 a month for the two full months (April and May 2020) when open outcry trading was closed. The Exchange believes it is reasonable to pay the difference based on whether the member or member organization qualified in both the two full prior months, when open outcry trading was unavailable. This credit would not apply to Floor Brokers,[25] Floor Lead Market Makers, or Floor Market Makers, as these members do not have the ability to qualify for a reduced Permit Fee today. The credit would also not apply to members accessing Phlx electronically.[26]

Phlx's proposal to amend Options 7, Section 8, ''Membership Fees,'' at Part A, ''Permit and Registration Fees,'' to offer a credit of $3,400, for the month of June 2020, to any member or member organization on the Trading Floor, if that member or member organization was eligible for the $2,300 reduced Permit Fee as a result of having executed at least 100 options in a Phlx house account for the months of February and March 2020 and paid the $4,000 Permit Fee in April and May 2020, is equitable and not unreasonably discriminatory. The Exchange proposes to uniformly offer all Trading Floor members and member organizations who currently pay the $4,000 Permit Fee, a credit of $3,400, provided they executed at least 100 options in a Phlx house account for the months of February and March 2020, and paid the $4,000 Permit Fee in April and May 2020. The Exchange notes that it is equitable and not unfairly discriminatory to not offer the credit to Floor Brokers, Floor Lead Market Makers, or Floor Market Makers as these members do not have the ability to qualify for a reduced Permit Fee today.[27] Also, it is equitable and not unfairly discriminatory to not offer the credit to member organizations who transact an electronic options business, as those member organizations remain able to transact at least 100 options in a Phlx house account.[28]

Fee Waivers

The Exchange's proposal to waive the Floor Broker Permit Fee, the Clerk Fee, SQT Fee and the Floor Facility Fee, during the month of June 2020, is reasonable as open outcry on the Phlx Trading Floor has not been available since March 17, 2020.[29] The Exchange's proposal to waive these fees, which apply to transacting an options business on the Trading Floor, is intended to alleviate costs for member organizations in consideration of their inability to transact options in open outcry on the Phlx Trading Floor since March 17, 2020.

The Exchange's proposal to waive the Floor Broker Permit Fee, the Clerk Fee, SQT Fee and the Floor Facility Fee, during the month of June 2020, is equitable and not unfairly discriminatory as the Exchange will apply these proposed waivers uniformly to all member organizations on the Trading Floor. Phlx continues to permit

[15] *Id.*

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(4) and (5).

[18] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[19] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[20] *See NetCoalition,* at 534–535.

[21] *Id.* at 537.

[22] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[23] *See* note 3 above.

[24] *See* note 4 above.

[25] The Floor Broker Permit Fee was waived in April and May 2020. The Exchange proposes herein to also waive that fee for June 2020.

[26] Remote Lead Market Makers and Remote Market Makers access the market electronically and are therefore excluded.

[27] The Floor Broker Permit Fee is proposed to be waived for the month of June 2020.

[28] Remote Lead Market Makers and Remote Market Makers access the market electronically and are therefore excluded.

[29] *See* note 3 above.

electronic trading and, therefore, fees associated with electronic trading have not been waived.

Obsolete Text

The Exchange's proposal to remove obsolete language from Options 7, Section 8, related to an obsolete credit is reasonable, equitable and not unfairly discriminatory as the credit is no longer applicable. No member or member organization may obtain the credit.

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 not necessary or appropriate in furtherance of the purposes of the Act.

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intra-Market Competition

Phlx's proposal to amend Options 7, Section 8, ''Membership Fees,'' at Part A, ''Permit and Registration Fees,'' to offer a credit of $3,400, for the month of June 2020, to any member or member organization on the Trading Floor, if that member or member organization was eligible for the $2,300 reduced Permit Fee as a result of having executed at least 100 options in a Phlx house account for the months of February and March 2020, and paid the $4,000 Permit Fee in April and May 2020, does not impose an undue burden on competition. The Exchange would uniformly offer all Trading Floor members and member organizations who currently pay the $4,000 Permit Fee, a credit of $3,400, provided they executed at least 100 options in a Phlx house account for the months of February and March 2020, and paid the $4,000 Permit Fee in April and May 2020. The Exchange notes that it does not impose an undue burden on competition to not offer the credit to Floor Brokers, Floor Lead Market Makers, or Floor Market Makers as these members do not have the ability to qualify for a reduced Permit Fee today.[30] Also, it does not impose an undue burden on competition to not offer the credit to member organizations who transact an electronic options business, as those member organizations remain able to transact at least 100 options in a Phlx house account.[31]

The Exchange's proposal to waive the Floor Broker Permit Fee, the Clerk Fee, SQT Fee and the Floor Facility Fee during the month of June 2020 does not impose an undue burden on competition as the Exchange will apply these proposed waivers uniformly to all member organizations on the Trading Floor. Phlx continues to permit electronic trading and therefore fees associated with electronic trading have not been waived.

The Exchange's proposal to remove obsolete language from Options 7, Section 8, related to an obsolete credit, does not impose an undue burden on competition as the credit is no longer applicable. No member or member organization may obtain the credit.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[32]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–Phlx–2020–28 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–Phlx–2020–28. 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–Phlx–2020–28 and should be submitted on or before July 7, 2020.

[30] The Floor Broker Permit Fee is proposed to be waived for the month of June 2020.

[31] Remote Lead Market Makers and Remote Market Makers access the market electronically and are therefore excluded.

[32] 15 U.S.C. 78s(b)(3)(A)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–12904 Filed 6–15–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89037; File No. SR–OCC–2020–006]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Make Administrative Updates to The Options Clearing Corporation's Risk Management Policies

June 10, 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 27, 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)(iii) [3] of the Act and Rule 19b–4(f)(6) [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

The proposed rule change by OCC would make conforming edits to the following policies: OCC's Risk Management Framework Policy, OCC's Default Management Policy and OCC's Clearing Fund Methodology Policy. In each case, the conforming edits would ensure that descriptions of OCC's process for replenishing operating capital and OCC's waterfall of default resources are aligned with changes that took effect with the approval of OCC's Capital Management Policy.[5] Further conforming edits to the Risk Management Framework Policy would establish that the Capital Management Policy must detail the principles used to determine, monitor, and measure OCC's capital levels such that OCC maintains liquid net assets funded by equity (''LNAFBE'') consistent with the requirements of Rule 17Ad–22(e)(15),[6] aligned with the current Capital Management Policy.[7] The proposed rule change would also add one footnote to the Clearing Fund Methodology Policy, which would simply clarify that the Capital Management Policy's changes to OCC's waterfall of default resources would not change OCC's definition of ''pre-funded financial resources,'' as used for purposes of the calculating OCC's Clearing Fund.

The Risk Management Framework Policy, Default Management Policy and Clearing Fund Methodology Policy are included as confidential Exhibits 5A, 5B and 5C, respectively. Material proposed to be added is marked by underlining and material proposed to be deleted is marked by strikethrough text. The proposed rule change is available on OCC's website at *https://www.theocc.com/about/publications/bylaws.jsp.* All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[8]

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 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, the Proposed Rule Change

(1) Purpose

Background

On February 13, 2019, the Commission disapproved OCC's Capital Plan.[9] The Capital Plan had provided for OCC's operating capital structure and had included a contingency for replenishing OCC's operating capital, if necessary, by raising additional capital from the options exchanges that have equity ownership interests in OCC.[10] As a result of the disapproval of the Capital Plan, OCC subsequently proposed its ''Capital Management Policy,'' which proposed a new operating capital structure, a new process for replenishing OCC's operating capital and certain changes to OCC's ''default waterfall'' (*i.e.,* the resources available to OCC in the event of a Clearing Member's suspension).[11] On January 24, 2020, the Commission approved OCC's Capital Management Policy.[12]

OCC's Risk Management Framework Policy, Default Management Policy and Clearing Fund Methodology Policy each include discrete references to aspects of the disapproved Capital Plan or to OCC's default waterfall prior to the changes implemented by the Capital Management Policy. Specifically, OCC's Risk Management Framework Policy contains a paragraph summarizing the disapproved Capital Plan and its appendix includes two references to the disapproved Capital Plan. OCC's Default Management Policy includes a summary of the default waterfall predating the approval of the Capital Management Policy and a list of OCC's ''Recovery Tools'' for default scenarios, which includes Replenishment Capital. OCC's Clearing Fund Methodology Policy contains two paragraphs that summarize OCC's default waterfall as it existed prior to the approval of the Capital Management Policy. Each of these now-outdated references needs to be revised to conform to the changes implemented by the Capital Management Policy.

Proposed Changes

Proposed Changes to the Risk Management Framework Policy

OCC's Risk Management Framework Policy includes a paragraph summarizing the disapproved Capital Plan and its appendix includes two references to the disapproved Capital Plan. Accordingly, the disapproval of the Capital Plan and adoption of the Capital Management Policy requires that conforming changes be made to OCC's Risk Management Framework Policy. The proposed rule change would effectively replace in its entirety a short paragraph that summarizes the disapproved Capital Plan with a short paragraph summarizing the Capital Management Policy. Specifically, the

[33] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] Exchange Act Release No. 88029 (Jan. 24, 2020), 85 FR 5500 (Jan. 30, 2020) (SR–OCC–2019–007).

[6] 17 CFR 240.17Ad–22(e)(15).

[7] *See supra* note 5.

[8] OCC's By-Laws and Rules can be found on OCC's public website: *http://optionsclearing.com/about/publications/bylaws.jsp.*

[9] Exchange Act Release No. 85121 (Feb. 13, 2019), 84 FR 5157 (Feb. 20, 2019) (SR–OCC–2015–02).

[10] Exchange Act Release No. 74452 (Mar. 6, 2015), 80 FR 13058 (Mar. 12, 2015) (SR–OCC–2015–02). The contingency in the Capital Plan for replenishing OCC's operating capital was referred to as ''Replenishment Capital.''

[11] Exchange Act Release No. 86725 (Aug. 21, 2019), 84 FR 44944 (Aug. 27, 2019) (SR–OCC–2019–007).

[12] *See supra* note 5.

revised paragraph would require that OCC maintain a Capital Management Policy that details the principles used to determine, monitor, and manage OCC's capital levels such that OCC maintains sufficient LNAFBE in a manner consistent with the requirements of Rule 17Ad–22(e)(15).[13] The proposed rule change also would amend the appendix of the Risk Management Framework Policy to replace two references to the Capital Plan with references to the Capital Management Policy.

Proposed Changes to the Default Management Policy

OCC's Default Management Policy includes a summary of the default waterfall and a list of OCC's ''Recovery Tools,'' each of which predates the approval of the Capital Management Policy. Accordingly, the implementation of the Capital Management Policy requires conforming changes to OCC's Default Management Policy. The proposed rule change would revise a list in the Default Management Policy that summarizes the default waterfall. As revised, the list would: (1) Include a summary description—immediately following the use of margin, deposits in lieu of margin and the Clearing Fund deposits of the suspended Clearing Member—of OCC's use of current and retained earnings greater than 110% of OCC's annually-established Target Capital Requirement, as implemented by the Capital Management Policy, and (2) describe the contribution of unvested portions of OCC's EDCP, in proportion to any charges against the mutualized portion of OCC's Clearing Fund, as implemented by the Capital Management Policy.

Also, the proposed rule change would revise a list in the Default Management Policy that summarizes OCC's Recovery Tools. As revised, the list would delete the use of OCC's current and/or retained earnings from the list of OCC's Recovery Tools. As implemented by the Capital Management Policy, OCC's current and retained earnings greater than 110% of OCC's annually-established Target Capital Requirement would be mandatorily contributed in advance of any charges against the mutualized portion of OCC's Clearing Fund, and thusly, would not be available as a recovery tool for the purpose of managing a Clearing Member default after OCC charges a loss to the Clearing Fund.

Proposed Changes to the Clearing Fund Methodology Policy

The Clearing Fund Methodology Policy contains two paragraphs summarizing the process for levying charges against OCC's Clearing Fund and for Clearing Member's to replenish OCC's Clearing Fund, as each process existed prior to the implementation of the Capital Management Policy. Accordingly, the adoption of the Capital Management Policy requires conforming changes to OCC's Clearing Fund Methodology Policy. As revised, the first paragraph would describe OCC's use of current and retained earnings greater than 110% of OCC's annually-established Target Capital Requirement before OCC levies charges against its Clearing Fund, as implemented by the Capital Management Policy (this paragraph would continue to immediately follow a reference to the use of the margin and Clearing Fund deposits of the suspended Clearing Member). The second paragraph would be revised to describe the contribution of unvested portions of OCC's EDCP, in proportion to any charges against the mutualized portion of OCC's Clearing Fund, as implemented by the Capital Management Policy.

In addition to the foregoing revisions, the proposed rule change also would add a footnote making clear that OCC does not consider assessment powers, available current and retained earnings exceeding 110% of the Target Capital Requirement or available unvested portions of OCC's EDCP to be ''pre-funded financial resources'' for purposes of sizing or measuring the sufficiency of the Clearing Fund. This change would simply clarify that the Capital Management Policy's changes to OCC's waterfall of default resources would not change OCC's definition of ''pre-funded financial resources,'' as used for purposes of the calculating OCC's Clearing Fund.

(2) Statutory Basis

OCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[14] because the proposed change to update OCC's Risk Management Framework Policy, Default Management Policy and Clearing Fund Methodology Policy ultimately would protect investors and the public interest. OCC's Risk Management Framework Policy is designed to enable OCC to identify, measure, monitor and manage the range of risks that arise in or are borne by OCC. OCC's Default Management Policy is designed to facilitate OCC's authority and operational capacity to take timely action to contain losses arising from the suspension of a Clearing Member. OCC's Clearing Fund Methodology Policy is designed to summarize the manner by which OCC determines the level of Clearing Fund resources to cover a wide range of foreseeable stress scenarios. OCC believes that making conforming edits to the Risk Management Framework Policy, Default Management Policy and Clearing Fund Methodology Policy would improve the possibility of OCC effectively addressing a variety of potential risks. In turn, OCC believes this would improve its ability to ultimately maintain market and public confidence during a time of unprecedented stress. In this regard, OCC believes the proposed rule change ultimately would protect investors and the public interest in a manner consistent with Section 17A(b)(3)(F) of the Act.[15]

OCC also believes that the proposed rule change is consistent with Rules 17Ad–22(e)(3)(i)[16] and 17Ad–22(e)(13).[17] The proposed conforming edits to the Risk Management Framework Policy would improve the accuracy of the policy's descriptions of OCC's capital structure and replace outdated references to the Capital Plan. Each of these conforming changes would improve the accuracy of OCC's Risk Management Framework Policy. In this regard, OCC believes its proposed rule change is consistent with Rule 17Ad–22(e)(3)(i).[18] Similarly, proposed conforming edits to the Default Management Policy would improve the accuracy of the policy's descriptions of OCC's default waterfall and recovery tools. The improved accuracy of the Default Management Policy would facilitate OCC's operational capacity to take timely action to contain losses arising from the suspension of a Clearing Member. In this regard, OCC believes its proposed rule change is consistent with Rule 17Ad–22(e)(13).[19]

OCC also believes that the proposed rule change is consistent with Rule 17Ad–22(e)(4).[20] The proposed conforming edits to the Clearing Fund Methodology Policy would improve the accuracy of the policy's descriptions of OCC's default waterfall and would clarify the resources that would be counted as ''pre-funded financial resources'' in determining the sizing

[13] 17 CFR 240.17Ad–22(e)(15).

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] 17 CFR 240.17Ad–22(e)(3)(i).

[17] 17 CFR 240.17Ad–22(e)(13).

[18] 17 CFR 240.17Ad–22(e)(3)(i).

[19] 17 CFR 240.17Ad–22(e)(13).

[20] 17 CFR 240.17Ad–22(e)(4).

and sufficiency of OCC's Clearing Fund. Together, the improved accuracy and clarification of these proposed conforming edits would facilitate OCC's ability to, among other things, effectively manage its credit exposures to participants. In this regard, OCC believes its proposed rule change is consistent with Rule 17Ad–22(e)(4).[21]

The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act[22] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe that the proposed rule change would impact or impose any burden on competition.[23] The proposed rule change would update OCC's Risk Management Framework Policy, Default Management Policy and Clearing Fund Methodology Policy. The proposed changes to the Risk Management Framework Policy, Default Management Policy and Clearing Fund Methodology Policy would simply recognize the disapproval of OCC's Capital Plan and its subsequent replacement with the adopted Capital Management Policy, and in the case of the Clearing Fund Methodology Policy, add a clarifying footnote. None of the proposed updates to the Risk Management Framework Policy, Default Management Policy or Clearing Fund Methodology Policy would affect Clearing Members' access to OCC's services or impose any direct burdens on clearing members. Accordingly, the proposed rule change would not unfairly inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another user.

For the foregoing reasons, OCC believes that the proposed rule change is in the public interest, would be consistent with the requirements of the Act applicable to clearing agencies, and would not impact or impose a burden on competition.

(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)(iii) of the Act,[24] and Rule 19b–4(f)(6)[25] thereunder, the proposed rule change is filed for immediate effectiveness because it does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms would not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate. Additionally, OCC provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission.

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.

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–OCC–2020–006 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–2020–006. 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–2020–006 and should be submitted on or before July 7, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–12893 Filed 6–15–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89039; File No. SR–OCC–2020–803]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of No Objection To Advance Notice Related to Changes to the Options Clearing Corporation's Non-Bank Repo Facility Program as Part of Its Overall Liquidity Plan

June 10, 2020.

I. Introduction

On April 15, 2020, the Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') advance notice SR–OCC–2020–803 (''Advance Notice'') pursuant to Section 806(e)(1) of

[21] *Id.*

[22] 15 U.S.C. 78q–1(b)(3)(I).

[23] *Id.*

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6).

[26] 17 CFR 200.30–3(a)(12).

Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled Payment, Clearing and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) [2] under the Securities Exchange Act of 1934 (''Exchange Act'') [3] concerning OCC's overall program and requirements for executing one or more committed repurchase arrangements with non-bank, non-clearing institutional investors.[4] The Advance Notice was published for public comment in the **Federal Register** on May 22, 2020,[5] and the Commission has received no comments regarding the changes proposed in the Advance Notice. The Commission is hereby providing notice of no objection to the Advance Notice.

II. Background [6]

Currently, OCC's liquidity plan provides it with access to a diverse set of funding sources to help it manage its daily settlement obligations, including in the event of a default of a Clearing Member. Those sources include (i) a syndicated credit facility,[7] (ii) a master repurchase agreement with a bank counterparty (''Bank Repo Facility''),[8] and (iii) Clearing Members' Cash Clearing Fund Requirement.[9] In addition, as a fourth funding source, OCC's liquidity plan also includes a program for executing one or more committed repurchase arrangements with non-bank, non-clearing institutional investors (*i.e.,* no counterparty may be a Clearing Member or affiliated bank). Those arrangements, taken together, constitute OCC's ''Non-Bank Repo Facility.'' [10]

As noted, OCC relies on its funding sources, including the commitments under the Non-Bank Repo Facility, as potential sources of liquidity to manage the default of a Clearing Member. In the event that one funding source changes, OCC has flexibility to adjust its other sources accordingly. For example, if one of OCC's Non-Bank Repo Facility commitments expires, OCC would have several options to replace that commitment within OCC's liquidity plan, including (i) executing one or more other commitments under the Non-Bank Repo Facility, (ii) exercising the accordion feature under the syndicated credit facility,[11] (iii) temporarily increasing the Cash Clearing Fund Requirement, and (iv) executing a new master repurchase agreement with other bank counterparties, similar to the current Bank Repo Facility.

Each counterparty that participates in OCC's Non-Bank Repo Facility executes an industry standard master repurchase agreement (''MRA'') as well as an individual confirmation containing the tailored terms and conditions of transactions executed between OCC and that specific counterparty.[12] The specific parameters that OCC may accept in an individual confirmation are limited as part of the Non-Bank Repo Facility program. As discussed in more detail below, OCC now proposes to modify those parameters so that the Non-Bank Repo Facility could encompass confirmations for committed repurchase transactions of different funding commitment amounts with a range of commitment term periods, something that is not permitted under the current Non-Bank Repo Facility program.

Current Non-Bank Repo Facility program. Commitments under the current Non-Bank Repo Facility program reduce the concentration of OCC's counterparty exposure by diversifying its lender base. OCC may only enter into confirmations with institutional investors that are not Clearing Members or affiliated banks, such as pension funds or insurance companies, which commits OCC to obtaining funding without further concentrating its exposure to funding sources such as banks, broker/dealers, or futures commission merchants that are affiliated with Clearing Members. Further, commitments provided as part of the existing Non-Bank Repo Facility program are required to include certain terms and conditions. For example, an institutional investor participating in the Non-Bank Repo Facility is obligated to enter into repurchase transactions even if OCC experiences a material adverse change.[13] Additionally, a counterparty is required to make funds available to OCC within 60 minutes of OCC's delivering eligible securities, and the counterparty is not permitted to rehypothecate purchased securities.[14] None of these existing requirements would change in connection with OCC's proposed modifications to the Non-Bank Repo Facility program. The parameters of the current Non-Bank Repo Facility program also include the aggregate funding commitment amount that OCC may seek as well as the duration of commitments made under the Non-Bank Repo Facility.[15] Currently, under the Non-Bank Repo Facility program, OCC may seek aggregate commitment amounts of no less than $1 billion and no greater than $1.5 billion.[16] Confirmations under the current Non-Bank Repo Facility program are limited to a commitment term greater than or equal to 364-days. These parameters—aggregate commitment amount and commitment term –are the primary subject of the Advance Notice.

Proposed changes. OCC has determined that it is necessary to amend the terms of the Non-Bank Repo Facility to give itself more flexibility in negotiating and obtaining a broader range of funding arrangements across a broader range of counterparties. Those amendments would result in two changes to the parameters of the Non-

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] 15 U.S.C. 78a *et seq.*

[4] *See* Notice of Filing *infra* note 5, at 85 FR 31235.

[5] Securities Exchange Act Release No. 88906 (May 19, 2020), 85 FR 31235 (May 22, 2020) (File No. SR–OCC–2020–803) (''Notice of Filing'').

[6] Capitalized terms used but not defined herein have the meanings specified in OCC's Rules and By-Laws, available at *https://www.theocc.com/about/publications/bylaws.jsp.*

[7] *See* Exchange Act Release No. 85924 (May 23, 2019), 84 FR 25089 (May 30, 2019) (SR–OCC–2019–803).

[8] *See* Exchange Act Release No. 88317 (Mar. 4, 2020), 85 FR 13681 (Mar. 9, 2020) (SR–OCC–2020–801).

[9] *See* OCC Rule 1002 (requiring Clearing Members to collectively contribute $3 billion in cash to the Clearing Fund), available at *https://www.theocc.com/components/docs/legal/rules_and_bylaws/occ_rules.pdf.*

[10] *See* Exchange Act Release No. 73979 (Jan. 2, 2015), 80 FR 1062 (Jan. 8, 2015) (SR–OCC–2014–809) (''Notice of No Objection to 2014 Advance Notice''); Exchange Act Release No. 76821 (Jan. 4, 2016), 81 FR 3208 (Jan. 20, 2016) (SR–2015–805) (''Notice of No Objection to 2015 Advance Notice'').

[11] An accordion is an uncommitted expansion of a credit facility generally on the same terms as the credit facility. *See* Securities Exchange Act Release No. 88690 (Apr. 20, 2020), 85 FR 23095, 23098 n. 12] (Apr. 24, 2020) (File No. SR–OCC–2020–003). For example, the existing master confirmations under OCC's Non-Bank Repo Facility, totaling $1 billion, expired on January 2, 2020 and January 6, 2020. In anticipation of their expiration, OCC exercised an accordion feature under its syndicated credit facility to increase the amount from $2 billion to $2.5 billion. *See* Notice of Filing, 85 FR at 31236.

[12] While the form and content of the MRAs signed by all counterparties would include the same terms, the individual confirmation signed by a specific counterparty would vary in that it would set forth the term and maximum dollar amounts of the transactions permitted under the relevant MRA.

[13] When included in a contract, a ''material adverse change'' is typically defined as a change that would have a materially adverse effect on the business or financial condition of a company.

[14] *See* Notice of No Objection to 2014 Advance Notice, 80 FR at 1064.

[15] *See* Notice of No Objection to 2015 Advance Notice, 81 FR at 3208.

[16] The parameter under the facility was initially $1 billion. OCC altered the parameters of the facility to allow it to seek aggregate commitment amounts between $1 billion and $1.5 billion. *See* Notice of No Objection to 2015 Advance Notice, 81 FR at 3208. The increase to the aggregate commitment amount was made as part of OCC's plan to transition from a single $1 billion confirmation to two confirmations of $500 million with staggered expiration dates. *See id.* at 3209 (discussing the extension of the existing confirmation and the execution of a second confirmation).

Bank Repo Facility. First, OCC proposes to set the new aggregate commitment amount it may seek under the Non-Bank Repo Facility program at $1 billion, lowered from $1.5 billion, so that OCC may negotiate individual commitment amounts, each less than $1 billion, with multiple counterparties. OCC's Board has consistently authorized OCC to seek commitment amounts up to an aggregate amount of $1 billion since 2016 even though the Non-Bank Repo Facility gives OCC discretion to seek aggregate commitment amounts of up to $1.5 billion. OCC proposes to modify the Non-Bank Repo Facility program to align the program's parameters with the commitment amount approved by OCC's Board (*i.e.,* $1 billion). The proposal would allow OCC to seek commitments even if such commitments would not bring the aggregate commitment amount of the Non-Bank Repo Facility up to $1 billon.

Second, OCC proposes to provide more flexibility in its ability to negotiate different terms for different individual commitments that make up the Non-Bank Repo Facility. Based on negotiations with potential institutional investors, OCC believes there would be an interest from OCC's potential counterparties for committing to a term of less than one year.[17] OCC proposes to provide itself flexibility to execute different commitments with different terms that could be less than 364 days, as opposed to the current uniform 364-day term period, so that OCC can negotiate to obtain funding commitment from a given counterparty. For example, such a term could be for a fixed duration of less than one year or an open-ended term that allows for termination subject to a notice period.

The proposal would require that, to execute or renew a transaction under the Non-Bank Repo Facility, the OCC Board would review the proposed commitment term and authorize OCC management to enter into or renew such transactions. The length of the term or notice period OCC would be willing to accept would be conditioned on factors including, but not limited to, the initial committed length of the term, market conditions, and OCC's liquidity needs. OCC represented that it would be unlikely to accept a fixed term shorter than three months or a rolling term with a notice period shorter than six months.[18]

Other than these two amendments OCC is not proposing changes to any other parameters or requirements of the Non-Bank Repo Facility.

III. Commission Findings and Notice of No Objection

Although the Clearing Supervision Act does not specify a standard of review for an advance notice, the stated purpose of the Clearing Supervision Act is instructive: To mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for SIFMUs and strengthening the liquidity of SIFMUs.[19]

Section 805(a)(2) of the Clearing Supervision Act authorizes the Commission to prescribe regulations containing risk management standards for the payment, clearing, and settlement activities of designated clearing entities engaged in designated activities for which the Commission is the supervisory agency.[20] Section 805(b) of the Clearing Supervision Act provides the following objectives and principles for the Commission's risk management standards prescribed under Section 805(a):[21]

- To promote robust risk management;
- to promote safety and soundness;
- to reduce systemic risks; and
- to support the stability of the broader financial system.

Section 805(c) provides, in addition, that the Commission's risk management standards may address such areas as risk management and default policies and procedures, among other areas.[22]

The Commission has adopted risk management standards under Section 805(a)(2) of the Clearing Supervision Act and Section 17A of the Exchange Act (the ''Clearing Agency Rules'').[23] The Clearing Agency Rules require, among other things, each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for its operations and risk management practices on an ongoing basis.[24] As such, it is appropriate for the Commission to review advance notices against the Clearing Agency Rules and the objectives and principles of these risk management standards as described in Section 805(b) of the Clearing Supervision Act. As discussed below, the Commission believes the changes proposed in the Advance Notice are consistent with the objectives and principles described in Section 805(b) of the Clearing Supervision Act,[25] and in the Clearing Agency Rules, in particular Rule 17Ad–22(e)(7).[26]

A. Consistency With Section 805(b) of the Clearing Supervision Act

The Commission believes that the proposal contained in OCC's Advance Notice is consistent with the stated objectives and principles of Section 805(b) of the Clearing Supervision Act. Specifically, as discussed below, the Commission believes that the changes proposed in the Advance Notice are consistent with promoting robust risk management in the area of liquidity risk, promoting safety and soundness, reducing systemic risks, and supporting the stability of the broader financial system.[27]

The Commission believes that the proposed changes are consistent with promoting robust risk management, in particular the management of liquidity risk presented to OCC. As a central counterparty and a SIFMU,[28] it is imperative that OCC have adequate resources to be able to satisfy liquidity needs arising from its settlement obligations, including in the event of a Clearing Member default.[29] To support this objective, OCC proposes to amend the existing provisions of the Non-Bank Repo Facility in two ways. First, OCC proposes to reduce the aggregate commitment amount it may seek under the Non-Bank Repo Facility program so that OCC may negotiate individual commitment amounts, each less than $1 billion, with multiple counterparties rather than being effectively required to coordinate negotiations to obtain one or more funding commitment amounts—all executed concurrently—totaling at

[17] *See* Notice of Filing, 85 FR at 31237 n. 18. OCC provided information about the current status of negotiations with potential counterparties in a confidential Exhibit 3b to File No. SR–OCC–2020–803. *See id.*

[18] In 2019, OCC's only counterparty under the Non-Bank Repo Facility decided not to renew its commitments, and two master confirmations totaling $1 billion expired on January 2, 2020 and January 6, 2020. Based on this experience, OCC believes that a six-month notice period provides sufficient time to allow OCC to reallocate liquidity resources to address a confirmation's termination. *See* Notice of Filing, 85 FR at 31237.

[19] *See* 12 U.S.C. 5461(b).

[20] 12 U.S.C. 5464(a)(2).

[21] 12 U.S.C. 5464(b).

[22] 12 U.S.C. 5464(c).

[23] 17 CFR 240.17Ad–22. *See* Securities Exchange Act Release No. 68080 (Oct. 22, 2012), 77 FR 66220 (Nov. 2, 2012) (S7–08–11). *See also* Covered Clearing Agency Standards, 81 FR 70786. The Commission established an effective date of December 12, 2016 and a compliance date of April 11, 2017 for the Covered Clearing Agency Standards. OCC is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5).

[24] 17 CFR 240.17Ad–22.

[25] 12 U.S.C. 5464(b).

[26] 17 CFR 240.17Ad–22(e)(7).

[27] 12 U.S.C. 5464(b).

[28] *See* Financial Stability Oversight Council (''FSOC'') 2012 Annual Report, Appendix A, available at *https://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf.*

[29] *See* Notice of No Objection to 2014 Advance Notice, 80 FR at 1065.

least $1 billion. Second, OCC proposes to expand the scope of the permissible commitment term for confirmations executed under the Non-Bank Repo Facility program to offset institutional investors' reservations about committing liquidity for extended periods of time. The Commission believes that approving these two changes would give OCC greater flexibility under the Non-Bank Repo Facility to obtain additional liquidity resources in the form of commitments under the Non-Bank Repo Facility. Further, the Commission believes that the flexibility to obtain resources specifically through the Non-Bank Repo Facility would help OCC maintain diversity among its liquidity resources because a counterparty under the Non-Bank Repo Facility could not be a Clearing Member or affiliated bank. Therefore, the Commission believes that the Advance Notice enhances and further diversifies OCC's access to liquidity resources, which in turn would strengthen OCC's overall ability to manage its liquidity risk exposures. As such, the Commission believes that the proposal would promote robust liquidity risk management at OCC consistent with Section 805(b) of the Clearing Supervision Act.[30]

The Commission also believes that the changes proposed in the Advance Notice are consistent with promoting safety and soundness, reducing systemic risks, and promoting the stability of the broader financial system. As described above, the proposal would give OCC more flexibility to negotiate liquidity commitments across a range of potential counterparties that are not otherwise Clearing Members. As previously discussed, to address liquidity needs arising from a Clearing Member default, OCC maintains as liquidity resources the Bank Repo Facility (where the counterparty is an affiliate of two Clearing Members), the syndicated credit facility (where many of the lenders are Clearing Members), and the Cash Clearing Fund Requirement (which is funded exclusively by Clearing Members).[31] Giving OCC more flexibility to diversify liquidity providers in the form of new funding commitments under the Non-Bank Repo Facility reduces the potential concentration of liquidity pressure that OCC, the Clearing Members and their clients could face in the event of a Clearing Member default. This reduced reliance upon the Clearing Members as the primary source of liquidity resources available to OCC to manage a Clearing Member default in turn enhances OCC's overall ability to manage the liquidity needs arising from such an event or other events that could arise contemporaneously. Therefore, the Commission believes that the Advance Notice promotes the safety and soundness of OCC, enhances OCC's ability to manage systemic risk that could arise in the event of a Clearing Member default, and thus supports the broader financial system. As such, the Commission believes it is consistent with promoting safety and soundness, reducing systemic risks, and promoting the stability of the broader financial system as contemplated in Section 805(b) of the Clearing Supervision Act.[32]

Accordingly, and for the reasons stated above, the Commission believes the changes proposed in the Advance Notice are consistent with Section 805(b) of the Clearing Supervision Act.[33]

B. Consistency With Rule 17Ad–22(e)(7) Under the Exchange Act

Rule 17Ad–22(e)(7)(ii) under the Exchange Act requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by, at a minimum, holding qualifying liquid resources sufficient to meet the minimum liquidity resource requirement under Rule 17Ad–22(e)(7)(i) in each relevant currency for which the covered clearing agency has payment obligations owed to clearing members.[34] The term ''qualifying liquid resources'' includes assets that are readily available and convertible into cash through prearranged funding arrangements, such as, committed arrangements without material adverse change provisions, including, among others, repurchase agreements.[35]

Because the Non-Bank Repo Facility provides OCC with prearranged commitments to convert assets into cash even if OCC experiences a material adverse change, the Commission believes that the Non-Bank Repo Facility provides OCC access to qualifying liquid resources to the extent that OCC has sufficient collateral to access the facility.[36] The Commission believes, therefore, that the proposed changes to the aggregate commitment level of and potential term of commitments under the Non-Bank Repo Facility program are reasonably designed to support OCC's ability to hold qualifying liquid resources to meet its liquidity resource requirements consistent with the requirements of Rule 17Ad–22(e)(7)(ii) under the Exchange Act.[37]

Accordingly, the Commission believes that implementation of the Non-Bank Repo Facility would be consistent with Rule 17Ad–22(e)(7) under the Exchange Act.[38]

IV. Conclusion

It is therefore noticed, pursuant to Section 806(e)(1)(I) of the Clearing Supervision Act, that the Commission DOES NOT OBJECT to Advance Notice (SR–OCC–2020–803) and that OCC is AUTHORIZED to implement the proposed change as of the date of this notice.

By the Commission.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–12900 Filed 6–15–20; 8:45 am]

BILLING CODE 8011–01–P

[30] 12 U.S.C. 5464(b).

[31] *See* Exchange Act Release No. 88120 (Feb. 5, 2020), 85 FR 7812, 7814 n. 19 (Feb. 11, 2020) (File No. SR–OCC–2020–801) (stating that OCC exercised an accordion feature under its syndicated credit facility in anticipation of the expiration of confirmations under the Non-Bank Repo Facility).

[32] 12 U.S.C. 5464(b).

[33] 12 U.S.C. 5464(b).

[34] 17 CFR 240.17Ad–22(e)(7)(ii).

[35] 17 CFR 240.17Ad–22(a)(14)(ii)(3).

[36] OCC would use U.S. government securities that are included in Clearing Fund contributions by Clearing Members and margin deposits of any Clearing Member that has been suspended by OCC for the repurchase arrangements. *See* Notice of Filing, 85 FR at 31235 n. 9.

[37] 17 CFR 240.17Ad–22(e)(7)(ii).

[38] 17 CFR 240.17Ad–22(e)(7).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89038; File No. SR–NYSEArca–2020–52]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the NYSE Arca Options Fee Schedule

June 10, 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 June 1, 2020, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

III 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 modify the NYSE Arca Options Fee Schedule (''Fee Schedule'') to waive certain Floor-based fixed fees for the month of June 2020. The Exchange proposes to implement the fee change effective June 1, 2020. 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 of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule to waive certain Floor-based fixed fees for June 2020 for market participants that have been unable to resume their Floor operations to a certain capacity level, as discussed below. The Exchange proposes to implement the fee change effective June 1, 2020.

On March 18, 2020, the Exchange announced that it would temporarily close the Trading Floor, effective Monday, March 23, 2020, as a precautionary measure to prevent the potential spread of COVID–19. Following the temporary closure of the Trading Floor, the Exchange waived certain Floor-based fixed fees for April and May 2020 (the ''fee waiver'').[4] Although the Trading Floor partially reopened on May 4, 2020 and Floor-based open outcry activity is supported, certain participants have been unable to resume pre-Floor closure levels of operations. Thus, the Exchange proposes to extend the fee waiver through June 2020, but only for Floor Broker firms that are unable to operate at more than 50% of their March 2020 on-Floor staffing levels and for Market Maker firms that have vacant or ''unmanned'' Podia for the entire month due to COVID–19 related considerations (the ''Qualifying Firms'').[5]

Specifically, the proposed fee waiver covers the following fixed fees for Qualifying Firms, which relate directly to Floor operations, are charged only to Floor participants and do not apply to participants that conduct business off-Floor:

- Floor Booths;
- Market Maker Podia;
- Options Floor Access;
- Wire Services; and
- ISP Connection.[6]

Like the previous fee waiver, the proposed fee change is designed to reduce monthly costs for Qualifying Firms whose operations continue to be disrupted despite the fact that the Trading Floor has partially reopened. In reducing this monthly financial burden, the proposed change would allow Qualifying Firms to reallocate funds to assist with the cost of shifting and maintaining their prior fully-staffed on-Floor operations to off-Floor and recoup losses as a result of the unanticipated Floor closure and now partial reopening. Absent this change, such participants may experience an unexpected increase in the cost of doing business on the Exchange.[7]

The Exchange believes that all Qualifying Firms would benefit from this proposed fee change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[9] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [10]

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[11] Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in January 2020, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.[12]

This proposed fee change is reasonable, equitable, and not unfairly discriminatory because it would reduce monthly costs for Qualifying Firms whose operations have been disrupted despite the fact that the Trading Floor has partially reopened because of the social distancing requirements and/or other health concerns related to resuming operation on the Floor. In reducing this monthly financial burden, the proposed change would allow affected participants to reallocate funds to assist with the cost of shifting and maintaining their prior fully-staffed on-Floor operations to off-Floor and recoup losses as a result of the partial reopening of the Floor. Absent this change, such participants may experience an

[4] *See* Securities Exchange Act Release Nos. 88596 (April 8, 2020), 85 FR 20796 (April 14, 2020) (SR–NYSEArca–2020–29); 88812 (May 5, 2020), 85 FR 27787 (May 11, 2020) (SR–NYSEArca–2020–38). *See also* Fee Schedule, NYSE Arca OPTIONS: FLOOR and EQUIPMENT and CO-LOCATION FEES.

[5] *See* proposed Fee Schedule, NYSE Arca OPTIONS: FLOOR and EQUIPMENT and CO-LOCATION FEES.

[6] *See id.*

[7] The Exchange will refund participants of the Floor Broker Prepayment Program for any prepaid June 2020 fees that are waived. *See* proposed Fee Schedule, FLOOR BROKER FIXED COST PREPAYMENT INCENTIVE PROGRAM (the ''FB Prepay Program'') (providing that ''the Exchange will refund certain of the prepaid Eligible Fixed costs that were waived for June 2020, per NYSE Arca OPTIONS: FLOOR and EQUIPMENT and CO-LOCATION FEES'').

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (''Reg NMS Adopting Release'').

[11] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, *available here: https://www.theocc.com/market-data/volume/default.jsp.*

[12] Based on OCC data, *see id.,* in 2019, the Exchange's market share in equity-based options was 9.57% for the month of January 2019 and 9.59% for the month of January 2020.

unexpected increase in the cost of doing business on the Exchange. The Exchange believes that all Qualifying Firms would benefit from this proposed fee change.

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits as it merely continues the previous fee waiver, which affects fees charged only to Floor participants and do not apply to participants that conduct business off-Floor. The Exchange believes it is an equitable allocation of fees and credits to extend this fee waiver to Qualifying Firms because such firms have either less than half of their Floor staff (March 2020) levels or have vacant podia—and this reduction in physical capacity on the Floor impacts the speed, volume and efficiency with which these firms can operate, which is to their detriment.

The Exchange believes that the proposal is not unfairly discriminatory because the proposed continuation of the fee waiver would affect all similarly-situated market participants on an equal and non-discriminatory basis.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would 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 changes would encourage the continued participation of Qualifying Firms, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [13]

Intramarket Competition. The proposed change, which continues the fee waiver in place when the Floor was temporarily closed but only for Qualifying Firms, is designed to reduce monthly costs for those Floor participants whose operations continue to be impacted despite the fact that the Trading Floor has partially reopened. In reducing this monthly financial burden, the proposed change would allow affected participants to reallocate funds to assist with the cost of shifting and maintaining their previously on-Floor operations to off-Floor. Absent this change, such Qualifying Firms may experience an unintended increase in the cost of doing business on the Exchange. The Exchange believes that the proposed waiver of fees for Qualifying Firms would not impose a disparate burden on competition among market participants on the Exchange because off-Floor market participants are not subject to these Floor-based fixed fees and Floor-based firms that are not subject to the extent of staffing shortfalls as the Qualifying Firms—*i.e.,* have at least 50% of their March 2020 staffing levels on the Floor and/or have no vacant Podia during June 2020, do not face the same operational disruption and potential financial impact during the partial reopening of the Floor.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange currently has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[14] Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in January 2020, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.[15]

The Exchange believes that the proposed rule change reflects this competitive environment because it waives fees for Qualifying Firms and is designed to reduce monthly costs for Floor participants whose operations continue to be disrupted despite the fact that the Trading Floor has partially reopened. In reducing this monthly financial burden, the proposed change would allow affected participants to reallocate funds to assist with the cost of shifting and maintaining their prior fully-staffed on-Floor operations to off-Floor. Absent this change, Qualifying Firms may experience an unintended increase in the cost of doing business on the Exchange, which would make the Exchange a less competitive venue on which to trade as compared to other options exchanges.

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 foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [16] of the Act and subparagraph (f)(2) of Rule 19b–4 [17] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

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) [18] 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–NYSEArca–2020–52 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2020–52. This

[13] *See* Reg NMS Adopting Release, *supra* note 10, at 37499.

[14] *See supra* note 11.

[15] Based on OCC data, *supra* note 12, the Exchange's market share in equity-based options was 9.57% for the month of January 2019 and 9.59% for the month of January, 2020.

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(2).

[18] 15 U.S.C. 78s(b)(2)(B).

file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2020–52 and should be submitted on or before July 7, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–12894 Filed 6–15–20; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89042; File No. 4–618]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing and Order Approving and Declaring Effective an Amendment to the Plan for the Allocation of Regulatory Responsibilities Between Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., BOX Exchange LLC, Cboe Exchange, Inc., Cboe C2 Exchange, Inc., NYSE Chicago, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., Long-Term Stock Exchange, Inc., MEMX LLC, Nasdaq ISE, LLC, Nasdaq GEMX, LLC, Nasdaq MRX, LLC, Investors Exchange LLC, Miami International Securities Exchange, LLC, MIAX PEARL, LLC, MIAX Emerald, LLC, The Nasdaq Stock Market LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, NYSE National, Inc., New York Stock Exchange LLC, NYSE American LLC, and NYSE Arca, Inc. Concerning Covered Regulation NMS and Consolidated Audit Trail Rules

June 10, 2020.

Notice is hereby given that the Securities and Exchange Commission (''Commission'') has issued an Order, pursuant to Section 17(d) of the Securities Exchange Act of 1934 (''Act''),[1] approving and declaring effective an amendment to the plan for allocating regulatory responsibility (''Plan'') filed on May 19, 2020, pursuant to Rule 17d–2 of the Act,[2] by Cboe BZX Exchange, Inc. (''BZX''), Cboe BYX Exchange, Inc. (''BATS Y''), BOX Exchange LLC (''BOX''), Cboe Exchange, Inc. (''Cboe''), Cboe C2 Exchange, Inc. (''C2''), NYSE Chicago, Inc. (''CHX''), Cboe EDGA Exchange, Inc. (''EDGA''), Cboe EDGX Exchange, Inc. (''EDGX''), Financial Industry Regulatory Authority, Inc. (''FINRA''), Long-Term Stock Exchange, Inc. (''LTSE''), MEMX LLC (''MEMX''), Nasdaq ISE, LLC (''ISE''), Nasdaq GEMX, LLC (''GEMX''), Nasdaq MRX, LLC (''MRX''), Investors Exchange LLC (''IEX''), Miami International Securities Exchange, LLC (''MIAX''), MIAX PEARL, LLC (''MIAX PEARL''), MIAX Emerald, LLC (''MIAX Emerald''), The Nasdaq Stock Market LLC (''Nasdaq''), Nasdaq BX, Inc. (''BX''), Nasdaq PHLX LLC (''PHLX''), NYSE National, Inc. (''NYSE National''), New York Stock Exchange LLC (''NYSE''), NYSE American LLC (''NYSE American''), and NYSE Arca, Inc. (''NYSE Arca'') (each, a ''Participating Organization,'' and, together, the ''Participating Organizations'' or the ''Parties''). This Agreement amends and restates the agreement by and among the Participating Organizations approved by the Commission on March 12, 2020.[3]

I. Introduction

Section 19(g)(1) of the Act,[4] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d) or Section 19(g)(2) of the Act.[5] Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''common members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[6] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[7] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[8] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[9] When an SRO has been named as a common member's DEA, all other SROs to which the common member

[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

[3] *See* Securities Exchange Act Release No. 88366, 85 FR 15238 (March 17, 2020).

[4] 15 U.S.C. 78s(g)(1).

[5] 15 U.S.C. 78q(d) and 15 U.S.C. 78s(g)(2), respectively.

[6] 15 U.S.C. 78q(d)(1).

[7] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[8] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[9] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[10] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for appropriate notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors; to foster cooperation and coordination among the SROs; to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system; and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Plan

On December 3, 2010, the Commission approved the SRO participants' plan for allocating regulatory responsibilities pursuant to Rule 17d–2.[11] On October 29, 2015, the Commission approved an amended plan that added Regulation NMS Rules 606, 607, and 611(c) and (d) and added additional Participating Organizations that are options markets to the Plan.[12] On August 11, 2016, the Commission approved an amended plan that added IEX and ISE Mercury as Participating Organizations.[13] On February 2, 2017, the Commission approved an amended plan that added MIAX PEARL as a Participating Organization.[14] On February 4, 2019, the Commission approved an amended plan that added MIAX Emerald as a Participating Organization and reflected name changes of certain Participating Organizations.[15] On July 25, 2019, the Commission approved an amended plan that added LTSE as a Participating Organization and reflected name changes of certain Participating Organizations.[16] On March 12, 2020, the Commission approved an amended plan that added Rule 613 under the Act and the rules of each Participating Organization related to Rule 613 listed on Exhibit A to the Plan, and reflected the name change of Nasdaq PHLX, Inc. to Nasdaq PHLX LLC.[17]

The proposed 17d–2 Plan is intended to reduce regulatory duplication for firms that are members of more than one Participating Organization.[18] The Plan provides for the allocation of regulatory responsibility according to whether the covered rule pertains to NMS stocks or NMS securities. For covered rules that pertain to NMS stocks (*i.e.,* Rules 607, 611, and 612), FINRA serves as the ''Designated Regulation NMS Examining Authority'' (''DREA'') for common members that are members of FINRA, and assumes certain examination and enforcement responsibilities for those members with respect to specified Regulation NMS rules. For common members that are not members of FINRA, the member's DEA serves as the DREA and ''Designated CAT Surveillance Authority (''DCSA''), provided that the DEA exchange operates a national securities exchange or facility that trades NMS stocks and the common member is a member of such exchange or facility. Section 2(c) of the Plan contains a list of principles that are applicable to the allocation of common members in cases not specifically addressed in the Plan. An exchange that does not trade NMS stocks would have no regulatory authority for covered Regulation NMS rules pertaining to NMS stocks. For covered rules that pertain to NMS securities, and thus include options (*i.e.,* Rule 606, Rule 613 and the SRO Covered CAT Rules), the Plan provides that the DREA will be the same as the DREA for the rules pertaining to NMS stocks and will serve as the DCSA. For common members that are not members of an exchange that trades NMS stocks, the common member would be allocated according to the principles set forth in Section 2(c) of the Plan.

The text of the Plan delineates the proposed regulatory responsibilities with respect to the Parties. Included in the proposed Plan is an exhibit (the ''Covered Rules'') that lists the federal securities laws, rules, and regulations, for which the applicable DREA would bear examination and enforcement responsibility, and for which the applicable DCSA would bear surveillance, investigation, and enforcement responsibility, under the Plan for common members of the Participating Organization and their associated persons.

Specifically, the applicable DREA assumes examination and enforcement responsibility, and the applicable DCSA assumes surveillance, investigation, and enforcement responsibility, relating to compliance by common members with the Covered Rules. Covered Rules do not include the application of any rule of a Participating Organization, or any rule or regulation under the Act, to the extent that it pertains to violations of insider trading activities, because such matters are covered by a separate multiparty agreement under Rule 17d–2.[19] Under the Plan, Participating Organizations retain full responsibility for surveillance and enforcement with respect to trading activities or practices involving their own marketplace.[20]

III. Proposed Amendment to the Plan

On May 19, 2020, the parties submitted a proposed amendment to the Plan. The primary purpose of the amendment is to add MEMX as a Participant to the Plan.

The text of the proposed amended 17d–2 Plan is as follows (additions are in italics; deletions are in brackets):

* * * * *

Agreement for the Allocation of Regulatory Responsibility for the Covered Regulation NMS and Consolidated Audit Trail Rules Pursuant to § 17(d) of the Securities Exchange Act of 1934, 15 U.S.C. 78q(d), and Rule 17d–2 Thereunder

This agreement (the ''Agreement'') by and among Cboe BZX Exchange, Inc. (''BZX''), Cboe BYX Exchange, Inc. (''BATS Y''), BOX Exchange LLC

[10] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[11] *See* Securities Exchange Act Release No. 63430, 75 FR 76758 (December 9, 2010).

[12] *See* Securities Exchange Act Release No. 76311, 80 FR 68377 (November 4, 2015).

[13] *See* Securities Exchange Act Release No. 78552, 81 FR 54905 (August 17, 2016).

[14] *See* Securities Exchange Act Release No. 79928, 82 FR 9814 (February 8, 2017).

[15] *See* Securities Exchange Act Release No. 85046, 84 FR 2643 (February 7, 2019).

[16] *See* Securities Exchange Act Release No. 86470, 84 FR 37363 (July 31, 2019).

[17] *See* Securities Exchange Act Release No. 88366, 85 FR 15238 (March 17, 2020).

[18] The proposed 17d–2 Plan refers to these members as ''Common Members.''

[19] *See* Securities Exchange Act Release No. 88948 (May 26, 2020), 85 FR 33239 (June 1, 2020) (File No. 4–566) (notice of filing and order approving and declaring effective an amendment to the insider trading 17d–2 plan).

[20] *See* paragraph 3 of the Plan.

(''BOX''), Cboe Exchange, Inc. (''Cboe''), Cboe C2 Exchange, Inc. (''C2''), NYSE Chicago, Inc. (''CHX''), Cboe EDGA Exchange, Inc. (''EDGA''), Cboe EDGX Exchange, Inc. (''EDGX''), Financial Industry Regulatory Authority, Inc. (''FINRA''), *MEMX LLC (''MEMX''),* Nasdaq ISE, LLC (''ISE''), Nasdaq GEMX, LLC (''GEMX''), Nasdaq MRX, LLC (''MRX''), Investors Exchange LLC (''IEX''), Miami International Securities Exchange, LLC (''MIAX''), MIAX PEARL, LLC (''MIAX PEARL''), MIAX Emerald, LLC (''MIAX Emerald''), The Nasdaq Stock Market LLC (''Nasdaq''), Nasdaq BX, Inc. (''BX''), Nasdaq PHLX LLC (''PHLX''), NYSE National, Inc. (''NYSE National''), New York Stock Exchange LLC (''NYSE''), NYSE American LLC (''NYSE American''), NYSE Arca, Inc. (''NYSE Arca'') and Long-Term Stock Exchange, Inc. (''LTSE'') (each, a ''Participating Organization,'' and, together, the ''Participating Organizations''), is made pursuant to § 17(d) of the Securities Exchange Act of 1934 (the ''Act'' or ''SEA''), 15 U.S.C. 78q(d), and Rule 17d–2 thereunder, which allow for plans to allocate regulatory responsibility among self-regulatory organizations (''SROs''). Upon approval by the Securities and Exchange Commission (''Commission'' or ''SEC''), this Agreement shall amend and restate the agreement by and among the Participating Organizations approved by the SEC on [July 25, 2019] *March 12, 2020.*

Whereas, the Participating Organizations desire to: (a) Foster cooperation and coordination among the SROs; (b) remove impediments to, and foster the development of, a national market system; (c) strive to protect the interest of investors; (d) eliminate duplication in their examination and enforcement of (i) SEA Rules 606, 607, 611, 612 and 613 (the ''Covered Regulation NMS Rules'') and (ii) rules of each Participating Organization related to SEA Rule 613 listed on Exhibit A hereto (''SRO Covered CAT Rules,'' together with the Covered Regulation NMS Rules, collectively, the ''Covered Rules'') and (e) eliminate duplication in their surveillance, examination, investigation and enforcement of SEA Rule 613 and the SRO Covered CAT Rules;

Whereas, the Participating Organizations are interested in allocating regulatory responsibilities with respect to broker-dealers that are members of more than one Participating Organization (the ''Common Members'') relating to the examination and enforcement of the Covered Rules and the surveillance, examination, investigation and enforcement of SEA Rule 613 and the SRO Covered CAT Rules; and

Whereas, the Participating Organizations will request regulatory allocation of these regulatory responsibilities by executing and filing with the SEC this plan for the above stated purposes pursuant to the provisions of § 17(d) of the Act, and Rule 17d–2 thereunder, as described below.

Now, therefore, in consideration of the mutual covenants contained hereafter, and other valuable consideration to be mutually exchanged, the Participating Organizations hereby agree as follows:

1. *Assumption of Surveillance Responsibility.* The Designated CAT Surveillance Authority (the ''DCSA'') shall assume surveillance, investigation and enforcement responsibility relating to compliance by Common Members with SEA Rule 613 and the SRO Covered CAT Rules listed on Exhibit A (''Surveillance Responsibility''). Included in the Surveillance Responsibility assumed hereunder the DCSA shall perform investigations and enforcement resulting from reports and metrics concerning potentially non-compliant CAT reporting generated by the Plan Processor for the National Market System Plan Governing the Consolidated Audit Trail and as provided for in the Monitoring CAT Reporter Compliance Policy (dated August 13, 2019 and as amended from time to time) relating to Common Members. FINRA shall serve as DCSA for Common Members that are members of FINRA. The DREA allocated below shall serve as DCSA for Common Members that are not members of FINRA.

2. *Assumption of Examination Responsibility.* The Designated Regulation NMS Examining Authority (the ''DREA'') shall assume examination and enforcement responsibilities relating to compliance by Common Members with the Covered Rules to which the DREA is allocated responsibility (''Examination Responsibility''). A list of the Covered Rules is attached hereto as Exhibit A.

a. For Covered Regulation NMS Rules Pertaining to ''NMS stocks'' (as defined in Regulation NMS) (*i.e.,* Rules 607, 611 and 612): FINRA shall serve as DREA for Common Members that are members of FINRA. The Designated Examining Authority (''DEA'') pursuant to SEA Rule 17d–1 shall serve as DREA (and accordingly as DCSA as provided in paragraph 1 above) for Common Members that are not members of FINRA, provided that the DEA operates a national securities exchange or facility that trades NMS stocks and the Common Member is a member of such exchange or facility. For all other Common Members, the Participating Organizations shall allocate Common Members among the Participating Organizations (other than FINRA) that operate a national securities exchange that trades NMS stocks based on the principles outlined below and the Participating Organization to which such a Common Member is allocated shall serve as the DREA for that Common Member. (A Participating Organization that operates a national securities exchange that does not trade NMS stocks has no regulatory responsibilities related to Covered Regulation NMS Rules pertainining to NMS stocks and will not serve as DREA for such Covered Regulation NMS Rules.)

b. For Covered Regulation NMS Rules Pertaining to ''NMS securities'' (as defined in Regulation NMS) (*i.e.,* Rule 606 and Rule 613) and the SRO Covered CAT Rules listed on Exhibit A hereto, the DREA shall be the same as the DREA for Covered Regulation NMS Rules pertaining to NMS stocks (and shall serve as the DCSA in paragraph 1 above). For Common Members that are not members of a national securities exchange that trades NMS stocks and thus have not been appointed a DREA under paragraph a., the Participating Organizations shall allocate the Common Members among the Participating Organizations (other than FINRA) that operate a national securities exchange that trades NMS securities based on the principles outlined below and the Participating Organization to which such a Common Member is allocated shall serve as the DREA for that Common Member with respect to Covered Regulation NMS Rules pertaining to NMS securities. The allocation of Common Members to DREAs (including FINRA) and accordingly to serve as DCSA in paragraph 1 above for all Covered Rules is provided in Exhibit B.

c. For purposes of this paragraph 2, any allocation of a Common Member to a Participating Organization other than as specified in paragraphs a. and b. above shall be based on the following principles, except to the extent all affected Participating Organizations consent to one or more different principles and any such agreement to different principles would be deemed an amendment to this Agreement as provided in paragraph 24:

i. The Participating Organizations shall not allocate a Common Member to a Participating Organization unless the

Common Member is a member of that Participating Organization.

ii. To the extent practicable, Common Members shall be allocated among the Participating Organizations of which they are members in such a manner as to equalize, as nearly as possible, the allocation among such Participating Organizations.

iii. To the extent practicable, the allocation will take into account the amount of NMS stock activity (or NMS security activity, as applicable) conducted by each Common Member in order to most evenly divide the Common Members with the largest amount of activity among the Participating Organizations of which they are members. The allocation will also take into account similar allocations pursuant to other plans or agreements to which the Participating Organizations are party to maintain consistency in oversight of the Common Members.[1]

iv. The Participating Organizations may reallocate Common Members from time-to-time and in such manner as they deem appropriate consistent with the terms of this Agreement.

v. Whenever a Common Member ceases to be a member of its DREA (including FINRA), the DREA shall promptly inform the Participating Organizations, who shall review the matter and reallocate the Common Member to another Participating Organization.

vi. The DEA or DREA (including FINRA) may request that a Common Member be reallocated to another Participating Organization (including the DEA or DREA (including FINRA)) by giving 30 days written notice to the Participating Organizations. The Participating Organizations shall promptly consider such request and, in their discretion, may approve or disapprove such request and if approved, reallocate the Common Member to such Participating Organization.

vii. All determinations by the Participating Organizations with respect to allocations shall be by the affirmative vote of a majority of the Participating Organizations that, at the time of such determination, share the applicable Common Member being allocated; a Participating Organization shall not be entitled to vote on any allocation related to a Common Member unless the Common Member is a member of such Participating Organization.

d. The Participating Organizations agree that they shall conduct meetings among them as needed for the purposes of ensuring proper allocation of Common Members and identifying issues or concerns with respect to the regulation of Common Members. To promote consistency in connection with regulation of Common Members, the Participating Organizations further agree to conduct meetings to discuss the overarching principles as to how Covered Rules, in particular SEA Rule 613 and the SRO Covered CAT Rules, should be surveilled, examined, investigated and enforced. On an ongoing basis, the Participating Organizations agree to consult with and solicit input from the Participating Organizations regarding their surveillance, examination, investigation and enforcement programs regarding SEA Rule 613 and the SRO Covered CAT Rules. In particular, FINRA will consult with Participating Organizations prior to finalizing its disposition and sanctions guidelines with respect to violations of SEA Rule 613 and the SRO Covered CAT Rules. Further, in the period preceding the full implementation of CAT for equities and options securities, FINRA will consult with other Participating Organizations prior to finalizing dispositions other than no further action that involve their Common Members.

e. By signing this Agreement, the Participating Organizations hereby certify that the list of SRO Covered CAT Rules listed on Exhibit A hereto are correct and are identical or substantially similar to each other.

f. Each year following the commencement date of operation of this Agreement, or more frequently if required by changes in any of the SRO Covered CAT Rules, each Participating Organization shall submit an updated list of SRO Covered CAT Rules to FINRA for review which shall (1) add SRO Covered CAT Rules not included in the current list of SRO Covered CAT Rules that are substantially similar to each other; (2) delete SRO Covered CAT Rules included in the current list that are no longer substantially similar; and (3) confirm that the remaining rules on the current list of SRO Covered CAT Rules continue to be substantially similar. FINRA shall review each Participating Organization's annual certification and confirm whether FINRA agrees with the submitted certified and updated list of SRO Covered CAT Rules. The DREA/DCSA shall not have Regulatory Responsibility for any provision in a SRO Covered CAT Rule provision requiring a member of a Participating Organization to provide notice, reports or any other filings directly to a Participating Organization.

3. *Scope of Responsibility.* Notwithstanding anything herein to the contrary, it is explicitly understood that the terms ''Surveillance Responsibility'' and ''Examination Responsibility'' (collectively referred to herein as the ''Regulatory Responsibility'') do not include any responsibilities beyond those concerning the Covered Rules, and each of the Participating Organizations shall retain full responsibility for examination, surveillance and enforcement with respect to trading activities or practices involving its own marketplace unless otherwise allocated pursuant to a separate Rule 17d–2 Agreement. The allocation of DCSA Responsibility to a Participating Organization shall not limit another Participating Organization's ability to utilize data from the Consolidated Audit Trail to perform examination, surveillance, investigative, enforcement or other regulatory work concerning potential or identified violations of statutes or rules other than the SRO Covered CAT Rules.

4. *No Retention of Regulatory Responsibility.* The Participating Organizations do not contemplate the retention of any responsibilities with respect to the regulatory activities being assumed by the DREA/DCSA under the terms of this Agreement. Nothing in this Agreement will be interpreted to prevent a DREA/DCSA from entering into Regulatory Services Agreement(s) to perform its Regulatory Responsibility.

5. *No Charge.* A DREA/DCSA shall not charge Participating Organizations for performing the Regulatory Responsibility under this Agreement.

6. *Applicability of Certain Laws, Rules, Regulations or Orders.* Notwithstanding any provision hereof, this Agreement shall be subject to any statute, or any rule or order of the SEC. To the extent such statute, rule, or order is inconsistent with one or more provisions of this Agreement, the statute, rule, or order shall supersede the provision(s) hereof to the extent necessary to be properly effectuated and the provision(s) hereof in that respect shall be null and void.

7. *Customer Complaints.* If a Participating Organization receives a copy of a customer complaint relating to a DREA's/DCSA's Regulatory Responsibility as set forth in this Agreement, the Participating Organization shall promptly forward to such DREA/DCSA a copy of such customer complaint. It shall be such DREA's/DCSA's responsibility to review

[1] For example, if one Participating Organization was allocated responsibility for a particular Common Member pursuant to a separate Rule 17d–2 Agreement, that Participant Organization would be assigned to be the DREA of that Common Member, unless there is good cause not to make that assignment.

and take appropriate action in respect to such complaint.

8. *Parties to Make Personnel Available as Witnesses.* Each Participating Organization shall make its personnel available to the DREA/DCSA to serve as testimonial or non-testimonial witnesses as necessary to assist the DREA/DCSA in fulfilling the Regulatory Responsibility allocated under this Agreement. The DREA/DCSA shall provide reasonable advance notice when practicable and shall work with a Participating Organization to accommodate reasonable scheduling conflicts within the context and demands as the entity with ultimate regulatory responsibility. The Participating Organization shall pay all reasonable travel and other expenses incurred by its employees to the extent that the DREA/DCSA requires such employees to serve as witnesses, and provide information or other assistance pursuant to this Agreement.

9. *Sharing of Work-Papers, Data and Related Information.*

a. Sharing. A Participating Organization shall make available to the DREA/DCSA information necessary to assist the DREA/DCSA in fulfilling the Regulatory Responsibility assumed under the terms of this Agreement. Such information shall include *any* information collected by a Participating Organization in the course of performing its regulatory obligations under the Act, including information relating to an on-going disciplinary investigation or action against a member, the amount of a fine imposed on a member, financial information, or information regarding proprietary trading systems gained in the course of examining a member (''Regulatory Information''). This Regulatory Information shall be used by the DREA/DCSA solely for the purposes of fulfilling the DREA's/DCSA's Regulatory Responsibility.

b. No Waiver of Privilege. The sharing of documents or information between the parties pursuant to this Agreement shall not be deemed a waiver as against third parties of regulatory or other privileges relating to the discovery of documents or information.

10. *Special or Cause Examinations and Enforcement Proceedings.* Nothing in this Agreement shall restrict or in any way encumber the right of a Participating Organization to conduct special or cause examinations of a Common Member, or take enforcement proceedings against a Common Member as a Participating Organization, in its sole discretion, shall deem appropriate or necessary.

11. *Dispute Resolution Under This Agreement.*

a. Negotiation. The Participating Organizations will attempt to resolve any disputes through good faith negotiation and discussion, escalating such discussion up through the appropriate management levels until reaching the executive management level. In the event a dispute cannot be settled through these means, the Participating Organizations shall refer the dispute to binding arbitration.

b. Binding Arbitration. All claims, disputes, controversies, and other matters in question between the Participating Organizations to this Agreement arising out of or relating to this Agreement or the breach thereof that cannot be resolved by the Participating Organizations will be resolved through binding arbitration. Unless otherwise agreed by the Participating Organizations, a dispute submitted to binding arbitration pursuant to this paragraph shall be resolved using the following procedures:

(i) The arbitration shall be conducted in a city selected by the DREA/DCSA in which it maintains a principal office or where otherwise agreed to by the Participating Organizations in accordance with the Commercial Arbitration Rules of the American Arbitration Association and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof; and

(ii) There shall be three arbitrators, and the chairperson of the arbitration panel shall be an attorney. The arbitrators shall be appointed in accordance with the Commercial Arbitration Rules of the American Arbitration Association.

12. *Limitation of Liability.* As between the Participating Organizations, no Participating Organization, including its respective directors, governors, officers, employees and agents, will be liable to any other Participating Organization, or its directors, governors, officers, employees and agents, for any liability, loss or damage resulting from any delays, inaccuracies, errors or omissions with respect to its performing or failing to perform regulatory responsibilities, obligations, or functions, except: (a) As otherwise provided for under the Act; (b) in instances of a Participating Organization's gross negligence, willful misconduct or reckless disregard with respect to another Participating Organization; or (c) in instances of a breach of confidentiality obligations owed to another Participating Organization. The Participating Organizations understand and agree that the regulatory responsibilities are being performed on a good faith and best effort basis and no warranties, express or implied, are made by any Participating Organization to any other Participating Organization with respect to any of the responsibilities to be performed hereunder. This paragraph is not intended to create liability of any Participating Organization to any third party.

13. *SEC Approval.*

a. The Participating Organizations agree to file promptly this Agreement with the SEC for its review and approval. FINRA shall file this Agreement on behalf, and with the explicit consent, of all Participating Organizations.

b. If approved by the SEC, the Participating Organizations will notify their members of the general terms of the Agreement and of its impact on their members.

14. *Subsequent Parties; Limited Relationship.* This Agreement shall inure to the benefit of and shall be binding upon the Participating Organizations hereto and their respective legal representatives, successors, and assigns. Nothing in this Agreement, expressed or implied, is intended or shall: (a) Confer on any person other than the Participating Organizations hereto, or their respective legal representatives, successors, and assigns, any rights, remedies, obligations or liabilities under or by reason of this Agreement, (b) constitute the Participating Organizations hereto partners or participants in a joint venture, or (c) appoint one Participating Organization the agent of the other.

15. *Assignment.* No Participating Organization may assign this Agreement without the prior written consent of the DREAs/DCSAs performing Regulatory Responsibility on behalf of such Participating Organization, which consent shall not be unreasonably withheld, conditioned or delayed; provided, however, that any Participating Organization may assign the Agreement to a corporation controlling, controlled by or under common control with the Participating Organization without the prior written consent of such Participating Organization's DREAs/DCSAs. No assignment shall be effective without Commission approval.

16. *Severability.* Any term or provision of this Agreement that is invalid or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms and

provisions of this Agreement or affecting the validity or enforceability of any of the terms or provisions of this Agreement in any other jurisdiction.

17. *Termination.* Any Participating Organization may cancel its participation in the Agreement at any time upon the approval of the Commission after 180 days written notice to the other Participating Organizations (or in the case of a change of control in ownership of a Participating Organization, such other notice time period as that Participating Organization may choose). The cancellation of its participation in this Agreement by any Participating Organization shall not terminate this Agreement as to the remaining Participating Organizations.

18. *General.* The Participating Organizations agree to perform all acts and execute all supplementary instruments or documents that may be reasonably necessary or desirable to carry out the provisions of this Agreement.

19. *Written Notice.* Any written notice required or permitted to be given under this Agreement shall be deemed given if sent by certified mail, return receipt requested, or by a comparable means of electronic communication to each Participating Organization entitled to receipt thereof, to the attention of the Participating Organization's representative at the Participating Organization's then principal office or by email.

20. *Confidentiality.* The Participating Organizations agree that documents or information shared shall be held in confidence, and used only for the purposes of carrying out their respective regulatory obligations under this Agreement, provided, however, that each Participating Organization may disclose such documents or information as may be required to comply with applicable regulatory requirements or requests for information from the SEC. Any Participating Organization disclosing confidential documents or information in compliance with applicable regulatory or oversight requirements will request confidential treatment of such information. No Participating Organization shall assert regulatory or other privileges as against the other with respect to Regulatory Information that is required to be shared pursuant to this Agreement.

21. *Regulatory Responsibility.* Pursuant to Section 17(d)(1)(A) of the Act, and Rule 17d–2 thereunder, the Participating Organizations request the SEC, upon its approval of this Agreement, to relieve the Participating Organizations which are participants in this Agreement that are not the DREA or DCSA as to a Common Member of any and all responsibilities with respect to the matters allocated to the DREA or DCSA pursuant to this Agreement for purposes of §§ 17(d) and 19(g) of the Act.

22. *Governing Law.* This Agreement shall be deemed to have been made in the State of New York, and shall be construed and enforced in accordance with the law of the State of New York, without reference to principles of conflicts of laws thereof. Each of the Participating Organizations hereby consents to submit to the jurisdiction of the courts of the State of New York in connection with any action or proceeding relating to this Agreement.

23. *Survival of Provisions.* Provisions intended by their terms or context to survive and continue notwithstanding delivery of the regulatory services by the DREA/DCSA and any expiration of this Agreement shall survive and continue.

24. *Amendment.*

a. This Agreement may be amended to add a new Participating Organization, provided that such Participating Organization does not assume regulatory responsibility, by an amendment executed by all applicable DREAs/DCSAs and such new Participating Organization. All other Participating Organizations expressly consent to allow such DREAs/DCSAs to jointly add new Participating Organizations to the Agreement as provided above. Such DREAs/DCSAs will promptly notify all Participating Organizations of any such amendments to add a new Participating Organization.

b. All other amendments must be approved by each Participating Organization. All amendments, including adding a new Participating Organization but excluding changes to Exhibit B, must be filed with and approved by the Commission before they become effective.

25. *Effective Date.* The Effective Date of this Agreement will be the date the SEC declares this Agreement to be effective pursuant to authority conferred by § 17(d) of the Act, and Rule 17d–2 thereunder.

26. *Counterparts.* This Agreement may be executed in any number of counterparts, including facsimile, each of which will be deemed an original, but all of which taken together shall constitute one single agreement among the Participating Organizations.

* * * * *

Exhibit A

Covered Rules

Covered Regulation NMS Rules

SEA Rule 606—Disclosure of Order Routing Information.*

SEA Rule 607—Customer Account Statements.

SEA Rule 611—Order Protection Rule.

SEA Rule 612—Minimum Pricing Increment.

SEA Rule 613(g)(2)—Consolidated Audit Trail.*

* Covered Regulation NMS Rules with asterisks (*) pertain to NMS securities. Covered Regulation NMS Rules without asterisks pertain to NMS stocks.

SRO Covered CAT Rules

BZX—Rules 4.5–4.16
BATS—Y– Rules 4.5–4.16
BOX—Rules 16020–16095
Cboe—Rules 7.20–7.31[2]

C2—[Chapter 6, Section F] Chapter 7, Section B (Only With Respect to Incorporation of Cboe Rules 7.20–7.31

EDGA—Rules 4.5–4.16
EDGX—Rules 4.5–4.16
FINRA—Rules 6810–6895
IEX—Rules 11.610–11.695

MEMX Rules 4.5–4.16

MIAX—Rules 1701–1712
MIAX PEARL—Rules 1701–1712
MIAX Emerald—Rules 1701–1712
Nasdaq—General 7, Sections 1–13
BX Equities Rules—General 7
PHLX—General 7
ISE—General 7
GEMX—General 7
MRX—General 7
NYSE—Rules 6810–6895
NYSE Arca –Rules—11.6810–11.6895
NYSE American—Rules 6810–6895
NYSE Chicago—Rules 6810–6895
NYSE National—Rules 6.6810–6.6895
LTSE—Rules 11.610–11.695

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. 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 4–618 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 4–618. 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 plan that are filed with the Commission, and all written communications relating to the proposed plan 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 plan also will be available for inspection and copying at the principal offices of the Participating Organizations. 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 4–618 and should be submitted on or before July 7, 2020.

V. Discussion

The Commission finds that the Plan, as amended, is consistent with the factors set forth in Section 17(d) of the Act [21] and Rule 17d–2(c) thereunder [22] in that the proposed amended Plan is necessary or appropriate in the public interest and for the protection of investors, fosters cooperation and coordination among SROs, and removes impediments to and fosters the development of the national market system. In particular, the Commission believes that the proposed amended Plan should reduce unnecessary regulatory duplication by allocating to the applicable DREA certain examination and enforcement responsibilities, and to the applicable DCSA certain surveillance, investigation, and enforcement responsibilities, for Common Members that would otherwise be performed by multiple Parties. Accordingly, the proposed amended Plan promotes efficiency by reducing costs to Common Members. Furthermore, because the Parties will coordinate their regulatory functions in accordance with the proposed amended Plan, the amended Plan should promote investor protection.

The Commission is hereby declaring effective a plan that allocates regulatory responsibility for certain provisions of the federal securities laws, rules, and regulations as set forth in Exhibit A to the Plan. The Commission notes that any amendment to the Plan must be approved by the relevant Parties as set forth in Paragraph 24 of the Plan and must be filed with and approved by the Commission before it may become effective.[23]

Under paragraph (c) of Rule 17d–2, the Commission may, after appropriate notice and comment, declare a plan, or any part of a plan, effective. In this instance, the Commission believes that appropriate notice and comment can take place after the proposed amendment is effective. In particular, the purpose of the amendment is to add MEMX as a Participating Organization. The Commission notes that the most recent prior amendment to the Plan was published for comment and the Commission did not receive any comments thereon.[24] The Commission believes that the current amendment to the Plan does not raise any new regulatory issues that the Commission has not previously considered, and therefore believes that the amended Plan should become effective without any undue delay.

VI. Conclusion

This Order gives effect to the Plan filed with the Commission in File No. 4–618. The Parties shall notify all members affected by the Plan of their rights and obligations under the Plan.

It is therefore ordered, pursuant to Section 17(d) of the Act, that the Plan in File No. 4–618 is hereby approved and declared effective.

It is further ordered that the Parties who are not the DREA or DCSA as to a particular Common Member are relieved of those regulatory responsibilities allocated to the Common Member's DREA or DCSA under the Plan to the extent of such allocation.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–12896 Filed 6–15–20; 8:45 am]

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[21] 15 U.S.C. 78q(d).

[22] 17 CFR 240.17d–2(c).

[23] *See* Paragraph 24 of the Plan. The Commission notes, however, that changes to Exhibit B to the Plan (the allocation of Common Members to DREAs) are not required to be filed with, and approved by, the Commission before they become effective.

[24] *See* Securities Exchange Act Release No. 88366 (March 12, 2020), 85 FR 15238 (March 17, 2020).

[25] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89040; File No. SR–Phlx–2020–27]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Phlx Options 5, Section 4

June 10, 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 28, 2020, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 5, Section 4, Order Routing.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2019, Phlx filed a rule proposal to define the term ''Public Customer'' within Rule 1000(b)(56) to provide, ''Public Customer shall mean a person or entity that is not a broker or dealer in securities and is not a professional as defined within Phlx Rule 1000(b)(14).'' [3] This defined term was later relocated to Options 1, Section 1(b)(46).[4] Within the Defined Term Rule Change, the Exchange replaced the term ''customer'' in various rules to either the defined term ''Public Customer'' or both the defined terms ''Public Customer'' and ''Professional.'' [5]

While converting various terms within the Phlx Rules, the Exchange inadvertently failed to revise Phlx Options 5, Section 4(a)(iii)(C). This particular reference was not contained within the Defined Term Rule Change. The Exchange should have added ''and Professional'' to Options 5, Section 4(a)(iii)(C) within the Defined Term Rule Change. Both Public Customers and Professional SRCH Orders may route. The Exchange has permitted market participants to route both Public Customer and Professional SRCH Orders for some time. During the Opening Process, Phlx only permits Public Customer and Professional orders to route.[6] The Exchange noted within the Defined Term Rule Change that, ''the Exchange is not amending any provision of the rules, rather the Exchange is making clear where a Public Customer order is intended and where the term Professional is intended to avoid confusion.'' [7]

The Exchange proposes to add the words ''and Professional'' within Phlx Options 5, Section 4(a)(iii)(C) to make clear that Professional SRCH Orders may route, in addition to Public Customer SRCH Orders to conform the rule text with the functionality of the System.

Finally, the Exchange proposes to correct a typo within Options 5, Section 4(a)(iii)(B)(9) to change the word ''designed'' to ''designated.''

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The Exchange's proposal to correct Options 5, Section 4(a)(iii)(C) to add the words ''and Professional'' to make clear that Public Customer and Professional SRCH Orders may route is consistent with the Act. Today, the System permits both Public Customer and Professional SRCH Orders to route. Also, the Exchange believes that it is not unfairly discriminatory to limit the routing of SRCH Orders to Public Customers and Professionals. The Exchange has traditionally routed non-broker-dealer orders because the Exchange believes those market participants do not have the same capabilities as broker-dealers in terms of an ability to route to other options markets. Broker-dealers typically have memberships at other exchanges, unlike non-broker-dealers.

Previously, Phlx did not define the term ''public customer.'' The addition of the term ''Public Customer'' in the Rulebook, excluded professionals, which are separately defined. The Exchange's proposal will correct its error and make clear that Professional SRCH Orders may route. For purposes of the Order Protection and Locked and Crossed Markets Plan, a ''customer'' is defined as an individual or organization that is not a Broker/Dealer.[10] This would include a Professional. Phlx routes Public Customer and Professional SRCH Orders that are not automatically executed because there is a displayed bid or offer on another exchange trading the same options contract that is better than the best bid or offer on the Exchange. The Exchange believes that ensuring that ''customer'' orders, as that term is defined within Options 5, Section 1(f), are routed subject to the customer's routing instructions, is consistent with the Exchange Act and provides for the protection of these market participants to ensure that they are executed at the best bid or offer.

The Exchange noted in the Defined Term Rule Change that, ''The Exchange desires to make clear where a customer order means a Public Customer order or both a Public Customer and a Professional order. By distinguishing the use of these terms, market participants will better understand Exchange Rules.'' [11] The Exchange has permitted market participants to route both Public Customer and Professional SRCH Orders for some time. During the Opening Process, Phlx only permits Public Customer and Professional orders to route.[12] The Exchange noted within the Defined Term Rule Change that, ''the Exchange is not amending any provision of the rules, rather the Exchange is making clear where a Public Customer order is intended and where the term Professional is intended to avoid confusion.'' [13]

Finally, the Exchange's proposal to correct a typo within Options 5, Section 4(a)(iii)(B)(9) to change the word ''designed'' to ''designated'' is non-substantive and will clarify the Rule.

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 not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal to correct Options 5, Section 4(a)(iii)(C) to add the words ''and Professional'' to make clear that Public Customer and Professional SRCH Orders may route does not impose an undue burden on competition. Today, the System permits Public Customer and Professional SRCH Orders to route. During the Opening Process, Phlx only permits Public Customer and Professional orders to route.[14] The Exchange does not believe that limiting the routing of SRCH Orders to Public Customers and Professionals imposes an undue burden on competition. The Exchange has traditionally routed non-broker-dealer orders because the Exchange believes those market participants do not have the same capabilities as broker-dealers in terms of an ability to route to other options markets. Broker-dealers typically have memberships at other exchanges, unlike non-broker-dealers.

[3] *See* Securities Exchange Act Release No. 86959 (September 13, 2019), 84 FR 49362 (September 19, 2019) (SR–Phlx–2019–33) (''Defined Term Rule Change'').

[4] *See* Securities Exchange Act Release No. 88213 (February 14, 2020), 85 FR 9859 (February 20, 2020) (SR–Phlx–2020–03) (''Phlx Rulebook Relocation Rule Change'').

[5] The term ''Professional'' is defined within Options 1, Section 1(b)(45) as ''The term ''professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). Member organizations must indicate whether orders are for Professionals.''

[6] *See* Options 3, Section 8(k)(C)(6) and Options 5, Section 4(a)(iii)(B)(1).

[7] *See* note 3 above.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *See* Phlx Options 5, Section 1(f). The term ''customer'' as utilized within Options 5, Section 1(f) is equivalent to the combination of Phlx's defined terms Public Customer and Professional.

[11] *See* note 3 above.

[12] *See* note 5 above.

[13] *See* note 3 above.

[14] *Id.*

The addition of the words ''and Professional'' will bring greater transparency to the Rulebook.

The Exchange's proposal to correct a typo within Options 5, Section 4(a)(iii)(B)(9) to change the word ''designed'' to ''designated'' is non-substantive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing 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 for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [15] and subparagraph (f)(6) of Rule 19b–4 thereunder.[16]

A proposed rule change filed under Rule 19b–4(f)(6) [17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that it may immediately correct an omission in its rules and specify that both Public Customer and Professional SRCH Orders may route. The Exchange believes that the proposed amendment will bring greater clarity to its rules. 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.[19]

[15] 15 U.S.C. 78s(b)(3)(A)(iii).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] 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).

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. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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–Phlx–2020–27 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–Phlx–2020–27. 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-Phlx–2020–27 and should be submitted on or before July 7, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–12895 Filed 6–15–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89036; File No. SR–FINRA–2020–016]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Implementation of FINRA Rule 4240 (Margin Requirements for Credit Default Swaps)

June 10, 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 June 2, 2020, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. 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

FINRA is proposing to extend to September 1, 2021 the implementation of FINRA Rule 4240. FINRA Rule 4240 implements an interim pilot program with respect to margin requirements for certain transactions in credit default swaps that are security-based swaps.

The text of the proposed rule change is available on FINRA's website at

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

http://www.finra.org, at the principal office of FINRA 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, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 22, 2009, the Commission approved FINRA Rule 4240,[4] which implements an interim pilot program (the ''Interim Pilot Program'') with respect to margin requirements for certain transactions in credit default swaps (''CDS'').[5] On May 21, 2019, FINRA filed a proposed rule change for immediate effectiveness extending the implementation of FINRA Rule 4240 to July 20, 2020.[6]

As explained in the Approval Order, FINRA Rule 4240, coterminous with certain Commission actions, was intended to address concerns arising from systemic risk posed by CDS, including, among other things, risks to the financial system arising from the lack of a central clearing counterparty to clear and settle CDS.[7] On July 21, 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act'') was signed into law.[8] Title VII of the Dodd-Frank Act established a comprehensive new regulatory framework for swaps and security-based swaps,[9] including certain CDS. The legislation was intended, among other things, to enhance the authority of regulators to implement new rules designed to reduce risk, increase transparency, and promote market integrity with respect to such products.

The Commission has finalized a majority of its rulemakings pursuant to Title VII of the Dodd-Frank Act (the ''Title VII rulemakings'').[10] Further, the Commission has specified an extended compliance period for these new rules and guidance so as to permit sufficient time to prepare for and come into compliance with the new requirements.[11] In tandem with the Commission's action, FINRA extended, to September 1, 2021, the expiration date of FINRA Rule 0180 (Application of Rules to Security-Based Swaps).[12]

FINRA believes it is appropriate to extend the Interim Pilot Program for a limited period, to September 1, 2021, in light of the extended compliance period that the Commission has specified with respect to the Title VII rulemakings, and in alignment with the expiration date of FINRA Rule 0180. FINRA believes that extending the implementation of Rule 4240 will permit FINRA additional time to consider any potential amendments to the Interim Pilot Program in light of the Commission's finalized Title VII rulemakings, in particular the Capital, Margin, and Segregation Release, thereby helping to promote stability in the financial markets and regulatory certainty for members.

FINRA has filed the proposed rule change for immediate effectiveness. FINRA is proposing that the implementation date of the proposed rule change will be July 20, 2020. The proposed rule change will expire on September 1, 2021.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[13] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change is consistent with the Act because extending the implementation of FINRA Rule 4240 will permit FINRA additional time to consider any potential amendments to the Interim Pilot Program in light of the Commission's finalized Title VII rulemakings, in particular the Capital, Margin, and Segregation Release,

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[4] *See* Securities Exchange Act Release No. 59955 (May 22, 2009), 74 FR 25586 (May 28, 2009) (Order Approving File No. SR–FINRA–2009–012) (''Approval Order'').

[5] In March 2012, the SEC approved amendments to FINRA Rule 4240 that, among other things, limit at this time the rule's application to credit default swaps that are security-based swaps. *See* Securities Exchange Act Release No. 66527 (March 7, 2012), 77 FR 14850 (March 13, 2012) (Order Approving File No. SR–FINRA–2012–015).

[6] *See* Securities Exchange Act Release No. 85981 (May 31, 2019), 84 FR 26486 (June 6, 2019) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2019–016).

[7] *See* Approval Order, 74 FR at 25588–89.

[8] *See* Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010).

[9] The terms ''swap'' and ''security-based swap'' are defined in Sections 721 and 761 of the Dodd-Frank Act. The Commodity Futures Trading Commission (''CFTC'') and the Commission jointly have approved rules to further define these terms. *See* Securities Exchange Act Release No. 67453 (July 18, 2012), 77 FR 48208 (August 13, 2012) (Joint Final Rule; Interpretations; Request for Comment on an Interpretation: Further Definition of ''Swap,'' ''Security-Based Swap,'' and ''Security-Based Swap Agreement''; Mixed Swaps; Security-Based Swap Agreement Recordkeeping). *See also* Securities Exchange Act Release No. 66868 (April 27, 2012), 77 FR 30596 (May 23, 2012) (Joint Final Rule; Joint Interim Final Rule; Interpretations: Further Definition of ''Swap Dealer,'' ''Security-Based Swap Dealer,'' ''Major Swap Participant,'' ''Major Security-Based Swap Participant'' and ''Eligible Contract Participant'').

[10] *See* Securities Exchange Act Release No. 75611 (August 5, 2015), 80 FR 48964 (August 14, 2015) (Final Rule: Registration Process for Security-Based Swap Dealers and Major Security-Based Swap Participants) (''Registration Process Release''); Securities Exchange Act Release No. 77617 (April 14, 2016), 81 FR 29960 (May 13, 2016) (Final Rule: Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants) (the ''Business Conduct Standards Release''); Securities Exchange Act Release No. 78011 (June 8, 2016), 81 FR 39808 (June 17, 2016) (Final Rule: Trade Acknowledgment and Verification of Security-Based Swap Transactions) (''Trade Acknowledgment and Verification Release''); Securities Exchange Act Release No. 86175 (June 21, 2019), 84 FR 43872 (August 22, 2019) (Final Rule: Capital, Margin, and Segregation Requirements for Security-Based Swap Dealers and Major Security-Based Swap Participants and Capital and Segregation Requirements for Broker-Dealers) (''Capital, Margin, and Segregation Release''); Securities Exchange Act Release No. 87005 (September 19, 2019), 84 FR 68550 (December 16, 2019) (Final Rule: Recordkeeping and Reporting Requirements for Security-Based Swap Dealers, Major Security-Based Swap Participants, and Broker-Dealers) (''Recordkeeping Release''); Securities Exchange Act Release No. 87780 (December 18, 2019), 85 FR 6270 (February 4, 2020) (Final Rules; Guidance: Rule Amendments and Guidance Addressing Cross-Border Application of Certain Security-Based Swap Requirements) (''Cross-Border Release''); Securities Exchange Act Release No. 87782 (December 18, 2019), 85 FR 6359 (February 4, 2020) (Final Rule: Risk Mitigation Techniques for Uncleared Security-Based Swaps) (''Risk Mitigation Release'').

[11] Except as otherwise specified by the Commission, the Commission has broadly coordinated the compliance date for the Title VII rulemakings with the compliance date for registration (the ''Registration Compliance Date''), pursuant to the Registration Process Release, of security-based swap dealers and major security-based swap participants (together, referred to as ''SBS Entities''). *See* Cross-Border Release, 85 FR at 6345 through 6346; *see also* Capital, Margin, and Segregation Release, 84 FR at 43954; Recordkeeping Release, 84 FR at 68600; and Risk Mitigation Release, 85 FR at 6381. For further information regarding the Registration Compliance Date, *see* Key Dates For Registration of Security-Based Swap Dealers and Major Security-Based Swap Participants, available on the SEC website at: *https://www.sec.gov/page/key-dates-registration-security-based-swap-dealers-and-major-security-based-swap-participants.*

[12] Rule 0180 temporarily limits, with certain exceptions including Rule 4240, the application of FINRA rules with respect to security-based swaps. *See* Securities Exchange Act Release No. 88023 (January 23, 2020), 85 FR 5261 (January 29, 2020) (Notice of Filing and Immediate Effectiveness of File No: SR–FINRA–2020–001).

[13] 15 U.S.C. 78*o*–3(b)(6).

thereby helping to promote stability in the financial markets and regulatory certainty for members.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. FINRA believes that extending the implementation of FINRA Rule 4240 for a limited period, to September 1, 2021, will permit FINRA additional time to consider any potential amendments to the Interim Pilot Program in light of the Commission's finalized Title VII rulemakings, in particular the Capital, Margin, and Segregation Release, thereby helping to promote stability in the financial markets and regulatory certainty for members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing 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 for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15]

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. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. FINRA has satisfied this requirement.

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–FINRA–2020–016 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–FINRA–2020–016. 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2020–016 and should be submitted on or before July 7, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–12892 Filed 6–15–20; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Department of the Treasury.

ACTION: Notice of modified systems of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of the Treasury (''Treasury'' or the ''Department''), proposes to modify the Treasury system of records notices for the Treasury systems of records listed below by adding two new routine uses to 166 systems.

DATES: Submit comments on or before July 16, 2020. The new routine uses will be applicable on July 16, 2020 unless Treasury receives comments and determines that changes to the system of records notice are necessary.

ADDRESSES: Comments may be submitted to the Federal eRulemaking Portal electronically at *http://www.regulations.gov.* Comments can also be sent to the Deputy Assistant Secretary for Privacy, Transparency, and Records, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220, Attention: Revisions to Privacy Act Systems of Records. All comments received, including attachments and other supporting documents, are part of the public record and subject to public disclosure. All comments received will be posted without change to *www.regulations.gov,* including any personal information provided. You should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For general questions and for privacy issues please contact: Ryan Law, Deputy Assistant Secretary for Privacy, Transparency, and Records (202–622–5710), Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of the Treasury (''Treasury'') proposes to modify the Treasury system of records, as identified below, to include two new

routine uses permitting disclosure to appropriate persons and entities for purposes of response and remedial efforts in the event of a breach of data contained in the applicable system of records.

On May 22, 2007, the Office of Management and Budget (OMB) issued Memorandum M–07–16 ''Safeguarding Against and Responding to the Breach of Personally Identifiable Information.'' It required agencies to publish a routine use for their systems of records in regards to the disclosure of information in connection with response and remedial efforts in the event of a breach of personally identifiable information. Treasury published a notice in the **Federal Register** on October 3, 2007 (72 FR 56434), modifying the Treasury systems of records by adding the applicable routine use. New Treasury systems of records published after that date have included a breach response routine use.

On January 3, 2017, OMB issued Memorandum M–17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information.'' OMB Memorandum M–17–12 rescinded and replaced OMB Memorandum M–07–16 and updated the breach response routine use. OMB M–17–12 requires two new breach response routine uses, one to respond to a breach of the agencies personally identifiable information and another to ensure agencies are able to disclose records in their systems of records that may be needed by another agency in response to a breach.

This notice modifies the breach response routine use published at 72 FR 56434 in accordance with OMB M–17–12 breach response routine use; as identified in the chart below for systems of records published at 72 FR 56434; and adds a new routine use to the Treasury systems of records as identified below to ensure that Treasury can assist other agencies in responding to a confirmed or suspected breach, as appropriate.

Treasury has provided a report of this system of records to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and OMB, pursuant to 5 U.S.C. 552a(r) and OMB Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' dated December 23, 2016.

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

Department of the Treasury systems of records notices, breach response routine uses and citations follow.

System No. and name	Routine uses added will be numbered	History (citation(s) of last full notice and any subsequent revisions)	Bureau
Treasury .001—Treasury Payroll and Personnel System.	Add (19) and (20) ...	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
Treasury .002—Grievance Records	Add (11) and (12) ...	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
Treasury .003—Treasury Child Care Tuition Assistance Records.	Add (10) and (11) ...	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
Treasury .004—Freedom of Information Act/Privacy Act Request Records.	Add (11) and (12) ...	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
Treasury .005—Public Transportation Incentive Program Records.	Add (10) and (11) ...	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
Treasury .006—Parking and Carpool Program Records.	Add (11) and (12) ...	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
Treasury .009—Treasury Financial Management Systems.	Add (19) and (20) ...	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
Treasury .010—Telephone Call Detail Records	Add (13) and (14) ...	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
Treasury .011—Treasury Safety Incident Management Information System (SIMIS).	Add (13) and (14) ...	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
Treasury .012—Fiscal Service Public Key Infrastructure.	Add (8) and (9)	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
Treasury .013—Department of the Treasury Civil Rights Complaints and Compliance Review Files.	Add (7) and (8)	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
Treasury .014—Department of the Treasury SharePoint User Profile Services.	Add (6) and (7)	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
Treasury .015—General Information Technology Access Account Records.	Add (M) and (N)	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
Treasury .016—Reasonable Accommodations Records.	Add (I) and (J)	81 FR 78266 (Nov. 7, 2016)	Department of the Treasury (Treasury-wide).
TTB .001—Regulatory Enforcement Record System	Add (15) and (16) ...	80 FR 4637 (Jan 28, 2015)	Alcohol and Tobacco Tax and Trade Bureau (TTB).
BEP .002—Personal Property Claim File	Add (8) and (9)	78 FR 22604 (Apr 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .004—Counseling Records	Add (8) and (9)	78 FR 22604 (Apr. 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .005—Compensation Claims	Add (9) and (10)	78 FR 22604 (Apr. 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .006—Debt Files of Employees	Add (12) and (13) ...	78 FR 22604 (Apr. 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .014—Employee's Production Record	Add (8) and (9)	78 FR 22604 (Apr. 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .016—Employee Suggestions	Add (8) and (9)	78 FR 22604 (Apr. 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .020—Industrial Truck Licensing Records	Add (1) and (2)	78 FR 22604 (Apr. 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .021—Investigative Files	Add (9) and (10)	78 FR 22604 (Apr. 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .027—Access Control and Alarm Monitoring System (ACAMS).	Add (9) and (10)	78 FR 22604 (Apr. 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .035—Tort Claims against the United States of America.	Add (7) and (8)	78 FR 22604 (Apr. 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .038—Unscheduled Absence Record	Add (7) and (8)	78 FR 22604 (Apr. 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .041—Record of Discrimination Complaints	Add (8) and (9)	78 FR 22604 (Apr. 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .045—Mail Order Sales Customer Files	Add (4) and (5)	78 FR 22604 (Apr. 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .047—Employee Emergency Notification System.	Add (1) and (2)	78 FR 22604 (Apr. 16, 2013)	Bureau of Engraving and Printing (BEP).
BEP .049—Bureau of Engraving and Printing Tour Scheduling System.	Add (1) and (2)	78 FR 78512 (Dec. 26, 2013)	Bureau of Engraving and Printing (BEP).
BEP .050—Use of Shredded U.S. Currency System	Add (1) and (2)	80 FR 13955 (Mar. 17, 2015)	Bureau of Engraving and Printing (BEP).
BEP .051—Chief Counsel Files	Add (9) and (10)	81 FR 77003 (Nov. 4, 2016)	Bureau of Engraving and Printing (BEP).
DO .003—Law Enforcement Retirement Claims Records.	Add (10) and (11) ...	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .007—General Correspondence Files	Add (7) and (8)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).

System No. and name	Routine uses added will be numbered	History (citation(s) of last full notice and any subsequent revisions)	Bureau
DO .010—Office of Domestic Finance, Actuarial Valuation System.	Add (2) and (3)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .015—Political Appointee Files	Add (7) and (8)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .016—Multiemployer Pension Reform Act of 2014 (MPRA).	Add (L) and (M)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .060—Correspondence Files and Records on Dissatisfaction.	Add (5) and (6)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .120—Records Related to Office of Foreign Assets Control Economic Sanctions.	Add (13) and (14) ...	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .144—General Counsel Litigation Referral and Reporting System.	Add (8) and (9)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .149—Foreign Assets Control Legal Files	Add (6) and (7)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .190—Office of Inspector General Investigations Management Information System.	Add (10) and (11) ...	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .191—Human Resources and Administrative Records System.	Add (18) and (19) ...	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .193—Employee Locator and Automated Directory System.	Add (1) and (2)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .194—Circulation System	Add (2) and (3)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .196—Treasury Information Security Program ...	Add (5) and (6)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .202—Drug-Free Workplace Program Records	Add (2) and (3)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .207—Waco Administrative Review Group Investigation.	Add (7) and (8)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .209—Personal Services Contracts (PSC)	Add (6) and (7)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .214—DC Pensions Retirement Records	Add (32) and (33) ...	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .217—National Financial Literacy Challenge Records.	Add (6) and (7)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .218—Making Home Affordable Program	Add (17) and (18) ...	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .219—TARP Standards for Compensation and Corporate Governance—Executive Compensation Information.	Add (9) and (10)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .220—SIGTARP Hotline Database	Add (14) and (15) ...	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .221—SIGTARP Correspondence Database	Add (14) and (15) ...	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .222—SIGTARP Investigative MIS Database	Add (14) and (15) ...	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .223—SIGTARP Investigative Files Database ...	Add (14) and (15) ...	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .224—SIGTARP Audit Files Database	Add (14) and (15) ...	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .225—TARP Fraud Investigation Information System.	Add (9) and (10)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .226—Validating EITC Eligibility with State Data Pilot Project Records.	Add (6) and (7)	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
DO .411—Intelligence Enterprise Files	Add (21) and (22) ...	81 FR 78298 (Nov. 7, 2016)	Departmental Offices (DO).
FinCEN .001—FinCEN Investigations and Examinations System.	Add (12) and (13) ...	79 FR 20969 (Apr. 14, 2014)	Financial Crimes Enforcement Network (FinCEN).
FinCEN .002—Suspicious Activity Report System ...	Add (15) and (16) ...	79 FR 20969 (Apr. 14, 2014)	Financial Crimes Enforcement Network (FinCEN).
FinCEN .003—Bank Secrecy Act Reports System ..	Add (17) and (18) ...	79 FR 20969 (Apr. 14, 2014)	Financial Crimes Enforcement Network (FinCEN).
IRS 00.001—Correspondence Files and Correspondence Control Files.	Add (9) and (10)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 00.002—Correspondence Files: Inquiries about Enforcement Activities.	Add (9) and (10)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 00.003—Taxpayer Advocate Service and Customer Feedback and Survey Records.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 00.007—Employee Complaint and Allegation Referral Records.	Add (10) and (11) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 00.008—Recorded Quality Review Records	Add (4) and (5)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 00.009—Taxpayer Assistance Center (TAC) Recorded Quality Review Records.	Add (10) and (11) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 00.333—Third Party Contact Records	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 00.334—Third Party Contact Reprisal Records	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 10.001—Biographical Files, Communications and Liaison.	Add (2) and (3)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 10.004—Stakeholder Relationship Management and Subject Files.	Add (2) and (3)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 10.008—Certified Professional Employer Organizations.	Add (8) and (9)	81 FR 44924 (July 11, 2016)	Internal Revenue Service (IRS).
IRS 10.555—Volunteer Records	Add (6) and (7)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 21.001—Tax Administration Advisory Services Resources Records.	Add (3) and (4)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 22.003—Annual Listing of Undelivered Refund Checks.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 22.011—File of Erroneous Refunds	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 22.012—Health Coverage Tax Credit (HCTC) Program Records.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 22.026—Form 1042S Index by Name of Recipient.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 22.027—Foreign Information System (FIS)	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 22.028—Disclosure Authorizations for U.S. Residency Certification Letters.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 22.032—Individual Microfilm Retention Register	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 22.054—Subsidiary Accounting Files	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 22.060—Automated Non-Master File	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 22.061—Information Return Master File	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 22.062—Electronic Filing Records	Add (10) and (11) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).

System No. and name	Routine uses added will be numbered	History (citation(s) of last full notice and any subsequent revisions)	Bureau
IRS 24.030—Customer Account Data Engine Individual Master File.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 24.046—Customer Account Data Engine Business Master File.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 24.047—Audit Underreporter Case Files	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 26.001—Acquired Property Records	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 26.006—Form 2209, Courtesy Investigations ...	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 26.009—Lien Files	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 26.012—Offer in Compromise Files	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 26.013—Trust Fund Recovery Cases/One Hundred Percent Penalty Cases.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 26.014—Record 21, Record of Seizure and Sale of Real Property.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 26.019—Taxpayer Delinquent Account Files	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 26.020—Taxpayer Delinquency Investigation Files.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 26.021—Transferee Files	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 30.003—Requests for Printed Tax Materials Including Lists.	Add (3) and (4)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 30.004—Security Violations	Add (3) and (4)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 34.003—Assignment and Accountability of Personal Property Files.	Add (5) and (6)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 34.009—Safety Program Files	Add (8) and (9)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 34.012—Emergency Preparedness Cadre Assignments and Alerting Roster Files.	Add (3) and (4)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 34.013—Identification Media Files System for Employees and Others Issued IRS Identification.	Add (3) and (4)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 34.014—Motor Vehicle Registration and Entry Pass Files.	Add (3) and (4)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 34.016—Security Clearance Files	Add (4) and (5)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 34.021—Personnel Security Investigations	Add (7) and (8)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 34.022—Automated Background Investigations System (ABIS).	Add (8) and (9)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 34.037—Audit Trail and Security Records	Add (7) and (8)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 35.001—Reasonable Accommodation Request Records.	Add (13) and (14) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 36.001—Appeals, Grievances and Complaints Records.	Add (11) and (12) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 36.003—General Personnel and Payroll Records.	Add (20) and (21) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 37.006—Correspondence, Miscellaneous Records, and Information Management Records.	Add (6) and (7)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 37.007—Practitioner Disciplinary Records	Add (14) and (15) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 37.009—Enrolled Agent and Enrolled Retirement Plan Agent Records.	Add (10) and (11) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 37.111—Preparer Tax Identification Number Records.	Add (16) and (17) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 42.001—Examination Administrative Files	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 42.002—Excise Compliance Programs	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 42.005—Whistleblower Office Records	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 42.008—Audit Information Management System.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 42.017—International Enforcement Program Information Files.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 42.021—Compliance Programs and Projects Files.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 42.027—Data on Taxpayers' Filing on Foreign Holdings.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 42.031—Anti-Money Laundering/Bank Secrecy Act and Form 8300.	Add (9) and (10)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 42.888—Qualifying Therapeutic Discovery Project Records.	Add (9) and (10)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 44.001—Appeals Case Files	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 44.003—Appeals Centralized Data	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 44.004—Art Case Files	Add (9) and (10)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 44.005—Expert Witness and Fee Appraiser Files.	Add (9) and (10)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 46.002—Criminal Investigation Management Information System and Case Files.	Add (12) and (13) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 46.003—Confidential Informants	Add (11) and (12) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 46.005—Electronic Surveillance and Monitoring Records.	Add (11) and (12) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 46.015—Relocated Witnesses	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 46.050—Automated Information Analysis System.	Add (11) and (12) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 48.001—Disclosure Records	Add (6) and (7)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 48.008—Defunct Special Service Staff Files Being Retained Because of Congressional Directive.	Add (3) and (4)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 49.001—Collateral and Information Requests System.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).

System No. and name	Routine uses added will be numbered	History (citation(s) of last full notice and any subsequent revisions)	Bureau
IRS 49.002—Tax Treaty Information Management System.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 50.001—Tax Exempt & Government Entities (TE/GE) Correspondence Control Records.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 50.003—Tax Exempt & Government Entities (TE/GE) Reports of Significant Matters.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 50.222—Tax Exempt/Government Entities (TE/GE) Case Management Records.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 60.000—Employee Protection System Records	Add (7) and (8)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 70.001—Individual Income Tax Returns, Statistics of Income.	Add (1) and (2)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 90.001—Chief Counsel Management Information System Records.	Add (13) and (14) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 90.002—Chief Counsel Litigation and Advice (Civil) Records.	Add (23) and (24) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 90.003—Chief Counsel Litigation and Advice (Criminal) Records.	Add (15) and (16) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 90.004—Chief Counsel Legal Processing Division Records.	Add (15) and (16) ...	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 90.005—Chief Counsel Library Records	Add (9) and (10)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
IRS 90.006—Chief Counsel Human Resources and Administrative Records.	Add (26) and 27)	80 FR 54063 (Sept. 8, 2015)	Internal Revenue Service (IRS).
CC .100—Enforcement Action Report System	Add (9) and (10)	81 FR 2945 (Jan. 19, 2016)	Office of the Comptroller of the Currency (OCC).
CC .110—Reports of Suspicious Activities	Add (9) and (10)	81 FR 2945 (Jan. 19, 2016)	Office of the Comptroller of the Currency (OCC).
CC .120—Bank Fraud Information System	Add (9) and (10)	81 FR 2945 (Jan. 19, 2016)	Office of the Comptroller of the Currency (OCC).
CC .200—Chain Banking Organizations System	Add (8) and (9)	81 FR 2945 (Jan. 19, 2016)	Office of the Comptroller of the Currency (OCC).
CC .210—Bank Securities Dealers System	Add (10) and (11) ...	81 FR 2945 (Jan. 19, 2016)	Office of the Comptroller of the Currency (OCC).
CC .340—Access Control System	Add (7) and (8)	81 FR 2945 (Jan. 19, 2016)	Office of the Comptroller of the Currency (OCC).
CC. 341—Mass Communication System	Add (4) and (5)	81 FR 2945 (Jan. 19, 2016)	Office of the Comptroller of the Currency (OCC).
CC .500—Chief Counsel's Management Information System.	Add (10) and (11) ...	81 FR 2945 (Jan. 19, 2016)	Office of the Comptroller of the Currency (OCC).
CC .510—Litigation Information System	Add (9) and (10)	81 FR 2945 (Jan. 19, 2016)	Office of the Comptroller of the Currency (OCC).
CC .600—Consumer Complaint and Inquiry Information System.	Add (10) and (11) ...	81 FR 2945 (Jan. 19, 2016)	Office of the Comptroller of the Currency (OCC).
CC .700—Correspondence Tracking System	Add (9) and (10)	81 FR 2945 (Jan. 19, 2016)	Office of the Comptroller of the Currency (OCC).
CC .701—Retiree Billing System	Add (4) and (5)	81 FR 2945 (Jan. 19, 2016)	Office of the Comptroller of the Currency (OCC).
CC .800—Office of Inspector General Investigations System.	Add (10) and (11) ...	81 FR 2945 (Jan. 19, 2016)	Office of the Comptroller of the Currency (OCC).

The remainder of Treasury's systems of records for the 166 records remains unchanged except for the two breach routine uses identified below.Treasury's system of records routine use numbers are listed above, and the breach response routine use are replaced as follows:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

( ) To appropriate agencies, entities, and persons when (1) the Department of the Treasury and/or Treasury bureau suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or Treasury bureau has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or Treasury bureau(s) (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or Treasury bureau's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

( ) To another Federal agency or Federal entity, when the Department of the Treasury and/or Treasury bureau determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) 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.

[FR Doc. 2020–12899 Filed 6–15–20; 8:45 am]

BILLING CODE 4810–25–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Meetings

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public meetings.

SUMMARY: Notice is hereby given of the following meetings of the U.S.-China Economic and Security Review Commission.

Notice is hereby given of meetings of the U.S.-China Economic and Security Review Commission to review and edit drafts of the 2020 Annual Report to Congress. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on the ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold public meetings to review and edit drafts of the 2020 Annual Report to Congress.

DATES: The meetings are scheduled for Thursday, June 25, 2020, from 9:00 a.m. to 5:00 p.m..; Thursday, July 23, 2020, from 9:00 a.m. to 5:00 p.m.; Thursday, September 10, 2020, from 9:00 a.m. to 5:00 p.m.; and Wednesday, October 14, 2019, from 9:00 a.m. to 5:00 p.m.

ADDRESSES: 444 North Capitol Street NW, Room 233, Washington, DC 20001. Public seating is limited and will be available on a ''first-come, first-served'' basis. *Reservations are not required to attend the meetings.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the meetings

should contact Jameson Cunningham, 444 North Capitol Street NW, Suite 602, Washington, DC 20001; telephone: 202–624–1496, or via email at *jcunningham@uscc.gov*. *Reservations are not required to attend the meetings.*

ADA Accessibility: For questions about the accessibility of the event or to request an accommodation, please contact Jameson Cunningham at 202–624–1496, or via email at *jcunningham@uscc.gov*. Requests for an accommodation should be made as soon as possible, and at least five business days prior to the event.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: Pursuant to the Commission's mandate, members of the Commission will meet to review and edit drafts of the 2020 Annual Report to Congress. The Commission is subject to the Federal Advisory Committee Act (FACA) with the enactment of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 that was signed into law on November 22, 2005 (Pub. L. 109–108). In accordance with FACA, the Commission's meetings to make decisions concerning the substance and recommendations of its 2020 Annual Report to Congress are open to the public.

Topics to Be Discussed: Editing and review sessions will cover material prepared for the 2020 Annual Report, including: a review of economics, trade, security and foreign affairs developments in 2020; China's quest for capital; China's military power projection; the China Model: Changing global norms; China in Africa; health care in China; evolving U.S-China competition; Taiwan; and Hong Kong.

Required Accessibility Statement: These meetings will be open to the public. The Commission may recess the meetings to address administrative issues in closed session. The Commission will also recess the meetings around noon for a lunch break. At the beginning of the lunch break, the Chairman will announce what time the meetings will reconvene.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Public Law 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: June 10, 2020.

Daniel W. Peck,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2020–12872 Filed 6–15–20; 8:45 am]

BILLING CODE 1137–00–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a virtual public hearing in Washington, DC on June 24, 2020 on ''The Chinese View of Strategic Competition with the United States.''

DATES: The hearing is scheduled for Wednesday, June 24, 2020, at 10:00 a.m.

ADDRESSES: This hearing will be held online, with panelists and Commissioners participating via videoconference. Members of the public will be able to view a live webcast via the Commission's website at *www.uscc.gov*. Please check the Commission's website for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Jameson Cunningham, 444 North Capitol Street NW, Suite 602, Washington, DC 20001; telephone: 202–624–1496, or via email at *jcunningham@uscc.gov*. *Reservations are not required to attend the hearing.*

ADA Accessibility: For questions about the accessibility of the event or to request an accommodation, please contact Jameson Cunningham at 202–624–1496, or via email at *jcunningham@uscc.gov*. Requests for an accommodation should be made as soon as possible, and at least five business days prior to the event.

SUPPLEMENTARY INFORMATION:

Background: This hearing will examine China's views of and approach to strategic competition with the United States. It will first assess U.S.-China strategic competition over the last 20 years in the economic, military, and ideological domains. The hearing will then assess how China views this competition playing out in the United Nations and in key regions of the world. Finally, it will examine how the U.S.-China strategic competition will evolve in the future, including the prospects for a kinetic conflict.

The hearing will be co-chaired by Commissioner Roy Kamphausen and Commissioner Kenneth Lewis. Any interested party may file a written statement by June 24, 2020 by transmitting to the contact above. A portion of the hearing will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Public Law 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Date: June 10, 2020,

Daniel W. Peck,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2020–12871 Filed 6–15–20; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Homeless Veterans; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that a virtual meeting of the Advisory Committee on Homeless Veterans will be held June 29, 2020 from 2:00 p.m. to 3:00 p.m. (Eastern Standard Time). The one-hour virtual meeting is open to the public.

The purpose of the Committee is to provide the Secretary of Veterans Affairs with an on-going assessment of the effectiveness of the policies, organizational structures, and services of VA in assisting Veterans at-risk and experiencing homelessness. The Committee shall assemble, and review information related to the needs of homeless Veterans and provide advice on the most appropriate means of providing assistance to that subset of the Veteran population. The Committee will make recommendations to the Secretary of Veterans Affairs regarding such activities.

The agenda will include a vote on recommendations to the Secretary of Veterans Affairs, which will focus primarily on VA's response to COVID–19.

No time will be allocated at this virtual meeting for receiving oral presentations from the public. Interested parties should provide written comments on issues affecting homeless Veterans for review by the Committee to

Mr. Anthony Love, Designated Federal Officer, Veterans Health Administration, Homeless Programs Office (10NC1), Department of Veterans Affairs, 811 Vermont Avenue NW (10NC1), Washington, DC 20420, or via email at *Anthony.Love@va.gov* and *Leisa.Davis@va.gov.*

Members of the public who wish to virtually attend should contact *Anthony.Love@va.gov* and *Leisa.Davis@va.gov* of the Veterans Health Administration, Homeless Programs Office no later than June 22, 2020, to provide their name, professional affiliation, email address, and phone number. There will also be a call-in number at 1–800–767–1750; access code: 50653#.

Dated: June 11, 2020.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2020–12938 Filed 6–15–20; 8:45 am]

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Federal Register

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Tuesday, June 16, 2020

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