

for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Andrea Battista, who may be reached at [BattistaAL@state.gov](mailto:BattistaAL@state.gov) or 202-663-3136.

**SUPPLEMENTARY INFORMATION:**

• *Title of Information Collection:* Statement of Material Change, Merger, Acquisition, or Divestiture of a Registered Party.

• *OMB Control Number:* 1405-0227.  
• *Type of Request:* Revision.  
• *Originating Office:* Directorate of Defense Trade Controls, Bureau of Political Military Affairs, Department of State (T/PM/DDTC).

• *Form Number:* DS-7789.  
• *Respondents:* Individuals and companies registered with DDTC and engaged in the business of manufacturing, brokering, exporting, or temporarily importing defense hardware or defense technology data.

• *Estimated Number of Respondents:* 400.

• *Estimated Number of Responses:* 400.

• *Average Time per Response:* 2 hours.

• *Total Estimated Burden Time:* 800 hours.

• *Frequency:* On occasion.  
• *Obligation To Respond:* Mandatory.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

**Abstract of Proposed Collection**

The Directorate of Defense Trade Controls (DDTC), Bureau of Political-

Military Affairs, U.S. Department of State, in accordance with the Arms Export Control Act (AECA) (22 U.S.C. 2751 *et seq.*) and the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120-130), has the principal missions of taking final action on license applications and other requests for defense trade transactions via commercial channels, ensuring compliance with the statute and regulations, and collecting various types of reports. By statute, Executive Order, regulation, and delegation of authority, DDTC is charged with controlling the export and temporary import of defense articles, the provision of defense services, and the brokering thereof, which are covered by the U.S. Munitions List.

ITAR §§ 122.4 and 129.8 requires registrants to notify DDTC in the event of a change in registration information or if the registrant is a party to a merger, acquisition, or divestiture of an entity producing or marketing ITAR-controlled items. Based on certain conditions enunciated in the ITAR, respondents must notify DDTC of these changes at differing intervals—no less than 60 days prior to the event, in the event that a foreign person is acquiring a registered entity, and/or within 5 days of its culmination. This information is necessary for DDTC to ensure registration records are accurate and to determine whether the transaction is in compliance with the regulations (*e.g.*, with respect to ITAR § 126.1); assess the steps that need to be taken with respect to existing authorizations (*e.g.*, transfers); and to evaluate the implications for U.S. national security and foreign policy.

**Methodology**

This information will be collected by DDTC’s electronic case management system and respondents will certify the data via electronic signature.

**Neal Kringel,**

*Director of Management, Directorate of Defense Trade Controls, Department of State.*

[FR Doc. 2020-13992 Filed 6-29-20; 8:45 am]

**BILLING CODE 4710-25-P**

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

[Docket Number USTR-2020-0028]

**Interagency Labor Committee for Monitoring and Enforcement Procedural Guidelines for Petitions Pursuant to the USMCA**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Interagency Labor Committee for Monitoring and Enforcement (Interagency Labor Committee) invites public comments on the procedures for submissions by the public of information with respect to potential failures of Canada or Mexico to implement their labor obligations under the United States-Mexico-Canada Agreement (USMCA or Agreement).

**DATES:** To be assured of consideration, submit comments by August 15, 2020.

**ADDRESSES:** The Office of the United States Trade Representative (USTR) strongly prefers electronic submissions made through the Federal eRulemaking Portal: <https://www.regulations.gov> (*Regulations.gov*), using Docket Number USTR-2020-0028. Follow the instructions for submitting comments below. For alternatives to on-line submissions, please contact Joshua Kagan, Deputy Assistant U.S. Trade Representative for Labor, at the August 15, 2020 deadline at [Joshua.M.Kagan@ustr.eop.gov](mailto:Joshua.M.Kagan@ustr.eop.gov) or (202) 395-2953.

**FOR FURTHER INFORMATION CONTACT:**

Joshua Kagan, Deputy Assistant U.S. Trade Representative for Labor, at [Joshua.M.Kagan@ustr.eop.gov](mailto:Joshua.M.Kagan@ustr.eop.gov) or (202) 395-2953.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On December 21, 2006, the United States Department of Labor published an updated notice of procedural guidelines for the receipt and review of public submissions on matters related to free trade agreement labor chapters and the North American Agreement on Labor Cooperation (NAALC). Those guidelines continue to apply to public submissions on matters related to free trade agreement labor chapters other than the USMCA.

The Protocol of Amendment for the USMCA terminates the NAALC upon the protocol’s entry into force on July 1, 2020. Section 711 of the USMCA Implementation Act (Implementation Act), which entered into force on January 29, 2020, establishes the Interagency Labor Committee. Section 716(a) of the Implementation Act requires the Interagency Labor Committee to establish procedures for submissions by the public of information with respect to potential failures to implement the labor obligations of a USMCA country.

**II. Public Comments**

The Interagency Labor Committee invites public comments on the interim

procedural guidelines in the Annex to this notice. You must submit comments by August 15, 2020. You must make all submissions in English via *Regulations.gov*, using Docket Number USTR–2020–0028. USTR will not accept hand-delivered submissions. To make a submission using *Regulations.gov*, enter Docket Number USTR–2020–0028 in the ‘search for’ field on the home page and click ‘search.’ The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ‘notice’ under ‘document type’ in the ‘filter results by’ section on the left side of the screen and click on the link entitled ‘comment now.’ The *Regulations.gov* website offers the option of providing comments by filling in a ‘type comment’ field or by attaching a document using the ‘upload file(s)’ field. The Interagency Labor Committee prefers that you provide submissions in an attached document and note ‘see attached’ in the ‘type comment’ field on the online submission form. Submissions should not exceed 30 single-spaced, standard letter-size pages in 12-point type, including attachments. Include any data attachments to the submission in the same file as the submission itself, and not as separate files.

You will receive a tracking number upon completion of the submission procedure at *Regulations.gov*. The tracking number is confirmation that *Regulations.gov* received the submission. Keep the confirmation for your records. USTR is not able to provide technical assistance for *Regulations.gov*. USTR may not consider documents you do not submit in accordance with these instructions. If you are unable to provide submissions as requested, please contact Joshua Kagan, Deputy Assistant U.S. Trade Representative for Labor, at [Joshua.M.Kagan@ustr.eop.gov](mailto:Joshua.M.Kagan@ustr.eop.gov) or (202) 395–2953, in advance of the August 15, 2020 deadline to arrange for an alternative method of transmission. General information concerning USTR is available at [www.ustr.gov](http://www.ustr.gov).

### III. Business Confidential Submissions

If you ask USTR to treat information you submitted as business confidential information (BCI), you must certify that the information is business confidential and you would not customarily release it to the public. You must clearly designate BCI by marking the submission “BUSINESS CONFIDENTIAL” at the top and bottom of the cover page and each succeeding page, and indicating, via brackets, the specific information that is BCI.

Additionally, you must include ‘Business Confidential’ in the ‘type comment’ field. For any submission containing BCI, you must separately submit a non-confidential version, *i.e.*, not as part of the same submission with the confidential version, indicating where BCI has been redacted. USTR will post the non-confidential version in the docket and it will be open to public inspection.

### ANNEX—USMCA Procedural Guidelines

#### Summary

The Interagency Labor Committee for Monitoring and Enforcement (Committee) announces the procedures for the receipt and review of petitions and information pursuant to the United States-Mexico-Canada Agreement (USMCA) Chapter 23 (Labor Chapter) and Annex 31–A (Facility-Specific Rapid Response Labor Mechanism, hereafter Rapid Response Mechanism), under Section 716 of the USMCA Implementation Act (Pub. L. 116–113) (Implementation Act). Direct petitions and information discussed below to the Department of Labor, Bureau of International Labor Affairs (ILAB), Office of Trade and Labor Affairs (OTLA), for Committee consideration.

For purposes of receiving petitions and information discussed below, the OTLA’s contact information is: Office of Trade and Labor Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW, Room S–5315, Washington, DC 20210, *USMCA-petitions@dol.gov*, telephone number 202–693–4887.

#### Section A. Definitions

*Another Party or other Party* means a country other than the United States that is a Party to the USMCA.

*Covered facility* means a facility in the territory of Mexico that is in a Priority Sector and (i) produces a good, or supplies a service, traded between the Parties, or (ii) produces a good, or supplies a service, that competes in the territory of a Party with a good or a service of the United States.

*Days* means calendar days, unless otherwise specified.

*Denial of rights* means a denial of the right of free association and collective bargaining under Mexican legislation that complies with Annex 23–A (Worker Representation in Collective Bargaining in Mexico) of the USMCA.

*Enterprise* means an entity constituted or organized under applicable law, whether or not for profit, and whether privately owned or

governmentally owned or controlled, including a corporation, trust, partnership, sole proprietorship, joint venture, association or similar organization.

*Labor Chapter* means Chapter 23, including Annex 23–A of the USMCA.

*Labor obligations* means obligations under the Labor Chapter, including Annex 23–A.

*Labor organization* includes any organization of any kind, including local, provincial, territorial, state, national, and international organizations or federations, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.

*Party* means a Party to the USMCA.

*Person* means a natural person or an enterprise.<sup>1</sup>

*Petition* means a written statement to the Committee asserting that there is a denial of rights at a covered facility (Rapid Response Petition) or any other failure to comply with the obligations of another Party under the Labor Chapter of the USMCA (Labor Chapter Petition).<sup>2</sup>

*Petitioner* means any person that files a petition.

*Priority sector* means a sector that produces manufactured goods, including but not limited to, aerospace products and components, autos and auto parts, cosmetic products, industrial baked goods, steel and aluminum, glass, pottery, plastic, forgings, and cement; supplies services; or involves mining.

#### Section B. The Committee

1. In accordance with Section 711 of the Implementation Act, the Committee, co-chaired by the U.S. Trade Representative and the Secretary of Labor,<sup>3</sup> has been established to coordinate United States efforts with respect to each Party:

a. To monitor the implementation and maintenance of the labor obligations.

b. To monitor the implementation and maintenance of Mexico’s labor reform.

<sup>1</sup> For greater certainty, “person” includes labor organizations and non-governmental organizations.

<sup>2</sup> “Petitions with accompanying information” for purposes of this document are similar to “submissions” as that term is used in the OTLA Procedural Guidelines regarding other free trade agreements. See Bureau of International Affairs; Notice of Reassignment of Functions of Office of Trade Agreement Implementation to Office of Trade and Labor Affairs; Notice of Procedural Guidelines, 71 FR 76691 (December 14, 2006).

<sup>3</sup> The day-to-day operations of the Committee will be carried out by the Assistant U.S. Trade Representative for Labor Affairs, Office of the United States Trade Representative (USTR), and the Deputy Undersecretary for International Affairs at the U.S. Department of Labor.

c. To request enforcement actions with respect to a Party that is not in compliance with such labor obligations.

2. The Committee will review petitions and accompanying information regarding another Party's labor obligations arising under the USMCA, as set out in Section D.

3. In connection with any of its activities, the Committee may consider any information received from the public, including by means of the Department of Labor-monitored web-based hotline referred to in Section 717 of the Act.

4. The ILAB is the designated contact point, in regular consultation and coordination with the USTR Office of Labor Affairs, pursuant to Article 23.15 of the Labor Chapter. Submit petitions and information for Committee consideration to the ILAB's OTLA.

### Section C. Petitions and Accompanying Information

1. Any person of a Party may, through the OTLA, file a Rapid Response Petition or Labor Chapter Petition with the Committee.

2. A petition may be accompanied by information, as described below.

3. When the OTLA receives a petition, information for the Committee, or both, the OTLA will notify, and forward it to, the Committee. Upon receipt of a petition with accompanying information, the Committee will follow the relevant review procedures identified in Section D.<sup>4</sup>

4. A petition must be in writing and be dated. The Committee prefers submissions to OTLA by electronic means in searchable formats, but will accept a petitions by hand delivery or mail, including by courier. The Committee encourages any petitioner that does not submit electronically to provide electronic versions of all documents.

5. Any person may provide information for the Committee to the OTLA. The information should be in written format, when practicable. Written information may be provided by electronic means, hand delivery, or mail, including courier. Clear identification of the person sending information will facilitate follow-up communication, and is encouraged where feasible.

#### Rapid Response Petitions

6. Any Rapid Response Petition must:

a. Identify the person filing the petition, as well as the person's physical

or email address, and other contact information.

b. Identify the facility to which the petition pertains.

c. Provide a description, including facts with sufficient specificity, of the matter alleged to constitute a denial of rights.

7. The Committee recommends that, as relevant and to the extent possible, each Rapid Response Petition be accompanied by information that supports the petitioner's allegation and addresses:

a. Whether the facility to which the petition pertains is a covered facility.

b. The laws, and specific provisions thereof, of Mexico with which there is alleged non-compliance.

c. Whether relief has been sought under the domestic laws or procedures of Mexico, and, if so, the status of any proceedings.

d. Whether any matter referenced in the petition has been addressed by, or is pending before, any international body.

#### Labor Chapter Petitions

8. Any Labor Chapter Petition must identify:

a. The person filing the petition, as well as the person's physical or email address, and other contact information.

b. The other Party alleged to be out of compliance with an obligation under the Labor Chapter.

c. Reasons, including facts with sufficient specificity, supporting the petitioner's allegation that the other Party is out of compliance.

9. The Committee recommends that, as relevant and to the extent possible, each Labor Chapter Petition be accompanied by information that supports the allegation and addresses:

a. The particular obligation in the Labor Chapter with which the petitioner considers there is non-compliance.

b. Whether there has been harm to the petitioner or other persons, and, if so, to what extent.

c. For claims alleging a failure by a Party to effectively enforce labor laws under Article 23.5, whether there has been a sustained or recurring course of action or inaction of non-enforcement of labor law by another Party.

d. Whether the matter referenced in the petition occurred in a manner affecting trade or investment.

e. Whether relief has been sought under the domestic laws or procedures of the other Party, and, if so, the status of any proceedings.

f. Whether any matter referenced in the petition has been addressed by, or is pending before, any international body.

### Section D. Review of a Petition

#### Rapid Response Petition

1. When the Committee receives a Rapid Response Petition with accompanying information, the Committee will review the Petition and information within 30 days of their receipt by the OTLA and determine whether there is sufficient, credible evidence of a denial of rights at the covered facility to enable the good-faith invocation of enforcement mechanisms.

2. If the Committee decides that there is sufficient, credible evidence of a denial of rights at the covered facility to enable the good faith invocation of enforcement mechanisms, the Committee will inform the U.S. Trade Representative for purposes of submitting a request for review in accordance with Article 31–A.4 of the USMCA.

3. If the Committee determines that there is not sufficient, credible evidence of a denial of rights at the covered facility to enable the good faith invocation of enforcement mechanisms, the Committee will certify that determination to the United States Senate Committee on Finance, the United States House of Representatives Ways and Means Committee, and the petitioner.

#### Labor Chapter Petition

4. When the Committee receives a Labor Chapter Petition with accompanying information, the Committee will review the Petition and information not later than 20 days after they were received by the OTLA.

5. If, after the review provided for in paragraph 4 of this section, the Committee determines that further review is warranted, the Committee will conduct a further review focused exclusively on determining, not later than 60 days after the date of submission, whether there is sufficient, credible evidence that the other Party is not in compliance with its labor obligations, for purposes of initiating enforcement action under Chapter 23 or Chapter 31 of the USMCA.

6. If the Committee determines that there is sufficient, credible evidence that the other Party is not in compliance with its obligations under the Labor Chapter for purposes of initiating enforcement action under Chapter 23 or Chapter 31 of the USMCA, the Committee will immediately so inform the U.S. Trade Representative.

#### Process and Considerations for Determinations

7. In making a determination identified in paragraph 1 or 5 of this

<sup>4</sup>For the United States, a written submission for purposes of USMCA Article 23.11 triggers the review procedures identified in Section D when it is a petition with accompanying information.

section, the Committee may consider, among other things, whether:

- a. The petition clearly identifies the petitioner, and is dated.
  - b. The petition and accompanying information enable a determination of the scope and nature of the alleged non-compliance and permit an appropriate review.
  - c. Relief has been sought under the domestic laws of the other Party.
  - d. The matter or a related matter has been addressed by, or is pending before, any international body.
8. In making any determination identified in this section, the Committee may, among other things:
- a. Consider views expressed by the public.
  - b. Consult with:
    - i. Officials of the United States government.
    - ii. Officials of any State or local government.
    - iii. Officials of any foreign government.
    - iv. The designated contact point of the relevant Party.
    - v. Labor organizations.
    - vi. Non-government representatives.
    - vii. Advisory committees.
    - viii. The petitioner.
  9. The Committee may keep the petitioner apprised of the status of a review, including of a review determination.

#### Section E. Confidentiality

1. Information provided by a person or another Party to the Committee in confidence shall be treated as exempt from public inspection if the information meets the requirements of 5 U.S.C. 552(b) of the Freedom of Information Act or if otherwise permitted by law.
2. The Committee recommends that each person or Party requesting such treatment clearly mark "provided in confidence" on each page or portion of a page so provided and furnish an explanation as to the need for exemption from public inspection.
3. The OTLA and the Committee are sensitive to the confidentiality needs of a person requesting confidential treatment of information and will make every effort to protect a natural person's identity pursuant to the law.

#### Lewis Karesh,

*Assistant United States Trade Representative for Labor, Office of the United States Trade Representative.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA-2019-0032]

#### Surface Transportation Project Delivery Program; Alaska Department of Transportation Second Audit Report

**AGENCY:** Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** The Moving Ahead for Progress in the 21st Century Act (MAP-21) established the Surface Transportation Project Delivery Program that allows a State to assume FHWA's environmental responsibilities for environmental review, consultation, and compliance under the National Environmental Policy Act (NEPA) for Federal highway projects. When a State assumes these Federal responsibilities, the State becomes solely responsible and liable for carrying out the responsibilities it has assumed, in lieu of FHWA. This program mandates annual audits during each of the first 4 years of State participation to ensure compliance with program requirements. This notice makes available the final second audit report for the Alaska Department of Transportation and Public Facilities (DOT&PF).

**FOR FURTHER INFORMATION CONTACT:** Mr. David T. Williams, Office of Project Development and Environmental Review, (202) 366-4074, [David.Williams@dot.gov](mailto:David.Williams@dot.gov), or David Sett, Office of the Chief Counsel, (404) 562-3676, [David.Sett@dot.gov](mailto:David.Sett@dot.gov), Federal Highway Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20905. Office hours are from 8:00 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this notice may be downloaded from the specific docket page at [www.regulations.gov](http://www.regulations.gov).

##### Background

The Surface Transportation Project Delivery Program, codified at 23 U.S.C. 327, commonly known as the NEPA Assignment Program, allows a State to assume FHWA's environmental responsibilities for review, consultation, and compliance for Federal highway projects. When a State assumes these Federal responsibilities, the State becomes solely liable for carrying out the responsibilities it has assumed, in lieu of FHWA. The DOT&PF published

its application for NEPA assumption on May 1, 2016, and made it available for public comment for 30 days. After considering public comments, DOT&PF submitted its application to FHWA on July 12, 2016. The application served as the basis for developing a memorandum of understanding (MOU) that identified the responsibilities and obligations that DOT&PF would assume. The FHWA published a notice of the draft MOU in the **Federal Register** on August 25, 2017, with a 30-day comment period to solicit the views of the public and Federal agencies. After the close of the comment period, FHWA and DOT&PF considered comments and proceeded to execute the MOU. Effective November 13, 2017, DOT&PF assumed FHWA's responsibilities under NEPA, and the responsibilities for NEPA-related Federal environmental laws described in the MOU.

Section 327(g) of title 23, U.S.C., requires the Secretary of Transportation to conduct annual audits during each of the first 4 years of State participation. After the fourth year, the Secretary shall monitor the State's compliance with the written agreement. The FHWA published a notice in the **Federal Register** at 85 FR 8089 on February 12, 2020, soliciting comments for 30 days, pursuant to 23 U.S.C. 327(g). The FHWA received comments on the draft report from the American Road & Transportation Builders Association (ARTBA). The ARTBA's comments were supportive of the Surface Transportation Project Delivery Program and did not relate specifically to the audit. The team has considered these comments in finalizing this audit report. This notice makes available the final report of DOT&PF's second audit under the program.

**Authority:** Section 1313 of Public Law 112-141; Section 6005 of Public Law 109-59; 23 U.S.C 327; 23 CFR part 773.

#### Nicole R. Nason,

*Administrator, Federal Highway Administration.*

#### Surface Transportation Project Delivery Program, FHWA Audit of the Alaska Department of Transportation

April 15-19, 2019

#### Executive Summary

This report summarizes the results of the Federal Highway Administration's (FHWA) second audit of the Alaska Department of Transportation and Public Facilities' (DOT&PF) assumption of FHWA's project-level National Environmental Policy Act (NEPA) responsibilities and obligations pursuant to a 23 U.S.C. 327