

(ii) The recipient is not the subject of an investigation for possible breach of administrative protective order under this section at the end of the two-year period. Upon the completion of such a pending breach investigation without the issuance of a sanction, the original sanction shall be expunged. The Secretary shall notify a sanction recipient in the event that the sanction is expunged.

(f) *Service.* (1) Any party filing written submissions that include confidential business information to the Commission during an investigation shall at the same time serve complete copies of such submissions upon all authorized applicants specified on the list established by the Secretary pursuant to paragraph (a)(4) of this section, and, except as provided in § 208.20(c), a nonconfidential version on all other parties. All such submissions must be accompanied by a certificate attesting that complete copies of the submission have been properly served. In the event that a submission is filed before the Secretary's list is established, the document need not be accompanied by a certificate of service, but the submission shall be served within two (2) days of the establishment of the list and a certificate of service shall then be filed.

(2) A party may seek an exemption from the service requirement of paragraph (f)(1) of this section for particular confidential business information by filing a request for exemption from disclosure in accordance with paragraph (g) of this section. The Secretary shall promptly respond to the request. If a request is granted, the Secretary shall accept the information. The party shall file three versions of the submission containing the information in accordance with paragraph (g) of this section, and serve the submission in accordance with the requirements of § 208.20(b) and paragraph (f)(1) of this section, with the specific information as to which exemption from disclosure under administrative protective order has been granted redacted from the copies served. If a request is denied, the copy of the information lodged with the Secretary shall promptly be returned to the requester.

(3) The Secretary shall not accept for filing into the record of an investigation submissions filed without a proper certificate of service. Failure to comply with paragraph (f) of this section may result in denial of party status and such sanctions as the Commission deems appropriate. Confidential business information in submissions must be clearly marked as such when submitted

by enclosing such information within brackets, and it must be segregated from other material being submitted.

(g) *Exemption from disclosure.* (1) *In general.* Any person may request exemption from the disclosure of confidential business information under administrative protective order, whether the person desires to include such information in a petition filed under this part, or any other submission to the Commission during the course of an investigation under this part. Such a request shall be granted only if the Secretary finds that such information is non-disclosable confidential business information. As defined in § 201.6(a)(2) of this chapter, non-disclosable confidential business information is privileged information, classified information, or specific information (*e.g.*, trade secrets) of a type for which there is a clear and compelling need to withhold from disclosure.

(2) *Request for exemption.* A request for exemption from disclosure must be filed with the Secretary in writing with the reasons therefor. At the same time as the request is filed, one copy of the confidential business information in question must be lodged with the Secretary solely for the purpose of obtaining a determination as to the request. The confidential business information for which exemption from disclosure is sought shall remain the property of the requester, and it shall not become or be incorporated into any agency record until such time as the request is granted. A request should, when possible, be filed two business days prior to the deadline, if any, for filing the document in which the information for which exemption from disclosure is sought is proposed to be included. The Secretary shall promptly notify the requester as to whether the request has been approved or denied.

(3) *Procedure if request is approved.* If the request is approved, the person shall file three versions of the submission containing the non-disclosable confidential business information in question. One version shall contain all confidential business information, bracketed in accordance with § 201.6 of this chapter and § 208.20(c), with the specific information as to which exemption from disclosure was granted enclosed in triple brackets. This version shall have the following warning marked on every page: "CBI exempted from disclosure under APO enclosed in triple brackets." The other two versions shall conform to and be filed in accordance with the requirements of § 201.6 of this chapter and § 208.20(c), except that the specific information as to which exemption from

disclosure was granted shall be redacted from those versions of the submission.

(4) *Procedure if request is denied.* If the request is denied, the copy of the information lodged with the Secretary shall promptly be returned to the requester.

Issued: June 22, 2020.

By order of the Commission.

**William Bishop,**

*Supervisory Hearings and Information Officer.*

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**BILLING CODE 7020-02-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### 19 CFR Part 351

[Docket Number: 200626-0171]

RIN 0625-AB19

#### Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period

**AGENCY:** Enforcement and Compliance, International Trade Administration, Commerce.

**ACTION:** Temporary final rule; extension of effective period.

**SUMMARY:** In March, the Department of Commerce (Commerce) implemented temporary modifications to its service regulations to enable non-U.S. Government personnel responsible for serving documents in the Enforcement & Compliance's (E&C) antidumping and countervailing duty (AD/CVD) cases to work remotely. Through this extension, Commerce extends the duration of these temporary modifications until further notice.

**DATES:** The temporary final rule published on March 26, 2020 (85 FR 17006), which was extended on May 18, 2020 (85 FR 29615), is further extended indefinitely. At this time, Commerce is not establishing a termination date. Instead, the temporary modifications will remain in place until further notice, and Commerce will publish a document announcing the termination date in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Evangeline D. Keenan, Director, APO/ Dockets Unit, at (202) 482-3354.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 26, 2020, E&C published a temporary final rule in the **Federal Register**, temporarily modifying certain requirements for serving documents

containing business proprietary information in AD/CVD proceedings administered by E&C until May 19, 2020, unless extended. *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006 (March 26, 2020) (*Temporary Final Rule*). On May 18, 2020, E&C published a notification extending the temporary modifications through July 17, 2020. *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 29615 (May 18, 2020). The temporary modifications were implemented to facilitate the effectuation of service through electronic means, with the goal of promoting public health and slowing the spread of COVID-19 while at the same time permitting the continued administration of AD/CVD proceedings. E&C explained that the service requirements in its regulations are often effectuated by hand delivery or by U.S. mail delivery of hard copy documents, which frequently takes place in an office setting. In turn, this could pose a risk to the personnel tasked with serving or accepting service by hand or mail, as well as those around them. Based on these circumstances, E&C announced that it would temporarily deem service of submissions containing business proprietary information (BPI) to be effectuated when the BPI submissions are filed by parties in ACCESS, with certain exceptions. With the continued goal of promoting public health during these times while at the same time permitting the continued administration of AD/CVD proceedings, E&C is extending the date through which the modified service requirements in the *Temporary Final Rule* will be in effect. This is the second extension of the temporary final rule. For efficiency purposes, and with the continued goal identified above in mind, instead of again setting a termination date for the temporary final rule, the temporary final rule will remain in effect until further notice. Commerce will publish a document announcing the termination date in the **Federal Register**.

#### Extension

The modified service requirements announced in the *Temporary Final Rule* will remain in effect until further notice.

#### Classification

##### *Administrative Procedure Act*

The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and the opportunity for public participation are waived for good cause because they

would be impracticable and contrary to the public interest. (See 5 U.S.C. 553(b)(B)). Interested parties participating in E&C's AD/CVD proceedings are generally required to serve other interested parties with documents they submit to E&C. If notice and comment were to be allowed, parties submitting documents containing BPI information to E&C likely either would be unable to serve other parties in the manners prescribed in E&C's regulations, or potentially would put their health and safety at risk in doing so. COVID-19 was unexpected and this circumstance could not have been foreseen; therefore E&C could not have prepared ahead of time for this set of circumstances. The provision of the Administrative Procedure Act otherwise requiring a 30-day delay in effectiveness is also waived for those same reasons, which constitute good cause. (5 U.S.C. 553(d)(3)).

##### *Executive Order 12866*

The Office of Management and Budget (OMB) has determined that this temporary rule is not significant for purposes of Executive Order 12866.

##### *Executive Order 13771*

This temporary rule is not expected to be subject to the requirements of Executive Order 13771 because this temporary rule is not significant for purposes of Executive Order 12866.

##### *Paperwork Reduction Act*

This temporary rule contains no new collection of information subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

##### *Executive Order 13132*

This temporary rule does not contain policies with federalism implications as that term is defined in section 1(a) of Executive Order 13132, dated August 4, 1999 (64 FR 43255 (August 10, 1999)).

##### *Regulatory Flexibility Act*

The analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable because no general notice of proposed rulemaking was required for this action. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

**Authority:** 5 U.S.C. 301; 19 U.S.C. 1202 note; 19 U.S.C. 1303 note; 19 U.S.C. 1671 *et seq.*; and 19 U.S.C. 3538.

Dated: June 29, 2020.

##### **Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Part 75

[Docket No. MSHA-2013-0032]

RIN 1219-AB84

#### Refuge Alternatives for Underground Coal Mines

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Final action.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is notifying the mining community and other interested parties of the Agency's determination that the existing standards addressing the frequency of miners' training on refuge alternatives for underground coal mines effectively protect miners' safety and will remain in effect without change. This determination responds to a decision from the United States Court of Appeals for the District of Columbia Circuit.

**DATES:** July 10, 2020.

#### **FOR FURTHER INFORMATION CONTACT:**

Roslyn B. Fontaine, Deputy Director, Office of Standards, Regulations, and Variances, MSHA, 201 12th Street South, Arlington, VA 22202 (mail); [Fontaine.Roslyn@dol.gov](mailto:Fontaine.Roslyn@dol.gov) (email); 202-693-9440 (voice); or 202-693-9441 (facsimile). These are not toll-free numbers.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On December 31, 2008, MSHA published a final rule, *Refuge Alternatives for Underground Coal Mines*, establishing requirements for refuge alternatives in underground coal mines.<sup>1</sup> See 73 FR 80656; see generally 30 CFR part 7, subpart L; *id.* part 75, subpart P. The final rule requires mine operators to provide training regarding the deployment and use of refuge alternatives, including three types of training—annual motor-task (hands-on), decision-making, and expectations training. 30 CFR 75.1504(c). Motor-task (hands-on) training consists of performing activities necessary to safely and effectively deploy and use a refuge alternative and its components. Decision-making training consists of learning when it is appropriate to use refuge alternatives rather than to

<sup>1</sup> A refuge alternative is a protected, secure space with an isolated atmosphere and integrated components that create a life-sustaining environment for persons trapped in an underground coal mine. 30 CFR 7.502.