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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–1113; Project Identifier MCAI–2019–00117–E; Amendment 39–21161; AD 2020–14–07]

RIN 2120–AA64

Airworthiness Directives; Austro Engine GmbH Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Austro Engine GmbH model E4 and E4P diesel piston engines. This AD was prompted by reports of considerable wear of the timing chain and failure of fuel injectors on these engines. This AD requires replacement of the timing chain and fuel injectors on the affected Austro Engine GmbH model E4 and E4P diesel piston engines. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 25, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 25, 2020.

ADDRESSES: For service information identified in this final rule, contact Austro Engine GmbH, Rudolf-Diesel-Strasse 11, A–2700 Weiner Neustadt, Austria; phone: +43 2622 23000; fax: +43 2622 23000–2711; website: *www.austroengine.at.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1113.

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–2019–1113; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The 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: Mehdi Lamnyi, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7743; fax: 781–238–7199; email: *Mehdi.Lamnyi@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Austro Engine GmbH model E4 and E4P diesel piston engines. The NPRM published in the **Federal Register** on March 20, 2020 (85 FR 16014). The NPRM was prompted by reports of considerable wear of the timing chain and failure of fuel injectors on these engines. The NPRM proposed to require replacement of the timing chain and fuel injectors on the affected Austro Engine GmbH model E4 and E4P diesel piston engines. The FAA is issuing this AD to address the unsafe condition on these products.

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2019–0041, dated February 25, 2019 (referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

The airworthiness limitations and maintenance tasks for the Austro Engine E4 and E4P engines, which are approved by EASA, are currently defined and published in the Austro Engine MM, Chapter 04. These instructions have been identified as mandatory for continued airworthiness.

Failure to accomplish these instructions could result in an unsafe condition.

Austro Engine recently revised the ALS, introducing life limit for the engine timing chain and for the fuel injectors. For the reason described above, this [EASA] AD requires accomplishment of the actions specified in the ALS.

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–2019–1113.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Austro Engine Mandatory Service Bulletin (MSB) No. MSB–E4–025, Rev. No. 3, dated January 8, 2019. The MSB describes procedures for replacing the fuel injectors. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA reviewed Austro Engine Maintenance Manual (MM) Temporary Revision (TR) MM–TR–MDC–E4–454, dated October 3, 2018. The MM TR updates the time limits for the fuel injectors and timing chain and describes procedures for updating the Airworthiness Limitation Section in the existing approved MM.

Costs of Compliance

The FAA estimates that this AD affects 263 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace the timing chain	2.5 work-hours × $85 per hour = $212.50	$2,980	$3,192.50	$839,627.50
Replace the fuel injectors	2.5 work-hours × $85 per hour = $212.50	2,590	2,802.50	737,057.50

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

(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):

2020–14–07 Austro Engine GmbH: Amendment 39–21161; Docket No. FAA–2019–1113; Project Identifier MCAI–2019–00117–E.

(a) Effective Date

This AD is effective August 25, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Austro Engine GmbH Model E4 and E4P diesel piston engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7322, Fuel Control/Reciprocating Engines and Code 8520, Reciprocating Engine Power Section.

(e) Unsafe Condition

This AD was prompted by reports of considerable wear of the timing chain and failure of fuel injectors on the affected engines. The FAA is issuing this AD to prevent failure of the timing chain and fuel injectors. The unsafe condition, if not addressed, could result in loss of engine thrust control and reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For engines that have had a windmill restart before the effective date of this AD or for engines with a timing chain in which it cannot be determined if the engine has experienced any windmilling, after the effective date of this AD, remove the timing chain and replace with a part eligible for installation as follows, whichever occurs later:

(i) Before the timing chain exceeds 900 flight hours (FHs) since new, or;

(ii) Within 100 FHs after the windmilling restart, or;

(iii) Before further flight.

(2) For engines that have a windmill restart after the effective date of this AD, remove the timing chain before it exceeds 900 FHs since new or within 100 FHs after the windmilling restart, whichever occurs later, and replace with a part eligible for installation.

(3) Remove the fuel injectors and replace with parts eligible for installation before they exceed 900 FHs since new or before further flight after the effective date of this AD, whichever occurs later.

(i) Use Accomplishment/Instructions, paragraph 2.1, of Austro Engine Mandatory Service Bulletin (MSB) No. MSB–E4–025, Rev. No. 3, dated January 8, 2019, to perform the required actions in paragraph (g)(3) of this AD.

(ii) [Reserved]

(4) Thereafter, repeat the replacement of the fuel injectors required by paragraph (g)(3) of this AD at intervals not exceeding 900 FHs since new.

(h) Exception to Paragraph (g)(3)(i)

The tagging and returning of the removed fuel injectors to the manufacturer, referenced in the Accomplishment/Instructions, paragraph 2.1, of Austro Engine MSB No. MSB–E4–025, Rev. No. 3, dated January 8, 2019, are not required by this AD.

(i) Credit for Previous Actions

You may take credit for the replacement of the timing chain that is required by paragraph (g)(1) of this AD if you performed this replacement before the effective date of this AD using Austro Engine MSB No. MSB–E4–017/2, Revision 2, dated December 2, 2016.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

(1) For more information about this AD, contact Mehdi Lamnyi, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA, 01803; phone: 781–238–7743; fax: 781–238–7199; email: *Mehdi.Lamnyi@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2019–0041, dated February 25, 2019, for more information. You

may examine the EASA AD in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–1113.

(l) 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 the AD specifies otherwise.

(i) Austro Engine Mandatory Service Bulletin No. MSB–E4–025, Rev. No. 3, dated January 8, 2019.

(ii) [Reserved]

(3) For Austro Engine GmbH service information identified in this AD, contact Austro Engine GmbH, Rudolf-Diesel-Strasse 11, A–2700 Weiner Neustadt, Austria; phone: +43 2622 23000; fax: +43 2622 23000–2711; website: *www.austroengine.at.*

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781–238–7759.

(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 July 9, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–15606 Filed 7–20–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1271

[Docket No. FDA–2017–D–6146]

Regulatory Considerations for Human Cells, Tissues, and Cellular and Tissue-Based Products: Minimal Manipulation and Homologous Use; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry and FDA staff entitled ''Regulatory Considerations for Human Cells, Tissues, and Cellular and Tissue-Based Products: Minimal Manipulation and Homologous Use.'' The guidance does not alter FDA's current thinking on the regulatory criteria of minimal manipulation and homologous use for human cells, tissues, and cellular and tissue-based product (HCT/P). The guidance announced in this notice supersedes the guidance of the same title dated November 2017 and corrected December 2017. The guidance revises section V of the November 2017 guidance to communicate that the Agency is extending the period of time during which FDA intends to exercise enforcement discretion regarding certain regulatory requirements for certain HCT/Ps; this time period will run through May 31, 2021, instead of November 30, 2020.

DATES: The announcement of the guidance is published in the **Federal Register** on July 21, 2020.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–6146 for ''Regulatory Considerations for Human Cells, Tissues, and Cellular and Tissue-Based Products: Minimal Manipulation and Homologous Use.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Jessica Walker Udechukwu, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911; or Andrew Yeatts, Office of Device Evaluation, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5510, Silver Spring, MD 20993–0002, 301–796–4539; or Leigh Hayes, Office of Combination Products, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5127, Silver Spring, MD 20993–0002, 301–796–8938.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Regulatory Considerations for Human Cells, Tissues, Cellular and Tissue-Based Products: Minimal Manipulation and Homologous Use.'' This guidance is being issued consistent with FDA's good guidance practices regulation (§ 10.115 (21 CFR 10.115)). The Agency is soliciting public comment, but is implementing this guidance immediately, because the Agency has determined that prior public participation is not feasible or appropriate. Although this guidance document is immediately in effect, it remains subject to comment in accordance with FDA's good guidance practices regulation.

The guidance does not alter FDA's current thinking on the regulatory criteria of minimal manipulation and homologous use for human cells, tissues, and cellular and tissue-based product (HCT/P) as described in the November 2017 guidance of the same name and corrected in December 2017. The only substantive change to this guidance is to revise section V of the November 2017 guidance to communicate that FDA intends to exercise enforcement discretion for certain regulatory requirements for certain HCT/Ps for a longer period of time, *i.e.,* through May 31, 2021, instead of November 30, 2020. This will give manufacturers additional time to determine if they need to submit an investigational new drug (IND) or marketing application and, if such an application is needed, to prepare the IND or marketing application. Such additional time is warranted in light of the Coronavirus Disease 2019 (COVID–19) public health emergency, which has presented unique challenges in recruiting clinical trial participants and carrying out clinical trials.

As described in the guidance, FDA generally intends to exercise enforcement discretion with respect to the IND and the premarket approval requirements for HCT/Ps that do not meet one or more of the 21 CFR 1271.10(a) criteria, provided that use of the HCT/P does not raise reported safety concerns or potential significant safety concerns. FDA intends to continue to focus enforcement actions on products with higher risk, including based on the route and site of administration.

This guidance is being issued consistent with FDA's good guidance practices regulation (§ 10.115(g)(2)). The guidance represents the current thinking of FDA on ''Regulatory Considerations for Human Cells, Tissues, and Cellular and Tissue-Based Products: Minimal Manipulation and Homologous Use.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required.

However, this guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 1271 have been approved under OMB control number 0910–0543.

III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances; https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products; https://www.fda.gov/combination-products/guidance-regulatory-information;* or *https://www.regulations.gov.*

Dated: July 15, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–15718 Filed 7–20–20; 8:45 am]

BILLING CODE 4164–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[EPA–HQ–OW–2018–0780, EPA–HQ–OW–2008–0692, EPA–HQ–OW–2009–0297; FRL–10011–21–OW]

RIN 2040–AF28

Drinking Water: Final Action on Perchlorate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final action.

SUMMARY: The Environmental Protection Agency (EPA) is announcing its withdrawal of the 2011 determination to regulate perchlorate in accordance with the Safe Drinking Water Act, (SDWA). On February 11, 2011, the EPA published a **Federal Register** document in which the Agency determined that perchlorate met the SDWA's criteria for regulating a contaminant. On June 26, 2019, the EPA published a proposed national primary drinking water regulation (NPDWR) for perchlorate and requested public comments on multiple alternative actions, including the alternative of withdrawing the 2011 regulatory determination for perchlorate. The EPA received approximately 1,500 comments on the proposed rulemaking. The EPA has considered these public comments and based on the best available information the Agency is withdrawing the 2011 regulatory determination and is making a final determination not to regulate perchlorate. The EPA has determined that perchlorate does not occur ''with a frequency and at levels of public health concern'' within the meaning of the SDWA. In addition, in the judgment of the EPA Administrator, regulation of perchlorate does not present a ''meaningful opportunity for health risk reduction for persons served by public water systems.'' Accordingly, the EPA is

withdrawing its 2011 determination and is making a final determination not to regulate perchlorate, and therefore will not issue a NPDWR for perchlorate at this time.

DATES: For purposes of judicial review, the regulatory determination in this document is issued as of July 21, 2020.

FOR FURTHER INFORMATION CONTACT: Samuel Hernandez, Office of Ground Water and Drinking Water, Standards and Risk Management Division (Mail Code 4607M), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 564–1735; email address: *hernandez.samuel@epa.gov.*

SUPPLEMENTARY INFORMATION: This document is organized as follows:

I. General Information

A. Does this action apply to me?

This action will not impose any requirements on anyone. Instead, this action notifies interested parties of the EPA's withdrawal of the 2011 regulatory determination for perchlorate and the final regulatory determination not to regulate perchlorate. Section IV of this document provides a summary of the key comments received on the June 26, 2019 (84 FR 30524) proposed NPDWR for perchlorate (referred to hereinafter as ''the 2019 proposal'').

B. How can I get copies of this document and other related information?

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OW–2018–0780. Publicly available docket materials are available electronically at *https://www.regulations.gov/docket?D=EPA-HQ-OW-2018-0780.*

II. Background

A. What is perchlorate?

Perchlorate is a negatively charged inorganic ion that is composed of one chlorine atom bound to four oxygen atoms (ClO_4-), which is highly stable and mobile in the aqueous environment. Perchlorate comes from both natural and manmade sources. It is formed naturally via atmospheric processes and can be found within mineral deposits in certain geographical areas. It is also produced in the United States by industrial processes, and the most commonly produced compounds include ammonium perchlorate and potassium perchlorate used primarily as oxidizers in solid fuels to power rockets, missiles, and fireworks. Perchlorate can also result from the degradation of hypochlorite solutions used for water disinfection. The degradation into perchlorate occurs when hypochlorite solutions are improperly stored and handled. For the general population, most perchlorate exposure is through the ingestion of contaminated food or drinking water. Above certain levels, perchlorate can prevent the thyroid gland from getting enough iodine, which can affect thyroid hormone production. The consequences of insufficient thyroid hormone levels during human growth and development are well known. For pregnant women with low iodine levels, sufficient changes in thyroid hormone levels may cause changes in the child's brain development. In a 2005 report entitled ''Health Implications of Perchlorate Ingestion'', the National Research Council stated that: ''*fetuses and preterm newborns constitute the most sensitive populations although infants and developing children are also considered sensitive populations*'' (NRC, 2005). The existence of a quantifiable relationship between thyroid hormone changes and neurodevelopmental outcomes has strong support from the literature on the subject; however, not every study identifies an association between maternal thyroid hormone levels and the neurodevelopmental outcomes, and the state of the science on this relationship is constantly evolving.

B. What is the purpose of this action?

The purpose of this action is to publish the EPA's notice to withdraw the 2011 regulatory determination, one of the alternative options in the 2019 proposal, and to issue a final determination not to regulate perchlorate in drinking water. This document presents the EPA's basis for this withdrawal and final regulatory determination, and the EPA's response to key issues raised by commenters in response to the 2019 proposal.

C. What is the EPA's statutory authority for this action?

The SDWA sets forth three criteria that must be met for the EPA to issue a maximum contaminant level goal (MCLG) and promulgate a national primary drinking water regulation (NPDWR). Specifically, the Administrator must determine that (1) ''the contaminant may have an adverse effect on the health of persons''; (2) ''the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern''; and (3) ''in the sole judgment of the Administrator, regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems'' (SDWA 1412(b)(1)(A)).

SDWA 1412(b)(1)(B) sets out the process for the EPA to establish drinking water standards for an unregulated contaminant. As explained in more detail below, in 2011, the EPA issued a determination that perchlorate met the three statutory criteria outlined above and therefore should be regulated. Under the statute, a determination to regulate triggers a duty for the EPA to issue a proposed drinking water standard within two years and a final rule 18 months later (with the possibility of a 3 month extension). SDWA 1412(b)(1)(E). The EPA subsequently published a proposed drinking water standard for perchlorate, and alternatives including the withdrawal of the 2011 regulatory determination, in 2019. The promulgation of a final drinking water standard would, when effective, require monitoring of public water supplies for the contaminant and treatment as necessary to meet the regulatory standard.

The EPA has determined, based on reviewing data and analysis obtained since the issuance of the 2011 regulatory determination, that perchlorate does not meet the statutorily-prescribed criteria for regulation. As described in Sections III & VI of the 2019 proposal, the data

and analysis in the record indicate that perchlorate does not occur in public water systems with a frequency and at levels of public health concern. Specifically, the peer-reviewed health effects analysis indicates that the estimated concentrations of perchlorate that may represent levels of public health concern (*i.e.,* the proposed MCLG levels, 18–90 µg/L) is higher than the concentration considered in issuance of the 2011 regulatory determination (1–47 µg/L) (USEPA, 2019a). In addition, based on a re-evaluation of the nationally representative First Unregulated Contaminant Monitoring Rule (UCMR 1) data, the updated occurrence analysis shows that the frequency of occurrence of perchlorate in public water systems at levels exceeding any of the alternative proposed MCLGs (18 µg/L–90 µg/L) is significantly lower (0.03%–0.002%) than the frequency considered in the analysis for the 2011 regulatory determination (4%–0.39%) (USEPA, 2019b). The EPA estimates that, even at the most stringent regulatory level considered in the 2019 proposal (18 µg/L), not more than 15 systems (0.03% of all water systems in the U.S. serving approximately 620,000 people) would need to take action to reduce levels of perchlorate. Based on this information, the EPA determines that perchlorate does not occur in public water systems ''with a frequency and at levels of public health concern'' and thus does not meet the second criterion of the three required for regulation under the SDWA. In addition, while the third criterion is ''in the sole judgment of the Administrator,'' the small number of water systems with perchlorate levels greater than identified thresholds, and the correspondingly small population served, provides ample support for the EPA's conclusion that the regulation of perchlorate does not present a ''meaningful opportunity for health risk reduction for persons served by public water systems,'' within the meaning of 1412(b)(1)(A)(iii). Accordingly, because perchlorate no longer meets the statutory criteria for regulation, the EPA does not have the authority to issue a MCLG or promulgate a NPDWR for perchlorate.

While the EPA has not previously withdrawn a regulatory determination, the decision is supported by the legislative history underlying the 1996 amendments to the SDWA, which repealed the statutory requirement for the EPA to regulate an additional 25 contaminants every 3 years and replaced it with the current requirement for the EPA to determine whether regulation is warranted for five contaminants every five years. In describing the need for such amendment, the legislative history points to the view expressed at the Committee Hearing that ''the current law is a one-size-fits-all program. It forces our water quality experts to spend scarce resources searching for dangers that often do not exist rather than identifying and removing real health risks from our drinking water'' (S. Rep. 104–169 (1995) at 12). This amendment reflected Congress' clear intent that the EPA prioritize actual health risks in determining whether to regulate any particular contaminant. *See id* at 12 (noting that the amendment ''repeals the requirement that the EPA regulate an additional 25 contaminants every 3 years replacing it with a new selection process that gives the EPA the discretion to identify contaminants that warrant regulation in the future'').

The EPA's decision to withdraw the regulatory determination is also consistent with Congress' direction to prioritize SDWA decisions based on the best available public health information. *See* 1412(b)(1)(B)(ii)(II) (findings supporting a determination to regulate ''shall be based on the best available public health information''); 1412(b)(2)(A) (requiring that the EPA use ''the best available, peer-reviewed science and supporting studies . . .'' in carrying out any actions under this section). Although the EPA determined in 2011 that perchlorate met the criteria for regulation, new data and analysis developed by the Agency as part of the 2019 proposal demonstrate that the occurrence and health effects information used as the basis for the 2011 determination no longer constitute ''best available information,'' are no longer accurate, and no longer support the Agency's prioritization of perchlorate for regulation. Accordingly, not only is the EPA not authorized to issue a MCLG or promulgate a NPDWR for perchlorate, but it would not be in the public interest for the EPA to do so.

The EPA recognizes that the SDWA does not include a provision explicitly authorizing withdrawal of a regulatory determination. However, such authority is inherent in the authority to issue a regulatory determination under 1412(b)(1)(B)(ii)(II), particularly given the requirement that such determination be based on the ''best available public health information,'' as discussed above. Accordingly, the EPA must have the inherent authority to withdraw a regulatory determination if the underlying information changes between regulatory determination and promulgation. In light of Congress's concern that the EPA focus new contaminant regulations on priority health concerns, Congress could not have intended that the EPA's regulatory decision-making be hamstrung by older data when newer, more accurate scientific and public health data are available, especially when those data demonstrate that regulation of a new contaminant would not present a meaningful opportunity for health risk reduction.

Moreover, the EPA notes that the statute specifically provides that a decision not to regulate a contaminant is a final Agency action subject to judicial review. SDWA 1412(b)(1)(B)(ii)(IV). Congress could have—but did not—specify the same with respect to determinations to regulate. Congress also did not explicitly prohibit the EPA from withdrawing or modifying a regulatory determination. Congress' silence with respect to determinations to regulate suggests that Congress intended that such a determination is not itself a final agency action, but rather a preliminary step in a decision-making process culminating in a NPDWR and thus subject to reconsideration based on new data and analysis considered during the 36 month promulgation process specified in the statute. Accordingly, reconsideration of this preliminary finding—and withdrawal of the determination based on subsequent analysis mandated for NPDWR development—is fully consistent with the statutory decision-making framework.

D. Statutory Framework and Perchlorate Regulatory History

Section 1412(b)(1)(B)(i) of the SDWA requires the EPA to publish every five years a Contaminant Candidate List (CCL). The CCL is a list of drinking water contaminants that are known or anticipated to occur in public water systems and are not currently subject to federal drinking water regulations. The EPA uses the CCL to identify priority contaminants for regulatory decision-making and information collection. The placement of a substance on the CCL does not require that it be regulated under the SDWA. Contaminants listed on the CCL may require future regulation under the SDWA. The EPA included perchlorate on the first, second, and third CCLs published in 1998 (63 FR 10274, March 2, 1998), 2005 (70 FR 9071, February 24, 2005), and 2009 (74 FR 51850, October 8, 2009).

The EPA collects data on the CCL contaminants to better understand their potential health effects and to determine

the levels at which they occur in public water systems. SDWA 1412(b)(1)(B)(ii) requires that, every five years, the EPA, after consideration of public comment, issue a determination of whether or not to regulate at least five contaminants on each CCL. For any contaminant that the EPA determines meets the criteria for regulation under SDWA 1412(b)(1)(E), the EPA must propose a NPDWR within two years and promulgate a final regulation within 18 months of the proposal (which may be extended by 9 additional months).

As part of its responsibilities under the SDWA, the EPA implements section 1445(a)(2) (''Monitoring Program for Unregulated Contaminants''). This section requires that once every five years, the EPA issue a list of no more than 30 unregulated contaminants to be monitored by public water systems. This monitoring is implemented through the Unregulated Contaminant Monitoring Rule (UCMR), which collects data from community water systems and non-transient, non-community water systems. The first four UCMRs collected data from a census of large water systems (serving more than 10,000 people) and from a statistically representative sample of small water systems. On September 17, 1999, the EPA published its first UCMR (64 FR 50556), which required all large systems and a representative sample of small systems to monitor for perchlorate and 25 other contaminants (USEPA, 1999). Water system monitoring data for perchlorate were collected from 2001 to 2005.

The EPA and other federal agencies asked the National Research Council (NRC) to evaluate the health implications of perchlorate ingestion. In its 2005 report, the NRC concluded that perchlorate exposure inhibits the transport of iodide [1] into the thyroid by a protein molecule known as the sodium/iodide symporter (NIS), which may lead to decreases in the production of two thyroid hormones, thyroxine (T3) and triiodothyronine (T4), and increases in the production of thyroid-stimulating hormone (TSH) (National Research Council (NRC), 2005). Additionally, the NRC concluded that the most sensitive population to perchlorate exposure are ''the fetuses of pregnant women who might have hypothyroidism or iodide deficiency'' (p. 178). The EPA established a reference dose (RfD) consistent with the NRC's recommended RfD of 0.7 µg/kg/day for perchlorate. The reference dose is an estimate of a human's daily exposure to perchlorate that is likely to be without an appreciable risk of adverse effects. This RfD was based on a study (Greer, Goodman, Pleus, & Greer, 2002) of perchlorate's inhibition of radioactive iodine uptake in healthy adults and the application of an uncertainty factor of 10 for intraspecies variability (USEPA, 2005a).

In October 2008, the EPA published a preliminary regulatory determination not to regulate perchlorate in drinking water and requested public comment (73 FR 60262, October 10, 2008). In that preliminary determination, the EPA found that perchlorate did not occur with a frequency and at levels of public health concern within the meaning of the SDWA, and that development of a regulation did not present a meaningful opportunity for health risk reduction for persons served by public water systems. In reaching this conclusion, the EPA derived and used a Health Reference Level (HRL) of 15 µg/L based on the RfD of 0.7 µg/kg/day and body weight and exposure information for pregnant women (USEPA, 2008a). Using the UCMR 1 occurrence data, the EPA estimated that less than 1% of drinking water systems (serving approximately 1 million people) had perchlorate levels above the HRL of 15 µg/L. Based on this information, the EPA found that perchlorate did not occur at a frequency and at levels of public health concern. The EPA also determined there was not a meaningful opportunity for a NPDWR for perchlorate to reduce health risks.

In August 2009, the EPA published a supplemental request for comment with new analysis that derived potential alternative Health Reference Levels (HRLs) for 14 life stages, including infants and children. The analysis used the RfD of 0.7 µg/kg/day and life stage-specific bodyweight and exposure information, resulting in comparable perchlorate concentrations in drinking water, based on life stage, of between 1 µg/l to 47 µg/l (74 FR 41883; USEPA, 2009a).

In February 11, 2011, the EPA published its determination to regulate perchlorate (76 FR 7762; USEPA, 2011) after careful consideration of public comments on the October 2008 and August 2009 notices. The EPA found at that time that perchlorate may have an adverse effect on the health of persons; that it is known to occur, or that there is a substantial likelihood that it will occur, in public drinking water systems with a frequency and at levels that present a public health concern; and that regulation of perchlorate presented a meaningful opportunity for health risk reduction for persons served by public water systems. The EPA found that as many as 16 million people could potentially be exposed to perchlorate at levels of concern, up from 1 million people originally estimated in the 2008 notice.

As a result of the determination, and as required by SDWA 1412(b)(1)(E), the EPA initiated the process to develop a MCLG and a NPDWR for perchlorate.

In September 2012, the U.S. Chamber of Commerce (the Chamber) submitted to the EPA a Request for Correction under the Information Quality Act regarding the EPA's regulatory determination.[2] In the request, the Chamber claimed that the UCMR 1 data used in the EPA's occurrence analysis did not comply with data quality guidelines and were not representative of current conditions. In response to this request, the EPA reassessed the data and removed certain source water samples that could be paired with appropriate follow-up samples located at the entry point to the distribution system. The EPA also updated the UCMR 1 data in the analysis for systems in California and Massachusetts, using state compliance data to reflect current occurrence conditions after state regulatory limits for perchlorate were implemented. For more information on the Chamber's request and the EPA's response, see the Perchlorate Occurrence and Monitoring Report (USEPA, 2019b).

As required by section 1412(d) of the SDWA, as part of the NPDWR development process, the EPA requested comments from the Science Advisory Board (SAB) in 2012, seeking guidance on how best to consider and interpret the life stage information, the epidemiologic and biomonitoring data since the NRC report, physiologically-based pharmacokinetic (PBPK) analyses, and the totality of perchlorate health information to derive an MCLG for perchlorate. In May 2013, the SAB recommended that the EPA:

- Derive a perchlorate MCLG that addresses sensitive life stages through physiologically-based pharmacokinetic/pharmacodynamic modeling based upon its mode of action, rather than the default MCLG approach using the RfD and specific chemical exposure parameters;
- expand the modeling approach to account for thyroid hormone perturbations and potential adverse

[1] For the purposes of this document, ''iodine'' will be used to refer to dietary intake before entering the body. Once in the body, ''iodide'' will be used to refer to the ionic form.

[2] The U.S. Chamber of Commerce letter to the EPA and other corresponding records are available at *https://www.epa.gov/quality/epa-information-quality-guidelines-requests-correction-and-requests-reconsideration#12004.*

neurodevelopmental outcomes from perchlorate exposure;

- utilize a mode-of-action framework for developing the MCLG that links the steps in the proposed mechanism leading from perchlorate exposure through iodide uptake inhibition—to thyroid hormone changes—and finally to neurodevelopmental impacts; and
- ''[e]xtend the [BBDR] model expeditiously to . . . provide a key tool for linking early events with subsequent events as reported in the scientific and clinical literature on iodide deficiency, changes in thyroid hormone levels, and their relationship to neurodevelopmental outcomes during sensitive early life stages''(SAB for the U.S. EPA, 2013, p. 19).

To address the SAB recommendations, the EPA revised an existing PBPK/PD model that describes the dynamics of perchlorate, iodide, and thyroid hormones in a woman during the third trimester of pregnancy (Lumen, Mattie, & Fisher, 2013; USEPA, 2009b). The EPA also created its own Biologically Based Dose Response (BBDR) models that included the additional sensitive life stages identified by the SAB, *i.e.,* breast- and bottle-fed neonates and infants (SAB for the U.S. EPA, 2013, p. 19).

To determine whether the Agency had implemented the SAB recommendations for modeling thyroid hormone changes, the EPA convened an independent peer review panel to evaluate the BBDR models in January 2017 (External Peer Reviewers for USEPA, 2017). The EPA considered the recommendations from the 2017 peer review and made necessary model revisions to increase the scientific rigor of the model and the modeling results, including extending the BBDR model to the first trimester and incorporating the TSH feedback mechanism.

The EPA convened a second independent peer review panel in January 2018 to evaluate the revisions to the BBDR model, including the transition from the third to the first trimester as the life stage of interest. The EPA also presented several approaches to link the thyroid hormone changes in a pregnant mother predicted by the BBDR model to neurodevelopmental effects using evidence from the epidemiological literature (External Peer Review for U.S. EPA, 2018).

In response to a lawsuit brought to enforce the deadlines in SDWA 1412(b)(1)(E) triggered by the 2011 regulatory determination for perchlorate, on October 18, 2016, the U.S. District Court for the Southern District of New York entered a consent decree, requiring the EPA to sign for publication a proposal for a MCLG and NPDWR for perchlorate in drinking water no later than October 31, 2018, and to sign for publication a final MCLG and NPDWR for perchlorate in drinking water no later than December 19, 2019. The deadline for the EPA to propose a MCLG and NPDWR for perchlorate in drinking water was later extended to May 28, 2019, and the date for signature of a final MCLG and NPDWR was extended to no later than June 19, 2020. The consent decree is available in the docket for this action.

In compliance with the deadline established in the consent decree, on May 23, 2019, the EPA Administrator signed a proposed rulemaking document seeking public comment on a range of options regarding the regulation of perchlorate in public drinking water systems. The proposed rulemaking document was published in the **Federal Register** on June 26, 2019. 84 FR 30524. The EPA proposed a NPDWR for perchlorate with an MCL and MCLG of 56 µg/L. The proposed MCLG of 56 µg/L was based on avoiding an estimated 2 point IQ decrement associated with exposure to perchlorate in drinking water during the most sensitive life stage (the fetus) within a specific segment of the population (iodine deficient pregnant women).

The EPA also requested comment on two alternative MCL/MCLG values of 18 µg/L and 90 µg/L. These alternatives were based upon avoiding an estimated 1 point and 3 point IQ decrement respectively, associated with perchlorate exposure. Additionally, the EPA requested comment on whether the 2011 regulatory determination should be withdrawn, based on new information including updated occurrence data on perchlorate in drinking water and new analysis of the concentration of perchlorate in drinking water that represents a level of health concern.

III. Withdrawal of the 2011 Regulatory Determination and Final Determination Not To Regulate Perchlorate

In determining whether to regulate a particular contaminant, the EPA must follow the criteria mandated by the 1996 SDWA Amendments. Specifically, in order to issue a MCLG and NPDWR for perchlorate, the EPA must determine that perchlorate ''may have an adverse effect on the health of persons,'' that perchlorate occurs at ''a frequency and at levels of public health concern'' in public water systems, and that regulation of perchlorate in drinking water systems ''presents a meaningful opportunity for health risk reduction for persons served by public water systems.'' SDWA 1412(b)(1)(A). In preparing the 2019 proposal for perchlorate, the EPA updated and improved information on the levels of public health concern and the frequency and levels of perchlorate in public water systems. The following is the EPA's reassessment of the regulatory determination criteria applied to the best available health science and occurrence data for perchlorate.

A. May perchlorate have an adverse effect on the health of persons?

Yes, perchlorate may have adverse health effects above certain exposure levels. The perchlorate anion is biologically significant specifically with respect to the functioning of the thyroid gland. Above certain exposure levels, perchlorate can interfere with the normal functioning of the thyroid gland by inhibiting the transport of iodide into the thyroid, resulting in a deficiency of iodide in the thyroid. Perchlorate inhibits (or blocks) iodide transport into the thyroid by chemically competing with iodide, which has a similar shape and electric charge. The transfer of iodide from the blood into the thyroid is an essential step in the synthesis of thyroid hormones. Thyroid hormones play an important role in the regulation of metabolic processes throughout the body and are also critical to developing fetuses and infants, especially for brain development. Because the developing fetus depends on an adequate supply of maternal thyroid hormones for its central nervous system development during the first and second trimester of pregnancy, iodide uptake inhibition from perchlorate exposure has been identified as a concern in connection with increasing risk of neurodevelopmental impairment in fetuses of pregnant women with low dietary iodine. Poor iodide uptake and subsequent impairment of the thyroid function in pregnant and lactating women have been linked to delayed development and decreased learning capability in their infants and children (NRC, 2005). There is scientific evidence to support that perchlorate can reduce iodide uptake and therefore alter the level of thyroid hormones. There is also scientific evidence that changes in thyroid hormone levels in a pregnant woman may be linked to changes in the neurodevelopment of her offspring. The existence of a quantifiable relationship between thyroid hormone changes and neurodevelopmental outcomes has strong support from the literature on the subject; however, not every study identifies an association between maternal thyroid hormone levels and the neurodevelopmental outcomes and

the state of the science on this relationship is constantly evolving.

Therefore, the EPA continues to find that perchlorate may have an adverse effect on the health of persons above certain exposure levels based on its ability to interfere with thyroid hormone production.

B. Is perchlorate known to occur or is there a substantial likelihood that perchlorate will occur in public water systems with a frequency and at levels of public health concern?

The EPA has determined that perchlorate does not occur with a frequency and at levels of public health concern in public water systems. The EPA has made this determination by comparing the best available data on the occurrence of perchlorate in public water systems with potential MCLGs for perchlorate.

In past regulatory determinations, the EPA has identified HRLs as benchmarks against which the EPA compares the concentration of a contaminant found in public water systems to determine whether it occurs at levels of public health concern. For the 2011 regulatory determination, the EPA identified potential alternative HRL values ranging from 1 to 47 µg/L for 14 different life stages. These HRLs were not final decisions about the level of perchlorate in drinking water that is without adverse effects. For the 2019 proposal, the EPA derived three potential MCLGs for perchlorate of 18, 56, and 90 µg/L for the most sensitive life stage using the best available peer reviewed science in accordance with the SDWA. After considering public comment, the EPA used these potential MCLGs as the levels of public health concern in assessing the frequency of occurrence of perchlorate in this regulatory determination. These MCLGs were set at levels to avoid estimated IQ decrements of 1, 2, and 3 points respectively in the most sensitive life stage, the children of hypothyroxinemic women with low iodine intake. The EPA proposed an MCLG of 56 µg/L and alternative MCLG values of 18 and 90 µg/L.

The rationale used in deriving the numerical values is presented in greater detail in the EPA technical support document entitled ''Deriving a Maximum Contaminant Level Goal for Perchlorate in Drinking Water'' (USEPA, 2019a).

The EPA compared these potential MCLG values with the updated perchlorate UCMR 1 occurrence data set. A comprehensive description of the perchlorate occurrence data is presented in Section VI of the 2019 proposal. It is also available in the ''Perchlorate Occurrence and Monitoring Report'' (USEPA, 2019a).

The occurrence data for perchlorate were collected from 3,865 PWSs between 2001 and 2005 under the UCMR 1. In the 2019 proposal, the EPA modified the UCMR 1 data set in response to concerns raised by stakeholders regarding the data quality and to represent current conditions in California and Massachusetts, which have enacted perchlorate regulations since the UCMR 1 data were collected. Massachusetts promulgated a drinking water standard for perchlorate of 2 µg/L in 2006 (MassDEP, 2006), and California promulgated a drinking water standard of 6 µg/L in 2007 (California Department of Public Health, 2007). Systems in these states are now required to keep perchlorate levels in drinking water below their state limits. As discussed below, the EPA finds that perchlorate levels in drinking water and sources of drinking water have decreased since the UCMR 1 data collection. The main factors contributing to the decrease in perchlorate levels are the promulgation of drinking water regulations for perchlorate in California and Massachusetts and the ongoing remediation efforts in the state of Nevada to address perchlorate contamination in groundwater adjacent to the lower Colorado River upstream of Lake Mead.

To update the occurrence data for systems sampled during UCMR 1 from California and Massachusetts, the EPA identified all systems and corresponding entry points which had reported perchlorate detections in UCMR 1. Once the systems and entry points with detections were appropriately identified, the EPA then used publicly available California and Massachusetts monitoring data for perchlorate, to replace the original UCMR1 data with more recent data where available (Perchlorate Occurrence and Monitoring Report, USEPA, 2019b).

The EPA has determined that the UCMR 1 data with these updates are the best available data collected in accordance with accepted methods regarding the frequency and level of perchlorate nationally. The UCMR 1 data are from a census of the large water systems (serving more than 10,000 people) and a statistically representative sample of small water systems that provides the best available, national assessment of perchlorate occurrence in drinking water.

The EPA used entry point maximum measurements to estimate potential baseline occurrence and exposure at levels that exceed the potential MCLG thresholds. The maximum measurements indicate highest perchlorate levels reported in at least one quarterly sample from surface water systems and at least one semi-annual sample from ground water systems.

TABLE 1—PERCHLORATE OCCURRENCE AND EXPOSURE (UPDATED UCMR 1 DATA SET)

Threshold concentration (µg/L)	Entry points with detections above threshold	Water systems with detections above threshold	Percent of U.S. water systems with detections above threshold (percent)	Population served
18 µg/L	17	15	0.03	620,560
56 µg/L	2	2	0.004	32,432
90 µg/L	1	1	0.002	25,972

Table 1 presents the number and percentage of water systems that reported perchlorate at levels exceeding the three proposed MCLG threshold concentrations. In summary, the updated perchlorate occurrence information suggests that at an MCLG of 18 µg/L, there would be 15 systems (0.03% of all water systems in the U.S.) that would exceed the threshold, at an MCLG of 56 µg/L, two systems (0.004% of all water systems in the U.S.) would exceed the threshold, and finally one system would exceed the MCLG threshold of 90 µg/L. Based on the analysis of drinking water occurrence presented in the 2019 proposal and the data summarized in Table 1 and the range of potential MCLGs, the EPA concludes that perchlorate does not occur with a frequency and at levels of

public health concern in public water systems.

The EPA notes that in 2008, the EPA stated in its preliminary regulatory determination that perchlorate did not occur with a frequency and at levels of public health concern in public water systems based upon the health effects and occurrence information available at that time, which indicated that 0.8% of public water system had perchlorate at levels exceeding the HRL of 15 mg/L. The EPA also stated that there was not a meaningful opportunity for a NPDWR to reduce health risks based upon the estimates at that time that 0.9 million people had perchlorate levels above the HRL. The EPA further notes that the Agency has previously determined CCL1 and CCL2 contaminants did not occur with frequency at levels of public health concern when the percentage of water systems exceeding the HRL were greater than the frequency of perchlorate occurrence level at the proposed MCL (0.004% of all water systems in the U.S.). For example, in 2003 the EPA determined that aldrin did not occur with a frequency and at levels of public health concern based upon data that showed 0.2% of water systems had aldrin at levels greater than the HRL. The EPA also concluded that there was not a meaningful opportunity for health risk reduction for persons served through a drinking water regulation based on this occurrence data and the estimate that these systems above the HRL served approximately 1 million people (USEPA, 2003). In 2008 the EPA determined that DCPA Mono- and Di-Acid degradates did not occur with a frequency and at levels of public health concern based on data that showed 0.03% of water systems exceeded the HRL. The EPA also concluded that there was not a meaningful opportunity for health risk reduction through a drinking water regulation based on this occurrence data and the estimate that these systems above the HRL served approximately 100,000 people (USEPA, 2008b).

While the EPA has made its conclusion that perchlorate does not occur at a frequency and at levels of public health concern in public water systems based on the updated UCMR 1 data in Table 1 above, the EPA also sought to find additional information about the perchlorate levels at the 15 water systems that had at least one reported result greater than 18 µg/L in the updated UCMR 1 data. The EPA found that perchlorate levels have been reduced at many of these water systems. Although these water systems were not required to take actions to reduce perchlorate in drinking water, many had conducted additional monitoring for perchlorate and found decreased levels or had taken mitigation efforts to address perchlorate, confirming the EPA's conclusion described above. The status of each of these systems is described in Table 2 below and confirms the Agency's conclusion that is based upon the information in Table 1.

TABLE 2—UPDATE ON SYSTEMS WITH PERCHLORATE LEVELS ABOVE 18 µg/L IN THE UCMR 1

State	System name	Range of UCMR 1 results (µg/L) **	Update on mitigation and levels of perchlorate ++
Florida	Sebring Water	ND–70	The EPA contacted the Sebring system in January 2020. Operations personnel indicated that no follow-up/updated monitoring data for perchlorate are available.
Florida	Manatee County Utilities Dept.	ND–30	Researchers contacted the system to identify the source of perchlorate. System personnel attributed the sole perchlorate detection under UCMR 1 to analytical error. System personnel indicated that three other quarterly samples collected under UCMR 1 as well as other subsequent perchlorate sampling efforts were non-detect. Source: AWWA (2008).
Georgia	Oconee Co.—Watkinsville	38 (single sample)	Researchers contacted the system and found that a perchlorate contaminated well was removed from service in 2003. The system indicates that perchlorate is no longer detected. Source: Luis et al. (2019).
Louisiana	St. Charles Water District 1 East Bank.	ND–24	The EPA was not able to identify updated data on perchlorate levels for this system.
Maryland	City of Aberdeen	ND–19	The system's 2018 Consumer Confidence Report (CCR) indicates that perchlorate was not detected. According to the Maryland Department of Environment, perchlorate was not detected in this system in 2019. In addition, researchers contacted the system and found that there has been no detection of perchlorate since treatment was installed in 2009. Source: Luis et al. (2019).
Maryland	Chapel Hill—Aberdeen Proving Grounds.	ND–20	The EPA contacted the Chapel Hill System in January 2020. Water system personnel indicate that the Chapel Hill WTP was taken off-line and was replaced with a new treatment plant and five new production wells. The new treatment plant started operations on January 27, 2020. System personnel also indicate that monitoring was conducted in November 2019 and perchlorate was not detected in either the source well water or the finished water. In addition, according to the Maryland Department of Environment, perchlorate was not detected in this system in 2019.

TABLE 2—UPDATE ON SYSTEMS WITH PERCHLORATE LEVELS ABOVE 18 μg/L IN THE UCMR 1—Continued

State	System name	Range of UCMR 1 results (μg/L) **	Update on mitigation and levels of perchlorate ++
Mississippi	Hilldale Water District	ND–20	The EPA contacted the Hilldale System in January 2020. Water system personnel indicated that no follow-up/updated monitoring data for perchlorate are available.
New Mexico	Deming Municipal Water System.	15–20	Data from the EPA's SDWIS/FED database indicates that the entry point that reported detections in UCMR 1 (Well #3) is now inactive (*i.e.,* the contaminated source is no longer in use).
Nevada	City of Henderson	6–23	Researchers report that the perchlorate levels described in the system's CCR ranged from non-detect to 9.7 μg/L. Source: AWWA (2008).
Ohio	Fairfield City PWS	6–27	The EPA contacted the Fairfield City System in January 2020. Water system personnel indicated that follow-up monitoring was conducted after UCMR 1, between 2002 and 2004. The Ohio EPA provided copies of the follow-up monitoring results which indicate that results at the entry point ranged from non-detect to 13 μg/L.
Ohio	Hecla Water Association—Plant PWS.	ND–32	The EPA contacted the Hecla Water Association System in January 2020. Water system personnel indicated that that no follow-up/updated monitoring data for perchlorate are available.
Oklahoma	Enid	ND–30	The EPA reviewed Oklahoma's monitoring data and did not find any monitoring results reported for perchlorate.
Pennsylvania	Meadville Area Water Authority.	ND–33	The EPA contacted the Meadville System in January 2020. Water system personnel indicated that no follow-up/updated monitoring data for perchlorate are available.
Puerto Rico	Utuado Urbano	ND–420	The EPA contacted the Puerto Rico Aqueduct and Sewer Authority (PRASA) in January 2019. PRASA personnel indicated that no updated monitoring data for perchlorate are available. *NOTE: The PRASA personnel stated that the Utuado water system was significantly impacted by Hurricane Maria and that monitoring records from years prior to 2017 were lost.*
Texas	City of Levelland	ND–32	Researchers found that a water storage tank was the source of perchlorate contamination. The wells feeding the tank were tested by the state and perchlorate was not detected. The water tank was shut off from service. Source: Luis et al. (2019).

**Values have been rounded. ND describes a sampling event where perchlorate was not detected at or above the UCMR 1 minimum reporting level of 4 μg/L. UCMR 1 results collected between 2001 and 2005.

++To obtain updated data and/or information regarding perchlorate levels, the EPA reviewed Consumer Confidence Reports and other publicly available data, as well as published studies. In addition, the EPA contacted some water systems for information about current perchlorate levels. (USEPA, 2020a)

C. Is there a meaningful opportunity for the reduction of health risks from perchlorate for persons served by public water systems?

The EPA's analysis presented in the 2019 proposal demonstrates that a NPDWR for perchlorate does not present a meaningful opportunity for health risk reduction for persons served by public water systems. As discussed above, the EPA found that perchlorate occurs with very low frequency at levels of public health concern. Based on updated UCMR 1 occurrence information, there were 15 water systems (0.03% of all water systems in the U.S.) that detected perchlorate in drinking water above the lowest proposed alternative MCLG of 18 μg/L, and only 1 system had a detection above the proposed alternative MCLG of 90 μg/L. Specifically, Table 1 presents the population served by PWSs that were monitored under UCMR 1 for which the highest reported perchlorate concentration was greater than the identified thresholds. The EPA estimates [3] that the number of people who may be potentially consuming water containing perchlorate at levels that could exceed the levels of concern for perchlorate could range between 26,000 and 620,000.

The small number of water systems with perchlorate levels greater than identified thresholds, and the correspondingly small population served, provides ample support for the EPA's conclusion that the regulation of perchlorate does not present a ''meaningful opportunity for health risk reduction for persons served by public water systems,'' within the meaning of SDWA 1412(b)(1)(A)(iii).

While the EPA does not believe that a national primary drinking water regulation presents a meaningful opportunity for health risk reduction, the Agency remains committed to

[3] The values shown in Table 1 are based on the revised UCMR 1 data. The EPA also applied statistical sampling weights to the small systems results to extrapolate to national results. There was one small system included in the statistical sample stratum which had a perchlorate measurement exceeding 18 μg/L. Accordingly, the EPA estimates that approximately 41,000 small system customers may be exposed to perchlorate greater than 18 μg/L.

working with States and communities in addressing perchlorate contamination of drinking water. For example, the EPA has issued a document entitled ''Perchlorate Recommendations for Public Water Systems'' which provides recommendations for actions that systems may take if there are concerns about perchlorate (USEPA, 2020b). The document outlines steps public systems can take to address perchlorate in drinking water, including testing, installing treatment equipment, and communication with customers.

Although a cost benefit analysis is not one of the three SDWA criteria for making a regulatory determination, the EPA also considered the findings of the Health Risk Reduction and Cost Analysis (HRRCA, USEPA 2019c) as additional information confirming the appropriateness of the withdrawal of the regulatory determination. The HRRCA for perchlorate (which was presented in the 2019 proposal) provides a unique set of economic data indicators that are not available for regulatory determinations because the HRRCA is required for a proposed NPDWR under SDWA 1412(b)(3)(C), but is not required to support a regulatory determination. Accordingly, because the EPA initially determined that perchlorate met the criteria for regulation and began the regulatory analysis process, the HRRCA was available with respect to perchlorate at this stage in the SDWA process, and the Agency considered this comprehensive economic analysis in informing its decision to withdraw the regulatory determination.

Specifically, the HRRCA provides a description of the potential benefits and costs of a drinking water regulation for perchlorate. For all potential regulatory levels considered for perchlorate (18, 56, and 90 μg/L), the total costs associated with establishing a regulation (ranging from $9.5 to $18.0 million across discount rates and levels) were substantially higher than the potential range of benefits (ranging from $0.3 to $3.7 million) (USEPA, 2019c). The infrequent occurrence of perchlorate at levels of health concern imposes high monitoring and administrative cost burdens on public water systems and the states, while having little impact on health risk reductions and the associated low estimates of benefits. The EPA is not finalizing the HRRCA for this final action nor is the EPA conducting an analysis in accordance with the Regulatory Flexibility Act because the Agency is not promulgating a final regulation.

Based on a comparison of costs and benefits estimated at the three potential regulatory levels, the EPA determined in the 2019 proposal that the benefits of establishing a drinking water regulation for perchlorate do not justify the potential costs.

A drinking water regulation for perchlorate would impose significant burdens on states and water systems, mainly associated with requirements for monitoring, including initial monitoring and long-term monitoring for over 60,000 systems (see Section VIII of the 2019 proposal for more information), but would result in very few systems having to take action to reduce perchlorate levels. It is of paramount importance that water systems (particularly medium, small, and economically distressed systems) focus their limited resources on actions that ensure compliance with existing NPDWRs and maintain their technical, managerial, and financial capacity to improve system operations and the quality of water being provided to their customers, rather than spending resources monitoring for contaminants that are unlikely to occur.

D. What is the EPA's final regulatory determination on perchlorate?

Based on the EPA's analysis of the best available public health information, and after careful review and consideration of public comments on the June 2019 proposal, the Agency is withdrawing its 2011 determination and is making a final determination not to regulate perchlorate. Accordingly, the EPA will not issue a NPDWR for perchlorate at this time. While the EPA has found that perchlorate may have an adverse effect on human health above certain exposure levels, based on the analysis presented in this document and supporting record, the EPA has determined that perchlorate does not occur in public water systems with a frequency and at levels of public health concern and that regulation of perchlorate does not present a meaningful opportunity to reduce health risks for persons served by public water systems. This conclusion is based on the best available peer reviewed science and data collected in accordance with accepted methods on perchlorate health effects and occurrence.

IV. Summary of Key Public Comments on Perchlorate

The EPA received approximately 1,500 comments from individuals or organizations on the June 2019 proposal. This section briefly discusses the key technical issues raised by commenters and the EPA's response. Comments are also addressed in the ''Comment Response Document for the Final Regulatory Action for Perchlorate'' (USEPA, 2020c) available at *http://www.regulations.gov* (Docket ID No. EPA–HQ–OW–2018–0780).

A. SDWA Statutory Requirements and the EPA's Authority

The EPA received comments stating that the Agency should promulgate an MCLG and MCL for perchlorate and comments stating that the Agency should not promulgate a regulation. After considering these comments, the EPA has re-evaluated perchlorate in accordance with SDWA 1412(b)(1)(A), which requires that the Agency promulgate a NPDWR if (i) the contaminant may have an adverse effect on the health of persons; (ii) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and (iii) in the sole judgment of the Administrator, regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems.

The EPA has determined, based upon the best available peer reviewed science and data collected in accordance with accepted methods, that perchlorate does not occur at a frequency and at levels of public health concern, and that regulation of perchlorate does not present a meaningful opportunity for health risk reduction. Because perchlorate does not meet the statutory criteria for regulation, the EPA lacks the authority to issue a MCLG or NPDWR for perchlorate, and, is therefore withdrawing its 2011 regulatory determination and issuing this final determination not to regulate perchlorate. For more information regarding the EPA's statutory authority to withdraw its regulatory determination, see Section II.C above.

B. Health Effects Assessment

Health Effects/MCLG Derivation

The EPA received comments indicating that the Agency should utilize different approaches to derive the MCLG for perchlorate including approaches that some states used to develop their perchlorate advisory levels or drinking water standards. The EPA considered a number of alternative approaches to develop the MCLG for perchlorate and in accordance with SDWA 1412(e), the Agency sought recommendations from the Science Advisory Board. The EPA derived the proposed MCLG for perchlorate based on the approach recommended by the Science Advisory Board (SAB) (SAB for

the U.S. EPA, 2013). The SAB recommended that ''*the EPA derive a perchlorate MCLG that addresses sensitive life stages through physiologically-based pharmacokinetic/pharmacodynamic modeling based upon its mode of action rather than the default MCLG approach using the RfD and specific chemical exposure parameters.*'' The EPA has implemented these recommendations and has obtained two independent peer reviews of the analysis. These peer reviewers stated that: ''*[o]verall, the panel agreed that the EPA and its collaborators have prepared a highly innovative state-of-the-science set of quantitative tools to evaluate neurodevelopmental effects that could arise from drinking water exposure to perchlorate. While there is always room for improvement of the models, with limited additional work to address the committee's comments below, the current models are fit-for-purpose to determine an MCLG*'' (External Peer Reviewers for USEPA, 2018, p. 2).

The EPA received comments indicating that the most sensitive life stages were not selected and/or considered in the Agency's approach. The EPA disagrees. Gestational exposure to perchlorate during neurodevelopment is the most sensitive time period. The NRC concluded that the population most sensitive to perchlorate exposure are ''the fetuses of pregnant women who might have hypothyroidism or iodide deficiency'' (p. 178, NRC 2005). In addition, there is clear evidence that disrupted maternal thyroid hormone levels during gestation can impact neurodevelopment later in life (Alexander et al., 2017; Costeira et al., 2011; Endendijk et al., 2017; Ghassabian, Bongers-Schokking, Henrichs, Jaddoe, & Visser, 2011; Glinoer & Delange, 2000; Glinoer & Rovet, 2009; Gyllenberg et al., 2016; Henrichs et al., 2010; Korevaar et al., 2016; Morreale de Escobar, Obregón, & Escobar del Rey, 2004; Noten et al., 2015; Pop et al., 2003, 1999; SAB for the U.S. EPA, 2013; Thompson et al., 2018; van Mil et al., 2012; Wang et al., 2016; Zoeller & Rovet, 2004; Zoeller et al., 2007). The available data demonstrate that the fetus of the first trimester pregnant mother, when compared to other life-stages, experiences the greatest impact from the same dose of perchlorate, which is described in detail in Section 6 of the document ''Deriving a Maximum Contaminant Level Goal for Perchlorate in Drinking Water'' (USEPA, 2019a). Some commenters suggested that the bottle-fed infant is a more sensitive life-stage. The EPA disagrees. As described in the January 2017 Peer Review Report on the original Biologically Based Dose Response (BBDR) model, the bottle-fed infant's thyroid hormone levels were not impacted by doses of perchlorate up to 20 µg/day (External Peer Reviewers for USEPA, 2017). This lack of any impact is due primarily to the iodine in the formula, which offsets the impact of perchlorate on the thyroid.

The EPA received comments advocating for the use of the population-based approach evaluating the shift in the proportion of a population that would fall below a hypothyroxinemic cut point under a perchlorate exposure scenario. The EPA chose to develop the MCLG using dose-response functions from the epidemiological literature to estimate neurodevelopmental impacts in the offspring of pregnant women exposed to perchlorate. The EPA selected this proposed approach because it is consistent with the SDWA's definition of a MCLG to avoid adverse health effects and because it is most consistent with the SAB recommendations. In addition, given that thyroid hormone levels vary by reference population and that there is not a defined threshold for the concentration of fT4 representing hypothyroxinemia makes the population-based approach less desirable than the approach selected (USEPA, 2018).

End Point Selection/Basis

The EPA received comments regarding the magnitude of an IQ change which should be used in deriving the MCLG. The EPA's proposed MCLG was based upon avoiding a 2% change in IQ in the most sensitive life stage, and the EPA also requested comment on alternative options for the MCLG that would respectively avoid 1% or 3% change in IQ in the most sensitive life stage. Many comments stated that the EPA should at most consider a 1% IQ change. However, several commenters stated that a 3% change is too small to have a meaningful impact and suggested that the EPA consider a higher IQ percent change.

The EPA uses a variety of science policy approaches to select points of departure for developing regulatory values. For instance, in noncancer risk assessment, the EPA often uses a percentage change in value. When assessing toxicological data, a 10% extra risk (for discrete data), or a 1 standard deviation (*i.e.,* 15 IQ points) change from the mean (for continuous data) is often used (USEPA, 2012). A smaller response to inform a POD has been applied when using epidemiological literature, because there is an inherently more direct relationship between the study results and the exposure context and health endpoint.

Given the difficulty in identifying a response below which no adverse impact occurs when considering a continuous outcome in the human population, the EPA looked to its Benchmark Dose Guidance (2012) for insight regarding a starting point. Specifically, ''[a] BMR of 1% has typically been used for quantal human data from epidemiology studies'' (p. 21, USEPA, 2012). For the specific context of setting an MCLG for perchlorate, the EPA evaluated the level of perchlorate in water associated with a 1% decrease, a 2% decrease, and a 3 percent decrease in the mean population IQ (*i.e.,* 1, 2 and 3 IQ points).

In evaluating the frequency and level of occurrence of perchlorate in drinking water, the EPA has found that perchlorate does not occur with frequency even at the lowest alternative MCLG of 18 µg/L, which is based upon avoiding a 1% change in IQ in the most sensitive life stage.

The EPA received comments that the proposed MCLG did not incorporate an adequate margin of safety to comply with the SDWA. The EPA disagrees that it failed to use an adequate margin of safety. The EPA's assessment focused upon the most sensitive subset of the population, specifically offspring whose mothers had low (75 µg/day) iodine intake and were hypothyroxinemic (fT4 in the lowest 10th percentile of the population). In addition, to account for uncertainties and to ensure that the most sensitive subset of the population is protected with an adequate margin of safety, a 3-fold uncertainty factor was applied to the proposed MCLG calculation (USEPA, 2019a). More discussion on the uncertainty factor is presented below, in the section entitled ''Consideration of Uncertainties.''

The EPA received some comments stating that the selection of the study for informing the relationship between maternal hormone levels (fT4) and IQ was inadequately described. Other comments supported the EPA's study selection. The EPA concludes that selection of the Korevaar et al. (2016) study is appropriate because that study provides the most robust data available with a clear measure of neurodevelopment that can be expressed as a function of changing maternal fT4 exposure, which is necessary to the development of the model.

BBDR and PBPK Models

The EPA received comments indicating that the BBDR model was not transparent, scientifically valid, or based on robust data. The EPA disagrees. The model represents the best available peer reviewed science and uses the best available data to inform a MCLG for perchlorate. The EPA disagrees with the suggestion that there is a significant lack of transparency with respect to the assumptions related to the BBDR model. Appendix A of the EPA's Proposed MCLG Approaches report outlines the justification for all assumptions used in the development of the BBDR model (USEPA, 2019a). The EPA also disagrees with the assertion that the BBDR model is far too uncertain to be relied upon as the basis for the derivation of the RfD. The EPA has used the best available science to calibrate the pharmacokinetic aspects of the BBDR model. The development of the BBDR model was in response to SAB recommendations, and a model was deemed to be a more refined approach to estimating a dose-response relationship between perchlorate exposure and maternal fT4 than anything that was available in the current scientific literature. The EPA disputes the claim that the BBDR model is not scientifically valid, as the Agency conducted a peer review of the approach proposed and the reviewers concluded that the approach was ''fit for purpose'' to inform a MCLG for perchlorate (External Peer Reviewers for U.S. EPA, 2018, p. 2).

Consideration of Uncertainties

The EPA received comments on the Agency's use of Uncertainty factors (UFs); with most commenters suggesting that the EPA should consider a higher UF for inter-individual variability. The EPA thoroughly considered the application of UFs when deriving the RfDs and followed guidance presented in ''A review of the reference dose and reference concentration processes'' (USEPA, 2002). The EPA concluded that the UFs are adequately justified, and subsequently no changes have been made. Justification for each of the UFs can be found in Section 11 of the Agency's MCLG Derivation report (USEPA, 2019a).

The EPA selected a UF of 3 for inter-individual variability, because the Agency specifically modeled groups within the population that are identified as likely to be at greater risk of the adverse effects from perchlorate in drinking water (*i.e.,* the fetus of the iodide deficient pregnant mother). The EPA selected model parameters to account for the most sensitive individuals in that group (*i.e.,* muted TSH feedback, low fT4 values, low-iodine intake). As discussed in the MCLG Derivation report, the EPA has attempted to select the most appropriate inputs to protect the most sensitive population with an adequate margin of safety (USEPA, 2019a). The EPA has determined that the selection of a UF of 3 for inter-individual variability is justified. As described in the MCLG Derivation report, because the output from the BBDR model is specific to the sensitive population, the EPA concluded that the UF of 3 is appropriate. In regard to variation in sensitivity among the members of the human population (*i.e.,* inter-individual variability), section 4.4.5.3 of the EPA guidance ''A review of the reference dose and reference concentration process'' (USEPA, 2002) document states, ''In general, the Technical Panel reaffirms the importance of this UF, recommending that reduction of the intraspecies UF from a default of 10 be considered only if data are sufficiently representative of the exposure/dose-response data for the most susceptible subpopulation(s). Similar to the interspecies UF, the intraspecies UF can be considered to consist of both a toxicokinetic and toxicodynamic portion (*i.e.* 10∧0.5 each)'' (USEPA, 2002). Given that the BBDR model significantly accounts for differences within the human population, the full UF of 10 is not warranted.

One commenter suggested using a UF greater than 1 to account for the extrapolation of the lowest-observed adverse effect level (LOAEL) to the no-observed-adverse-effect-level (NOAEL). LOAELs and NOAELs were not identified or used by the EPA in its assessment because the Agency employed a sophisticated BBDR modeling approach, which was coupled with extrapolation to changes in IQ using linear regression, to determine a POD that would not be expected to represent an adverse effect. Therefore, a UF of 1 is appropriate. Other commenters suggested incorporating UFs for database deficiencies. Based on the findings of the NRC report, the EPA has previously concluded that this UF was not needed for deficiencies in the perchlorate database (NRC, 2005; USEPA, 2005a). The EPA determined that a UF of 1 to account for database deficiencies is still appropriate, given that the comprehensiveness of the perchlorate database has only increased since 2005.

Health Advisory

Several commenters suggest that the EPA should withdraw the 2011 determination to regulate perchlorate and instead issue an updated health advisory for perchlorate. The EPA issued an interim health advisory level for perchlorate in 2008. Health advisories provide information on contaminants that can cause human health effects and are known or anticipated to occur in drinking water. The EPA's health advisories are non-enforceable and non-regulatory and provide technical information to state agencies on health effects, analytical methodologies, and treatment technologies associated with drinking water contamination. State and local public health officials have the discretion to use the perchlorate health advisory as they deem necessary. The EPA will consider updating the 2008 perchlorate health advisory in the future.

C. Occurrence Analysis

The EPA received comments suggesting that the revised UCMR 1 data did not provide an adequate estimate of the perchlorate occurrence in drinking water systems. Some commenters indicated that the age of the collected data rendered the occurrence analysis obsolete and overestimated, because it no longer captures current lower contamination conditions that have been achieved due to mitigation measures taken in the Colorado River Basin. Other commenters criticized the EPA for replacing UCMR 1 data for systems located in the States of California and Massachusetts with more recent state compliance data for perchlorate.

The EPA recognizes that changes in perchlorate levels (increasing or decreasing) may have occurred in water systems since the UCMR 1 samples were collected between 2001 to 2005. The EPA updated the UCMR 1 data set to improve its accuracy in representing the current conditions for states that have enacted perchlorate regulations since the UCMR 1 monitoring was conducted. As outlined in the June 26, 2019 proposal, the EPA updated occurrence data for California and Massachusetts with current compliance data as reported by the states. Systems from these two states that were sampled during the UCMR 1 and that had reported perchlorate detections were updated with more recently measured values taken from current compliance monitoring data from Consumer Confidence Reports and state-level perchlorate compliance monitoring data

to match corresponding water systems and entry points.

The EPA has determined that the updated UCMR 1 data are the best available data collected in accordance with accepted methods on the frequency and level of perchlorate occurrence in drinking water on a national scale.

V. Conclusion

With this withdrawal of the 2011 perchlorate regulatory determination and final determination not to regulate perchlorate, the EPA announces that there will be no NPDWR for perchlorate at this time. The EPA could consider re-listing perchlorate on the CCL and could proceed to regulation in the future if the occurrence or health risk information changes. As with other unregulated contaminants, the EPA will consider addressing limited instances of elevated levels of perchlorate by working with the affected system and state, as appropriate.

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List of Subjects

40 CFR Part 141

Environmental protection, Administrative practice and procedure, Chemicals, Indians—lands, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

40 CFR Part 142

Environmental protection, Administrative practice and procedure, Chemicals, Indians—lands, Radiation protection, Reporting and recordkeeping requirements, Water supply.

Andrew Wheeler,

Administrator.

[FR Doc. 2020–13462 Filed 7–20–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2003–0010; FRL–10011–67–Region 7]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Omaha Lead Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; partial deletion.

SUMMARY: The Environmental Protection Agency (EPA) Region 7 announces the deletion of 117 residential parcels of the Omaha Lead Superfund site (Site or OLS) located in Omaha, Nebraska, from the National Priorities List (NPL). 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 Nebraska, through the Nebraska Department of Environment and Energy, determined that all appropriate Response Actions under CERCLA were completed at the identified parcels. However, this deletion does not preclude future actions under CERCLA. This partial deletion pertains to 117 residential parcels. The remaining parcels will remain on the NPL and are not being considered for deletion as part of this action.

DATES: This action is effective July 21, 2020.

ADDRESSES: EPA has established a docket for this action under Docket ID no. EPA–HQ–SFUND–2003–0010. All documents in the docket are listed on *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically *https://www.regulations.gov* or in hard copy at the site information repositories. Locations, contacts, and viewing hours of the Site information repositories are:

- EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219, open from 8:00 a.m. and 4:00 p.m. Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We recommend that you contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section before visiting the Region 7 office.
- W. Dale Clark Library, located at 215 S 15th Street, Omaha, NE 68102, open 10:00 a.m. to 8:00 p.m. Monday through Thursday; 10:00 a.m. to 6:00 p.m. Friday and Saturday; and 1 p.m. to 6 p.m. Sunday, excluding closures due to COVID–19.

The EPA has temporarily suspended many 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 *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: Elizabeth Hagenmaier, Remedial Project Manager, U.S. Environmental Protection Agency, Region 7, SEMD/LMSE, 11201 Renner Boulevard, Lenexa, KS 66219, telephone (913) 551–7939, email: *hagenmaier.elizabeth@epa.gov.*

SUPPLEMENTARY INFORMATION: The portion of the site to be deleted from the NPL are 117 residential parcels of the Omaha Lead Superfund site, Omaha, Nebraska. A Notice of Intent for Partial Deletion for this Site was published in the **Federal Register** on May 12, 2020 (85 FR 27979).

The closing date for comments on the Notice of Intent for Partial Deletion was June 11, 2020. No public comments were received, and EPA has determined it will proceed with the partial deletion.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion of a site from the NPL does not preclude further remedial action. 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. Deletion of portions of a site from the NPL does not affect responsible party liability, in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: June 29, 2020.

James Gulliford,

Regional Administrator, Region 7.

[FR Doc. 2020–14441 Filed 7–20–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1986–0005; FRL–10011–65–Region 2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the FMC Dublin Road Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 2 is publishing a direct final Notice of Deletion of the FMC Dublin Road Superfund Site (Site), located in the Towns of Shelby and Ridgeway, Orleans County, NY, from the National Priorities List (NPL). 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 New York, through the New York Department of Environmental Conservation, have determined that all appropriate response actions under CERCLA, other than operation and maintenance, monitoring, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This direct final rule is effective September 21, 2020 unless the EPA receives adverse comments by August 20, 2020. If adverse comments are received, the EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1986–0005, by one of the following methods:

- *https://www.regulations.gov.* Follow on-line 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 discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*
- *Email: rodrigues.isabel@epa.gov.*
- *Phone:* Public comment by phone may be made by calling (212) 637–4271 and following the directions provided for public comment.
- Written comments submitted by mail are temporarily suspended and no hand deliveries will be accepted. We encourage the public to submit comments via *https://www.regulations.gov.*

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1986–0005. 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 (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 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 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, 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 EPA cannot read your comment because of technical difficulties and cannot contact you for clarification, 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 the hard copy. 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: Isabel R. Fredricks, Remedial Project Manager, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 19th Floor, New York, NY 10007, 212 637–4248, email: *rodrigues.isabel@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

EPA Region 2 is publishing this direct final Notice of Deletion of the FMC Dublin Road Superfund Site, from the National Priorities List (NPL). The NPL constitutes appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. 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 responsible parties or by the Hazardous Substance Superfund (Fund). As described in 40 CFR 300.425(e)(3) of the NCP, sites deleted from the NPL are eligible for Fund-financed remedial actions if future conditions warrant such action.

Section II of this preamble explains the criteria for deleting sites from the NPL. Section III of this preamble discusses procedures that EPA is using for this action. Section IV of this preamble discusses the FMC Dublin Road Superfund Site and demonstrates how it meets the deletion criteria. Section V of this preamble discusses EPA's action to delete the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

The NCP establishes the criteria that 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), 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, 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. EPA conducts such five-year reviews even if a site is deleted from the NPL. 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) EPA consulted with the State prior to developing this direct final Notice of Deletion and the Notice of Intent to Delete co-published today in the ''Proposed Rules'' section of the **Federal Register**.

(2) EPA has provided the State 30 working days for review of this document and the parallel Notice of Intent to Delete prior to their publication today, and the State of New York through the New York State Department of Environmental Conservation, has concurred on the deletion of the Site from the NPL.

(3) In accordance with the criteria discussed above, EPA has determined that no further response is appropriate;

(4) Concurrently with the publication of this direct final Notice of Deletion, a notice of the availability of the parallel Notice of Intent to Delete is being published in a major local newspaper known as Lockport Sun and Journal. The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the site from the NPL.

(5) 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.

(6) If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely document of withdrawal of this direct final Notice of Deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received.

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 EPA placed copies of documents supporting the proposed deletion in the deletion docket. The material provides explanation of EPA's rationale for the deletion and demonstrates how it meets the deletion criteria. This information is made available for public inspection in the docket identified above.

V. Deletion Action

The EPA, with concurrence of the State, has determined that all appropriate response actions under CERCLA, other than operation and maintenance, monitoring, and five-year reviews, have been completed have been completed. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective September 21, 2020 unless EPA receives adverse comments by August 20, 2020. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion, and it will not take effect. EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Peter Lopez,

Regional Administrator, Region 2.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

Appendix B to Part 300—[Amended]

■ 2. Table 1 of appendix B to part 300 is amended by removing the entry ''NY'', ''FMC Corp. (Dublin Road Landfill)'', ''Town of Shelby''.

[FR Doc. 2020–15723 Filed 7–20–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 200706–0181]

RIN 0648–BH72

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Electronic Reporting for Federally Permitted Charter Vessels and Headboats in Gulf of Mexico Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS implements management measures described in the Gulf For-hire Reporting Amendment, as prepared and submitted by the Gulf of Mexico (Gulf) Fishery Management Council (Gulf Council) and the South Atlantic Fishery Management Council (South Atlantic Council). The Gulf For-hire Reporting Amendment includes amendments to the Fishery Management Plans (FMPs) for Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP) and the Coastal Migratory Pelagic (CMP) Resources of the Gulf of Mexico and Atlantic Region (CMP FMP). This final rule revises reporting requirements for an owner or operator of a charter vessel or headboat (for-hire vessel) with a Federal charter vessel/headboat permit for Gulf Reef Fish or Gulf CMP species. The purpose of this final rule is to increase and improve fisheries information collected from federally permitted for-hire vessels in the Gulf. The information is expected to improve recreational management of the for-hire component of the reef fish and CMP fisheries in the Gulf.

DATES: This final rule is effective on January 5, 2021, except for §§ 622.26(b)(5) and 622.374(b)(5)(ii) through (v), which are delayed indefinitely. The Administration will publish a document in the **Federal Register** announcing the effective date of those provisions.

ADDRESSES: Electronic copies of the Gulf For-hire Reporting Amendment may be obtained from *www.regulations.gov* or the Southeast Regional Office website at *https://www.fisheries.noaa.gov/southeast/et.*

The Gulf For-hire Reporting Amendment includes an environmental assessment, regulatory impact review, Regulatory Flexibility Act (RFA) analysis, and fishery impact statement.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted at any time to Adam Bailey, NMFS Southeast Regional Office, *adam.bailey@noaa.gov,* or by email to *OIRA_Submission@omb.eop.gov,* or fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: Rich Malinowski, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *rich.malinowski@noaa.gov.*

SUPPLEMENTARY INFORMATION: The CMP fishery in the Gulf is managed under the CMP FMP, an FMP jointly managed by the Gulf Council and South Atlantic Council. The Gulf Council manages the reef fish fishery under the Reef Fish FMP. These FMPs are implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On June 21, 2018, NMFS published a notice of availability (NOA) for the Gulf For-hire Reporting Amendment and requested public comment (83 FR 28797). On September 19, 2018, the Secretary of Commerce (Secretary) approved the Gulf For-hire Reporting Amendment under section 304(a)(3) of the Magnuson-Stevens Act. On October 26, 2018, NMFS published a proposed rule for the Gulf For-hire Reporting Amendment and requested public comment through November 26, 2019 (83 FR 54069). On November 20, 2018, NMFS extended the proposed rule comment period through January 9, 2019 (83 FR 58522). The proposed rule and the Gulf For-hire Reporting Amendment outline the rationale for the actions contained in this final rule. A summary of the management measures described in the Gulf For-hire Reporting Amendment and implemented by this final rule is provided below.

Management Measures Contained in This Final Rule

This final rule requires an owner or operator of a vessel with a Federal charter vessel/headboat permit for Gulf reef fish or Gulf CMP species (hereafter referred to as a Gulf for-hire vessel owner or operator) to submit an electronic fishing report (also referred to as a logbook), via NMFS-approved hardware and software, for each fishing trip before offloading fish from that fishing trip. If no fish are landed, the electronic fishing report must be submitted within 30 minutes after the completion of the fishing trip. This final rule also requires a Gulf for-hire vessel owner or operator to notify NMFS prior to departing for any trip and declare whether they are departing on a for-hire trip or on another trip type. If the vessel will be operating as a charter vessel or headboat during the specified trip, the vessel owner or operator must also report details of the trip's expected completion. Lastly, this final rule requires that a Gulf for-hire vessel owner or operator use NMFS-approved hardware and software with global positioning system (GPS) location capabilities that, at a minimum, archive vessel position data during a trip for subsequent transmission to NMFS. NMFS expects the time period between the publication date and effective dates for this final rule will allow time for affected fishery participants to purchase and install approved hardware and software, as well as comply with all other requirements in this rule.

Electronic Fishing Reports

This final rule requires a Gulf for-hire vessel owner or operator that is operating the permitted vessel as a for-hire vessel to submit an electronic fishing report for each trip before offloading fish from the vessel, or within 30 minutes after the end of each trip if no fish were landed. The electronic fishing report must include any species that were caught or harvested in or from any area (*e.g.,* in state, Federal, or foreign waters, in the Gulf, Atlantic, Pacific Ocean, *etc.*), as well as information about the permit holder, vessel, location fished, fishing effort, discards, and socio-economic data.

A Gulf for-hire vessel owner or operator is required to submit the fishing report using hardware and software approved by NMFS for use in the Gulf for-hire reporting program, which could include sending data through a cellular or satellite-based service. Approved hardware used to submit a fishing report means devices such as computers, tablets, and phones that allow for internet access via a cellular or satellite signal and are capable of supporting and operating approved software. Software for such devices must be approved by the NMFS Southeast Regional Office, and vendors seeking NMFS type-approval can find

technical specifications and procedures at *https://www.fisheries.noaa.gov/southeast/et.* NMFS will evaluate potential applications and software as they are submitted by vendors and post a list of approved items on the website.

Consistent with the previous regulations, a Gulf for-hire vessel owner or operator who is selected to report to the Southeast Region Headboat Survey (SRHS), managed and operated by the NMFS Southeast Fisheries Science Center (SEFSC), will submit fishing reports to that program upon implementation of this final rule. However, as a result of this final rule, those vessel owners or operators reporting to the SRHS must report before offloading fish from the vessel, or within 30 minutes after the end of each trip if no fish were landed. Public reporting burden is estimated to average 10 minutes per electronic fishing report.

A vessel monitoring system (VMS) unit, either cellular- or satellite-based, could also be used to submit a fishing report but must be approved by the NMFS Office of Law Enforcement (OLE) for use in the Gulf for-hire reporting program. Existing NMFS type-approved VMS units for commercial fisheries will be evaluated and potentially modified by the vendors to meet the Gulf for-hire reporting requirements. Vendors wishing to submit VMS hardware and software for NMFS OLE type-approval can find technical specifications and procedures at 50 CFR 600, subpart Q. NMFS OLE published a final rule in the **Federal Register** that will modify the existing NMFS VMS type-approval regulations to include cellular-based VMS in addition to satellite-based VMS, and to allow VMS communications to be sent through secure cellular communication services (85 FR 40915, July 8, 2020). NMFS OLE maintains a list of all approved VMS units for each applicable Federal fishery or area at *https://www.fisheries.noaa.gov/national/enforcement/noaa-fisheries-type-approved-vms-units.*

NMFS will post approved software for electronic fishing reports that meet the NMFS type-approval for the Gulf for-hire reporting program, as well as post other useful references on the Southeast Region website at *https://www.fisheries.noaa.gov/southeast/et.*

This final rule also extends other provisions to federally permitted charter vessels that currently apply to headboats to allow for modified reporting during catastrophic conditions and to address delinquent reporting. During NMFS-declared catastrophic conditions, such as after a hurricane, NMFS may accept paper reporting forms, and can modify or waive reporting requirements. Also, a delinquent fishing report will result in a prohibition on the harvest or possession of the applicable species by the for-hire vessel permit holder until all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements.

Trip Declaration

This final rule requires a Gulf for-hire vessel owner or operator to submit a trip declaration to NMFS before departing from any a dock, berth, beach, seawall, or ramp. The trip declaration will indicate whether the vessel is departing on a commercial, charter, headboat, private recreational, or non-fishing type of trip. For instance, if a vessel is taken to a separate dock to get fuel, and then does not start a fishing trip, the trip declaration would be completed as a non-fishing trip. No additional information is required on the trip declaration if the vessel is not making a for-hire fishing trip. If the vessel will be departing on a for-hire trip (charter or headboat), the owner or operator must also report the expected trip completion date, time, and landing location. The trip declaration must be accomplished as described above for the fishing reports. All software approved for submitting fishing reports will also be approved for submitting trip declarations.

In the Gulf, an owner or operator of a federally permitted commercial reef fish vessel is already required to submit a trip declaration, either through a VMS unit or by telephone. To reduce duplicative trip declarations, an owner or operator of a vessel with both a Gulf commercial reef fish permit and a Gulf for-hire permit leaving for a commercial trip can meet the requirements of both programs by submitting a trip declaration only using the commercial program declaration form, if they use VMS hardware and software that has been approved for both programs. However, a for-hire trip declaration may not be submitted using the commercial telephone system. Therefore, if a vessel owner or operator chooses to declare a commercial trip through the use of the telephone system, they must also declare the trip using hardware and software approved for the Gulf for-hire reporting program. An owner or operator of a vessel with both a Gulf commercial reef fish permit and a Gulf charter vessel/headboat permit who is leaving on a for-hire trip can meet the requirements of both programs by submitting a trip declaration if they use the Gulf for-hire reporting program declaration form, and they use VMS hardware and software that has been approved for both programs. If an owner or operator of a vessel with both a Gulf commercial reef fish permit and a Gulf for-hire permit chooses to maintain two types of hardware and software, one approved for the commercial program and one approved for the for-hire program, they must submit trip declarations to both programs regardless of the type of trip. NMFS is considering possible modifications to each program to reduce duplicative declarations in the future.

If leaving on a for-hire trip, the trip declaration requires the landing location for the end of the trip, and these landing locations must be added to any approved software before their use. Landing locations must be submitted to NMFS through the Landing Location Request form for verification and inclusion on reporting platforms. NMFS staff will verify that the location exists and can reasonably be expected to be a vessel landing location, *e.g.,* the location is adjacent to a waterway. NMFS anticipates verifying landing location requests within two business days of receipt. If verified, the location will be assigned a code and shared with any vendors with approved software for inclusion in future updates. At this time, NMFS cannot specify how long it will take vendors to make these updates. If NMFS cannot verify the landing location, the applicant will be notified. NMFS will process requests submitted on weekends and holidays during normal business hours. Any approved landing location for the commercial individual fishing quota (IFQ) programs in the Gulf will also be a valid landing location in the Gulf for-hire reporting program and does not need to be resubmitted. However, because of stricter qualifications for an approved landing location in the commercial IFQ programs, a verified for-hire landing location is not automatically an approved landing location for the Gulf IFQ programs.

The Gulf Council determined that trip declarations will improve effort estimation for for-hire vessels and improve the ability of port agents and law enforcement to meet a vessel at end of a trip for biological sampling and landings validation. Public reporting burden to complete the trip declaration requirement is estimated to average 2 minutes per trip.

Location Tracking and Reporting

This final rule requires that a Gulf for-hire vessel have NMFS-approved hardware and software on board with GPS location capabilities that, at a minimum, archive vessel position data during a trip for subsequent

transmission to NMFS. This rule requires the collection of a vessel's position at least hourly, unless the in-port 4-hour position reporting exemption is met, as specified in 50 CFR 622.26(b)(5)(ii)(C) and 622.374(b)(5)(iv)(C).

The proposed rule for the Gulf for-hire reporting program distinguished between a satellite and cellular vessel location tracking device by referring to the former as a VMS unit and the latter as a GPS unit or GPS portion of the hardware. However, to be consistent with the NMFS OLE final rule, any cellular- or satellite-based vessel location tracking device is hereafter referred to as a cellular or satellite VMS.

The vessel location tracking data can be transmitted through a cellular or satellite-based service. Cellular-based systems collect and store data while a vessel is not within range of a cellular signal, *e.g.,* during the majority of fishing trips in Federal waters, and then transmit the data when the vessel is within cellular range. While a vessel is within cellular range, *e.g.,* nearshore or at the dock, data transmission will be closer to real-time. Satellite-based systems transmit data as they are collected.

VMS units, whether cellular or satellite-based, will be type-approved by NMFS OLE. Vendors wishing to submit a satellite VMS unit for NMFS OLE type-approval can find technical specifications and procedures at 50 CFR 600, subpart Q for current requirements and type-approval process. NMFS OLE recently published a final rule to implement type-approval requirements for cellular VMS and to allow VMS communications to be sent through secure cellular communication services, and this information will also be located at 50 CFR 600, subpart Q. Approved cellular and satellite VMS units for each applicable Federal fishery or area will continue to be listed at *https://www.fisheries.noaa.gov/national/enforcement/noaa-fisheries-type-approved-vms-units.* NMFS SERO will post all approved hardware and software for the Gulf for-hire reporting program, including VMS units approved by NMFS OLE, at *https://www.fisheries.noaa.gov/southeast/et.*

Each Gulf for-hire vessel owner or operator is responsible for using an approved VMS that will automatically transmit vessel location data at some time before offloading fish at the end of each trip, or within 30 minutes after a trip is completed if no fish were landed. The type of VMS (cellular or satellite) that is capable of transmitting vessel location data as required may depend on the area where the vessel docks. The vessel's cellular or satellite VMS must be permanently affixed to the vessel and must have uninterrupted power, unless the owner or operator applies for and is granted an exemption to power-down the unit, as specified in 50 CFR 622.26(b)(5)(ii)(D) and 622.374(b)(5)(iv)(D), *e.g.,* if the vessel is removed from the water for repairs.

Satellite VMS units and some cellular VMS units will allow users to enter and transmit fishing reports and trip declarations in addition to automatically recording and transmitting GPS coordinates. Other cellular VMS units will only be capable of automatically recording and transmitting GPS coordinates, but will be able to connect to another device that is capable of transmitting fishing reports and trip declarations. Therefore, depending on the VMS unit selected by the vessel owner or operator, a separate device, such as a smartphone or tablet, and an additional wireless service plan may be required to submit fishing reports and trip declarations.

In the Gulf, an owner or operator of a federally permitted commercial reef fish vessel is already required to have a satellite VMS unit permanently affixed to the vessel. NMFS has also issued Gulf charter vessel/headboat permits to some of these vessels. However, not all satellite VMS units approved for use on commercial reef fish vessels may be approved for use in the Gulf for-hire reporting program. Satellite VMS units approved by NMFS for commercial reef fish vessels will need software updates by the vendors to meet the for-hire reporting requirements in this final rule. If a satellite VMS unit required for the Gulf commercial reef fish fishery is not capable of meeting the Gulf for-hire electronic reporting requirements, the owner or operator will need to purchase a VMS unit that is approved for both commercial reef fish and for-hire vessels, or keep the satellite VMS unit for commercial trips and purchase a separate cellular or satellite VMS unit that meets the Gulf for-hire reporting requirements in this final rule.

To allow more time for the type-approval process and sufficient time for for-hire vessel owners and operators to obtain the devices, the requirement that Gulf for-hire vessels have NMFS-approved hardware and software with GPS location capabilities will be delayed until NMFS announces the effective date in a subsequent document published in the **Federal Register**. However, before that effective date, NMFS will notify affected permit holders through a fishery bulletin when cellular or satellite VMS units approved for the Gulf for-hire reporting program may be used voluntarily to submit fishing reports and trip declarations.

This final rule has similar requirements for powering down a cellular or satellite VMS unit that currently apply to vessels in the commercial reef fish fishery. Regulations allow an owner or operator of a commercial vessel to discontinue the use of a VMS unit for a specific time period, provided they request and obtain a VMS power-down exemption letter, which authorizes the power-down, from the NMFS OLE Southeast Division (50 CFR 622.28). To obtain NMFS' authorization for powering down a cellular or satellite VMS unit for the Gulf for-hire reporting program, the permit holder must fill out the VMS Power-down Exemption Request form, and submit the form by email or mail to NMFS OLE. NMFS OLE must approve each power-down request before the vessel operator may turn off the vessel's VMS unit. The VMS Power-down Exemption Request form is available on the NMFS website for the Gulf for-hire reporting program, *https://www.fisheries.noaa.gov/southeast/et.* NMFS estimates a VMS power-down exemption request will require an average of 5 minutes to complete per occurrence.

Other Electronic Reporting Programs

On February 24, 2020, NMFS published in the **Federal Register** the final rule to implement electronic reporting requirements contained in the South Atlantic For-Hire Reporting Amendment applicable to the for-hire component of recreational fisheries in the South Atlantic Council's jurisdiction (85 FR 10331). Under the South Atlantic for-hire reporting program, an owner or operator of a vessel issued a Federal charter vessel/headboat permit for species managed under the FMPs for CMP (in the Atlantic), Atlantic Dolphin and Wahoo, or South Atlantic Snapper-Grouper, and is operating as a for-hire vessel, will have to submit on a weekly basis an electronic fishing report for each trip using NMFS-approved hardware and software. Although the information collected in the South Atlantic fishing report is expected to be the same as for the Gulf fishing report, the frequency of trip reporting will be different, and neither a trip declaration nor location tracking device is required in the South Atlantic for-hire reporting program.

A Gulf for-hire vessel owner or operator must follow the Gulf reporting regulations regardless of where they fish or any other Federal permits they hold, including those that hold both Gulf and South Atlantic for-hire permits.

However, the South Atlantic Council's intent is to prevent multiple reporting of the same for-hire trip by allowing the owner or operator of a vessel with multiple Federal for-hire permits to fulfill the South Atlantic requirements by submitting reports under other programs, if those reporting requirements are more stringent. Therefore, a vessel owner or operator with a Federal for-hire permit for an applicable fishery managed by the South Atlantic Council who is required to report under the Gulf for-hire reporting program, will not also need to report under the South Atlantic's program. Thus, an owner or operator with Federal for-hire permits from both areas must submit fishing reports before offloading fish, submit a trip declaration, and have a location tracking device aboard their vessel according to the Gulf requirements in this final rule.

Changes From the Proposed Rule

The proposed rule distinguished between satellite and cellular devices by referring to the former as VMS units and the latter as GPS units. However, during development of the Gulf for-hire reporting program, NMFS determined that it was appropriate for NMFS OLE to test and type-approve cellular-based vessel tracking devices. Therefore, to make descriptions of a vessel tracking device consistent between the NMFS OLE regulations at 50 CFR 600, subpart Q and the requirements in this final rule, any cellular- or satellite-based vessel location tracking device is referred to as a cellular or satellite VMS.

Similarly, the NMFS OLE final rule to specify the type-approval requirements for cellular VMS requires that position reporting be fully automatic, which is the same specification as position reporting by a satellite VMS unit. Automatically populating these data prevents alteration or unintended modification. NMFS estimated in the proposed rule that if it was necessary to submit separate fishing and location reports at the end of each trip, the reporting burden to submit separate location information could be an additional 2 minutes per trip. An added benefit to a for-hire vessel owner or operator with automation of location data submission is that the potential burden of having to submit vessel location data after a fishing trip is removed from this final rule.

In this final rule, NMFS has revised the name for the required pre-trip declaration and the associated electronic form name. In the proposed rule, NMFS referred to this as the Trip Notification form, but this final rule refers to this as the Trip Declaration form. The requirements to submit a Trip Declaration form remain the same as stated in the proposed rule. NMFS made the change in this final rule to increase the consistency of terms used to describe various forms across platforms, and ''declaration'' is a familiar term already used by some fishermen for a similar requirement in the commercial sector of the Gulf reef fish fishery.

NMFS is also adding regulatory text in 50 CFR 622.26(b)(6) and 622.374(b)(6) to clarify that the trip declaration is required any time the vessel departs from a dock, berth, beach, seawall, or ramp. In the proposed rule, these paragraphs stated that the declaration is required prior ''to the departure of any trip,'' but did not define trip. The term ''trip'' is defined 50 CFR 622.2, in part, as ''a fishing trip.'' However, the proposed rule did not refer to this definition and various regulations in 50 CFR part 622 use the term ''fishing trip'' as opposed to ''trip.'' Therefore, to avoid any confusion about when the trip declaration is required, for the purpose of paragraphs 622.26(b)(6) and 622.374(b)(6), NMFS is specifying that a ''trip'' begins anytime the vessel departs from a dock, berth, beach, seawall, or ramp, and terminates with return to a dock, berth, beach, seawall, or ramp, regardless of the duration or purpose, including non-fishing activities. This revision more clearly describes the reporting requirements under this rule.

This final rule changes the methods for a vessel owner or operator to submit the VMS power-down exemption request form to NMFS. In the proposed rule on page 54071, NMFS stated that the form would be accepted by mail or fax, and that NMFS expected an electronic method of submission to be available by the effective date of this final rule. However, NMFS has determined few vessel owners or operators would use fax. Therefore, to streamline administration of the Gulf for-hire reporting program, NMFS will not accept this form by fax. NMFS also continues to work on developing the electronic form, but does not expect it to be available until after the effective date. As of this final rule, NMFS can accept the VMS Power-down Exemption Request form by mail or email, and will provide vessel owners and operators with any new information about the available methods to submit the form on the NMFS website for the Gulf for-hire reporting program, *https://www.fisheries.noaa.gov/southeast/et.*

This final rule also makes minor changes in §§ 622.26(b)(1) and (5), and 622.374(b)(1)(i) and (5)(i) to more clearly separate the logbook and VMS requirements and to make it clear that NMFS approved hardware and software for both the logbook and VMS will be posted on the NMFS Southeast Region website.

Finally, in response to public comment about reporting to the SRHS (*Comment 10*), NMFS adds regulatory text in §§ 622.26(b)(1) and 622.374(b)(1)(i) to make it clear, that if selected by the NMFS Science Research Director, a Gulf for-hire vessel owner or operator must report via the SRHS. As of April 2020, there were 69 Gulf for-hire vessels that report via the SRHS and the software used by the SRHS will be approved for the Gulf for-hire reporting program.

Comments and Responses

NMFS received 109 comments during the public comment periods on the NOA and proposed rule for the Gulf For-hire Reporting Amendment. The majority of the comments were opposed to the Gulf For-hire Reporting Amendment and proposed rule. NMFS acknowledges the comments in favor of all or part of the actions in the Gulf For-hire Reporting Amendment and the proposed rule, and agrees with them. Some comments in support of the proposed rule included that the requirements will help ensure the recreational for-hire component gets credit for the fish they catch and that the data will be more timely and accurate, will lead to better stock assessments, and will assist in making management decisions, such as reducing catch limit buffers that are in place to prevent harvest overages.

Some commenters made suggestions about how to implement the final rule. These comments included: NMFS should set compliance and validation targets; NMFS should establish dock-side validation rates by incorporating existing on-site sampling and monitoring programs operated by the Marine Recreational Information Program (MRIP) and the Gulf states for cost efficiencies; NMFS should consider some method of incentivizing participation in the program to maximize compliance during initial implementation; the program should provide reports back to vessel owners and operators; and NMFS should provide educational materials to vessel operators to share with their customers. NMFS will consider all of the suggestions and may implement them in the future, if appropriate.

Some comments were outside the scope of the Gulf For-hire Reporting Amendment and the proposed rule and are not addressed in this final rule. Comments in opposition to all or some of the actions contained in the Gulf For-

hire Reporting Amendment and the proposed rule are summarized below, as well as NMFS' respective responses. NMFS made one change in response to public comment on the Gulf For-hire Reporting Amendment and the proposed rule. See the response to *Comment 10* below.

Comment 1: Data collection is a research tool and therefore should be NMFS', rather than fishermen's, responsibility.

Response: The Gulf for-hire reporting program is designed to both monitor for-hire landings to determine in-season closures and post-season quota adjustments, and to enhance data collection efforts to provide for better fisheries management, such as through more data-rich stock assessments. As such, collection of these data is not a research tool but a management tool for the reef fish and CMP fisheries, and responsibility for the program is appropriately shared by NMFS and the fishermen. The fishermen are required to have the necessary equipment and report in a timely manner as conditions of their Federal for-hire permits because they possess the information that the Gulf Council and NMFS need to improve management. NMFS is responsible for performing quality control, validating the reports, and using the data, as appropriate, to help achieve various management objectives.

Comment 2: MRIP should take the lead in designing and executing the for-hire electronic reporting to avoid problems with different state-based surveys that have different designs and calibrations.

Response: NMFS does not agree that MRIP should take the lead in designing and executing the Gulf for-hire electronic reporting program. As designed by the Gulf Council, with input from both the Southeast Regional Office and MRIP, all federally permitted for-hire vessels (charter vessels and headboats) will report at the end of each trip through NMFS approved software. This will avoid relying on surveys with different designs and potential issues with calibrations.

Comment 3: It is not clear if MRIP will still collect data from non-federally permitted for-hire vessels, which operate solely in state waters, or how the Gulf for-hire reporting program will affect future funding for the MRIP survey.

Response: MRIP will continue to survey state permitted vessels fishing exclusively in state waters. The Gulf for-hire reporting program is not anticipated to affect funding for MRIP.

Comment 4: Explain how Gulf States' fisheries management agencies are going to be involved in the implementation and dock-side validation of the Gulf for-hire reporting program.

Response: NMFS anticipates that Gulf States' fisheries management agencies will continue to operate as they currently do through the Gulf Fisheries Information Network (GulfFIN) in conjunction with MRIP. GulfFIN is a state-Federal cooperative program managed by the Gulf States Marine Fisheries Commission that collects, manages, and disseminates statistical data and information on the marine and estuarine commercial and recreational fisheries in the Gulf. All five Gulf States participate in GulfFIN, and NMFS staff is working with GulfFIN to incorporate the Gulf for-hire reporting program into their validation program. As additional funding for dock-side validation becomes available, staff with the Gulf for-hire reporting program will communicate with MRIP, GulfFIN, and the state agencies to develop any needed changes in methodology and staffing requirements.

Comment 5: Explain how NMFS will validate the data collected from the Gulf for-hire reporting program. As of the proposed rule publication date, October 26, 2018, NMFS has not provided a cost estimate or their approach to ensure adequate dockside validation. Without dockside validation, there is a concern over the efficacy of this type of data collection program.

Response: The Gulf Council chose to require a trip declaration and vessel location tracking device to validate effort (fishing trips). These requirements will allow NMFS to determine when a fishing trip was taken, and the length of that trip. The trip declaration will also allow port agents to know when and where a trip will end for further sampling. NMFS received funding to support port samplers, who will work with Gulf state fisheries management agencies to validate catch on for-hire vessels.

Comment 6: The Gulf and South Atlantic for-hire reporting programs should be effective starting on the same date to avoid confusion and promote compliance.

Response: Currently, the South Atlantic for-hire reporting program will be effective on September 1, 2020, although NMFS is considering whether to delay that effective date to be consistent to the extent practicable with the effective date of this final rule. NMFS originally intended to have an effective date for the logbook and trip declaration requirements in this final rule consistent with the September 1, 2020, effective date for the South Atlantic for-hire reporting program. However, at its June 2020 meeting, the Gulf Council requested that NMFS delay the effective date of this rule to January 2021. NMFS agrees that it is appropriate to provide permit holders with additional time to comply with the requirements of this rule. Therefore, the effective date for the logbook and trip declaration requirements in this final rule is January 5, 2021, and the effective date for the additional requirements in this final rule, *e.g.,* vessel location tracking devices, will be announced in a subsequent document published in the **Federal Register**.

Comment 7: Based on a presentation to the Gulf Council in August 2018, NMFS planned to publish the final rule before approval of the amendment, which creates the perception that public comments are a waste of stakeholder time.

Response: NMFS did not plan to publish a final rule before approval of the Gulf For-hire Reporting Amendment. The presentation referred to in the comment showed timelines for both the Gulf and South Atlantic for-hire reporting programs, and the comment confuses the dates for the two programs. The NOA for the Gulf For-hire Reporting Amendment published in the **Federal Register** on June 21, 2018, with comments due on August 20, 2018 (83 FR 28797). NMFS considered these comments prior to approval of the Gulf For-hire Reporting Amendment on September 19, 2018. The proposed rule for the Gulf for-hire reporting program published in the **Federal Register** on October 26, 2018, with comments due by November 26, 2018 (83 FR 54069). The comment period was extended to January 9, 2019, to accommodate anyone effected by Hurricane Michael (83 FR 58522). In implementing this final rule, NMFS considered comments on both the NOA and the proposed rule and they are all addressed in this final rule.

Comment 8: Permit holders with Federal for-hire permits in the Gulf who also possess Atlantic and Highly Migratory Species (HMS) Federal permits, and primarily or entirely fish in Atlantic waters should report based on requirements in the applicable Atlantic fishery, and not the requirements in the Gulf for-hire reporting program.

Response: The Gulf Council decided to require an owner or operator of any vessel with a Federal Gulf charter vessel/headboat permit to comply with the requirements of the Gulf for-hire reporting program, regardless of where they are fishing, to have a comprehensive program for Gulf-permitted vessels and improve validation and enforcement. By

requiring that all Gulf for-hire vessels have location tracking, NMFS can validate a trip was taken and the location of trips, as well as ensure vessel owners and operators are reporting as required.

To prevent duplicate reporting, for-hire owners or operators who are required to report under both the South Atlantic for-hire reporting program and the Gulf for-hire reporting program will be able to comply with the requirements of the South Atlantic program by reporting under the Gulf program, as the requirements of the Gulf for-hire reporting program are more stringent than the South Atlantic. The data required in the fishing report will be the same for the two systems, but the Gulf requires more frequent reporting, a trip declaration, and a location tracking device permanently attached to the vessel and on at all times.

For-hire owners or operators who are required to report under an Atlantic HMS reporting program will have to report under that program and the Gulf for-hire reporting program. Owners or operators with both Gulf and HMS charter vessel/headboat permits can choose to report through a single reporting system that is approved for both programs, such as eTRIPS, but must report before off-loading fish. Depending on which reporting system is used, initially for-hire vessel owners or operators may have to submit multiple reports to satisfy both HMS and Gulf reporting requirements. However, reporting options should be available upon or shortly after implementation of this rule that allow both reporting requirements to be met with a single report.

Comment 9: There should be an exemption from the Gulf for-hire reporting program requirements for federally permitted vessels that are not being used or only fish in state waters.

Response: If a vessel is not being used but is still federally permitted, the owner or operator can submit a Power-down Exemption Request form to NMFS. If NMFS grants a power-down exemption, the owner or operator may turn-off the vessel location tracking device for the specified period. However, those vessels may not leave the dock while under the exemption. By tracking vessels, NMFS can validate a trip was taken and the location of trips, as well as ensure vessel owners and operators are reporting as required. Therefore, the Council determined, and NMFS agrees, that there should not be an exemption for federally permitted vessels that fish in state waters only.

Comment 10: Headboats should be able to continue reporting to the SRHS.

Response: NMFS agrees. Gulf for-hire vessel owners or operators who currently report to the SRHS will continue to report through the SRHS software, which will be approved for use in Gulf for-hire reporting program. However, as stated in the proposed rule, these owners or operators will now be required to report before off-loading fish, or within 30 minutes after the fishing trip has ended if no fish were harvested. These owners or operators will also be required to submit a trip declaration before departing for any trip and have a location tracking device permanently attached to the vessel and operational at all times, unless NMFS has approved a VMS power-down exemption. If a new vessel is selected to report to the SRHS, the owner or operator of that vessel will also use the approved SRHS software consistent with the requirements stated above. NMFS has added language in 50 CFR 622.26(b)(1) and 622.374(b)(1)(i) to make this clear.

Comment 11: It is unclear how the data collected through the Gulf for-hire reporting program will be incorporated into future stock assessments and how it will reduce uncertainty in fisheries management.

Response: In the short term, the information reported through the Gulf for-hire reporting program will be used to validate minimum estimates of for-hire fishing effort. NMFS official estimates of catch and effort from the for-hire component will continue to come from MRIP until the Gulf for-hire reporting program is certified as statistically valid and a transition plan is prepared and executed. NMFS anticipates working with state and Federal partners to validate catch and effort, and design a statistically valid sampling regime in 2021. Also, the Gulf for-hire reporting program includes measures that are expected to help produce data robust enough to be certified through MRIP. These measures include the trip declaration prior to leaving port, and, and the submission of the electronic fishing report before catch is off-loaded from a fishing vessel.

When the Gulf for-hire reporting program replaces MRIP, NMFS expects the Gulf for-hire reporting program to make it easier to track landings in a timely manner and reduce uncertainty in the data because landings information would be collected from all federally permitted for-hire vessels rather than a subset of vessels. Once the Gulf for-hire data have been collected and analyzed, NMFS will evaluate the information to determine its use in stock assessments.

Comment 12: It is unclear how NMFS will protect data that are being reported, and prevent misuse by staff or public distribution.

Response: NMFS will protect these data in accordance with applicable law. For example, under section 402(b)(1) of the Magnuson-Stevens Act, the data submitted to NMFS under the Gulf For-hire Reporting Amendment shall be confidential and shall not be disclosed, except under the limited circumstances specified in the Magnuson-Stevens Act, such as to Council or Federal employees who are responsible for fishery management. As noted in 50 CFR 600.415(e), anyone ''having access to these data are prohibited from unauthorized use or disclosure and are subject to the provisions of 18 U.S.C. 1905, 16 U.S.C. 1857, and NOAA/NMFS internal procedures, including NAO 216–100.'' Additionally, all data reported through the Gulf for-hire reporting program will be collected through software that meets standards set out by NMFS, including data confidentiality and protection of personal information online, and will be treated as confidential in accordance with NOAA Administrative Order 216–100, Protection of Confidential Fisheries Statistics. The release of data in aggregate or summary form that does not directly or indirectly disclose the identity or business of any person who submits the information is authorized under section 402(b)(3) of the Magnuson-Stevens Act.

Comment 13: Collecting discard data would be very cumbersome when there are multiple customers on the vessels.

Response: NMFS acknowledges that implementation of this final rule will increase the time that Gulf for-hire vessel owners or operators spend reporting fishing activities. However, vessel owners or operators may choose to input catch and discard data in real-time instead of dockside to reduce potential recall issues. Accurate and reliable fisheries information about catch, effort, and discards is critical to population assessments and management actions.

NMFS understands some for-hire vessel owners or operators will need to adjust their fishing practices to keep track of fish that are discarded during a busy fishing day. To assist these owners and operators, NMFS and the Gulf Council held outreach workshops to share tools that can help to ensure accurate reports are completed, and NMFS will continue with these outreach efforts.

Comment 14: The existing state data collection programs are superior to the

new Gulf for-hire reporting program and better suited to the states' fishermen.

Response: The state data collection programs provide each state with the data necessary to manage some state and Federal fisheries. However, the various state data collection programs are different from each other in numerous ways and some do not collect data on all federally managed species. The Gulf for-hire reporting program will be collecting more detailed data on catch, landings, and fishing effort for all federally managed species in a consistent format throughout the Gulf, and is designed to produce data that NMFS expects will be able to replace the estimates generated by MRIP.

Comment 15: NMFS should not require reporting of economic information. Requiring operators to submit their financial information leads to a lack of buy-in and trust among participants. There are other methods to collect this information such as surveying websites, directly surveying permit holders, or simply asking the question on a random basis rather than for every trip.

Response: NMFS disagrees that reporting economic information should not be required. With implementation of this final rule, NMFS will require the reporting of five economic values per trip: The charter fee, the fuel price and estimated amount of fuel used, number of paying passengers, and the number of crew for each trip. During the development of the Gulf For-hire Reporting Amendment, NMFS and the Gulf Council discussed data elements to be reported through the Gulf for-hire reporting program, including economic data. The collection of economic information will enhance the Gulf Council and NMFS' ability to monitor and assess the economic effects of fishing regulations and environmental factors. This information will improve the best scientific information available for regulatory decision-making; will increase the accuracy of economic impacts and value estimates specific to the for-hire industry; and will support further value-added research efforts and programs aimed at increasing net benefits to fishery stakeholders and the U.S. economy. Also, this information will help generate estimates of lost revenue when a disaster occurs (*e.g.,* hurricane, oil spill). For example, information collected by the Individual Fishing Quota programs was instrumental during the 2010 Deepwater Horizon MC 252 oil spill to account for lost revenue. Information reported by individuals and businesses will be kept confidential, as explained in the response to *Comment 12.*

Economic information collected as part of the electronic logbooks will be superior, in terms of quality and usefulness, to information that can be obtained from websites or separate surveys. Data gathered from websites or separate surveys are frequently outdated, often suffer from small sample size issues, and are not linked to trip characteristics. By capturing the variation in these economic data across trips, NMFS can extract information about the value of individual trip characteristics (*e.g.,* the marginal value per fish for a given species). Using available regional averages for fuel prices in particular would fail to capture differences in prices at a more localized level or by fuel grade.

Comment 16: Daily or weekly reporting is frequent enough and trip-level reporting is unnecessary for for-hire data collection. Reporting before fish are off-loaded or within 30 minutes after the trip has ended does not give Gulf for-hire vessel owners or operators enough time to complete their electronic reports and submit them. The time allowed for transmitting an electronic report should be longer.

Response: NMFS disagrees that trip level reporting is unnecessary and that Gulf for-hire vessel owners or operators will not have enough time to complete and submit their reports. NMFS estimates that it will take about 10 minutes per trip to complete each report. NMFS expects that some of the approved software programs will allow some data to be stored or auto-populated to make it quicker and easier to input data. NMFS also notes that this final rule requires submission of an electronic fishing report within 30 minutes of completing each trip only if no fish are on board, in which case the report would be very short. If fish are on board, the report must be submitted any time before offloading the fish, but not within any specific time period.

NMFS expects these reporting requirements to increase data accuracy, as well as provide more timely information of charter vessel activity. Reporting on a per trip basis is also expected to reduce recall bias. Additionally, NMFS expects this requirement to help improve validation because law enforcement and port agents will be provided the opportunity to inspect and verify landings after the reports are submitted. As explained in the response to *Comment 11,* more timely collection of harvest data will make it easier for NMFS to track landings and constrain harvests to the annual catch limits. Harvest overages have the potential to severely impact fish stocks, which may lead to lower catch rates and more stringent harvest limits in the future. In turn, this may reduce revenue and profits for fishing businesses, including industry support businesses, and diminish fishing opportunities for anglers and associated economic value.

Comment 17: NMFS should notify a Gulf for-hire vessel owner or operator that their electronic fishing report was submitted successfully, or if deficiencies exist, how a fishing report can be corrected.

Response: Software approved by NMFS will include an on-screen confirmation after a vessel operator submits a fishing report. Approved software will also send error messages to the on-screen display, noting any issues that need to be fixed before the report can be successfully transmitted. If NMFS determines that information is missing or incomplete after an electronic fishing report is transmitted successfully, NMFS will contact the for-hire vessel owner or operator for additions or corrections to the report.

Comment 18: There are concerns about the ability to change the estimated time of arrival given during the trip declaration and what the consequences will be if the landing time later changes, *e.g.,* due to an unexpected or emergency situation.

Response: Modifications to the trip declaration will be possible on vessels with satellite-based VMS units. However, there is no requirement for a federally permitted Gulf for-hire vessel to arrive within a certain period around the time estimated at the beginning of the trip. Under any emergency condition, NMFS encourages the vessel operator to return to port without delay.

Comment 19: Describe what recourse NMFS can take against a Gulf for-hire vessel owner or operator who fails to submit a trip declaration form before the beginning of a trip.

Response: If a Gulf for-hire vessel owner or operator does not submit the trip declaration as required by this final rule, NMFS OLE and the NOAA Office of General Counsel will determine the appropriate action consistent with the 2019 Policy for the Assessment of Civil Administrative Penalties and Permit Sanctions. Additional information on the 2019 Policy can be found at *https://www.gc.noaa.gov/enforce-office3.html.*

Comment 20: The increased number of trip declarations and post-trip reports that law enforcement officers will receive causes concern. The Gulf For-hire Reporting Amendment should be submitted to the Gulf Council's Law Enforcement Technical Committee for their review and input prior to implementation.

Response: The Law Enforcement Technical Committee (Committee) reviewed the Gulf For-hire Reporting Amendment that described the Gulf for-hire reporting program at its October 2016 meeting. During that meeting, the Committee discussed the action in the Gulf For-hire Reporting Amendment that would require charter vessels and headboats to notify NMFS before starting a trip (trip declaration) and to notify NMFS before completing a trip. The Committee did not express any concerns about the trip declaration. However, the Committee did not think notifying NMFS before completing a trip would improve enforcement because many for-hire vessels depart and return at known locations on a schedule known to law enforcement officers, and officers currently engage for-hire vessels while they are at-sea. NMFS notes that the Council decided not to require a notification before completing a trip.

Comment 21: There should be a backup reporting option that allows a Gulf for-hire vessel owner or operator to call in a logbook report or trip declaration, or fill out a paper logbook in case the electronic device is not online or working properly. There should also be a method to exempt a Gulf for-hire vessel owner or operator from the requirement to have a functioning VMS unit if the unit stops functioning.

Response: NMFS disagrees that there should be a paper or telephone reporting option, except when there are catastrophic conditions, as discussed below. Electronic-based fishery reporting programs have been developed and used successfully in the NMFS Southeast Region and in other regions. NMFS also encourages for-hire permit holders to consider having appropriate backups for equipment.

Further, there are a number of ways that both the trip declaration and logbook can be submitted electronically. The trip declaration can be submitted via an internet browser on a computer or tablet, through a mobile application, or through some VMS units before leaving the dock. Some VMS units may also allow for the submission of fishing reports. Fishing reports may also be submitted via a mobile application or internet browser, for example, by using a tablet or calling information in to someone at the business's office who would then submit the logbook via a personal computer. Thus, a number of electronic options are available if one does not work.

If a vessel's location tracking system is not functioning, the vessel operator will need to contact the hardware vendor to see if the situation can be repaired. If the problem is not remedied, the vessel cannot leave the dock and the operator will need to notify NMFS of the situation. If a fishing trip is underway when the location tracking system ceases functioning, the owner or operator must immediately contact NMFS and follow NMFS' instructions. Such instructions may include, but are not limited to, manually communicating the vessel's positions to a location designated by NMFS, or returning to port until the GPS or VMS is operable. The operator may submit a VMS power-down exemption request to NMFS to provide time needed for equipment repair.

An option for paper-based reporting is only available under catastrophic conditions as determined by the NMFS Regional Administrator, such as after a hurricane. If the NMFS Regional Administrator determines that catastrophic conditions exist, NMFS would announce that to the fleet, and then may accept paper reporting forms, and can modify or waive reporting requirements.

Comment 22: Requiring a location tracking system is unnecessary to provide validation of a vessel trip. The same validation of a vessel trip can be provided using a pre- and post-trip notification requirement because for-hire vessels only rarely deviate from a fixed operating schedule.

Response: The Gulf Council determined, and NMFS agrees, that requiring each Gulf for-hire vessel be equipped, at a minimum, with archivable vessel location tracking (cellular VMS) best balances the need to collect and report timely information with the need to minimize the cost and time burden to the industry. The vessel location tracking system is an additional mechanism that verifies vessel activity without a report having to be completed by the vessel operators. The vessel location tracking system will allow NMFS to independently determine whether the vessel leaves the dock. This will help validate effort and aid with enforcement of the reporting requirements.

Comment 23: Commenters expressed several concerns regarding the functioning of the location tracking devices, stating: (1) The location tracking system could fail and the vessel would not be able to go fishing or have to return to port, which could cause significant economic and social harm; (2) it is not clear what a vessel owner or operator should do if GPS signal fails during a trip and does not record the position of the vessel; (3) the GPS unit may not function while being stored under roofs, awnings, or in enclosed buildings; and (4) having the GPS unit on all the time could drain the vessel's battery.

Response: (1) NMFS acknowledges that for-hire businesses may incur financial losses if the location tracking system fails and results in the cancellation of for-hire trips. Therefore, NMFS encourages Gulf for-hire permit holders to consider having an appropriate backup as for other necessary equipment. An outright cancellation would result in an average loss of approximately $648 in net operating revenue (NOR) (2 percent of estimated average annual net income), based on NMFS' estimate that charter vessels earn approximately $162 (2018 dollars) NOR per angler per trip and assumes an average of four anglers per trip. For headboats, NMFS estimates that a cancellation would result in an average loss of approximately $1,749 in NOR (2 percent of estimated average annual net income), based on estimated earnings of approximately $53 (2018 dollars) in NOR per angler per trip, and assuming an average of 33 anglers per trip. These values are rough estimates only. Individual for-hire businesses may earn more or less per trip depending on the prices they charge, variable trip costs, and their number of paying passengers. Additionally, some for-hire vessels may take multiple trips in any given day, increasing the potential cost of system malfunctions. Unexpected cancellations or early termination of trips may negatively affect customer satisfaction and future booking rates for the affected for-hire businesses, leading to an additional loss in economic value. It is difficult to estimate the failure rate of the location tracking devices or resultant economic effects with available data. However, the failure rate of satellite VMS units in the commercial reef fish fishery is estimated to be less than one percent of commercial trips.

(2) If the GPS or VMS unit fails during a trip, the owner or operator must immediately contact NMFS and follow NMFS' instructions. Such instructions may include, but are not limited to, manually communicating the vessel's positions to a location designated by NMFS, or returning to port until the GPS or VMS is operable. NMFS will also provide instructions on how to make any necessary correction to the data for that trip.

(3) NMFS agrees that satellite-based VMS units may be disrupted by structures but is testing the ability of a number of cellular-based VMS units to transmit under different conditions. In general, these cellular-based VMS units will work anywhere a cellular phone would work, including in buildings.

NMFS encourages permit holders to choose the appropriate device for their situation.

(4) NMFS does not expect that a continually operating VMS unit will drain the vessel's battery. VMS units have been required for vessels with Federal commercial permits for Gulf reef fish since 2006. Some of those vessels are relatively small and have not reported any problems with batteries draining due to the VMS units being on all the time. The VMS units vary in amperage draw, but the units generally draw less than 1,000 milliamperes while active. NMFS may approve solar-powered cellular VMS units that can store power lasting for 1 to 2 weeks. Furthermore, some units may allow a Gulf for-hire vessel owner or operator to use a 4-hour position reporting option when in-port, which would further reduce battery usage.

Comment 24: Explain the costs and monthly fees for the location tracking devices.

Response: NMFS is currently testing six cellular-based units that range in purchase price from $150 to $800. The monthly service fee for these units range from $10 to $40 per month. The unit vendor determines these costs. The NMFS VMS re-imbursement program is available to fishermen for the purchase of approved satellite-based VMS units, and NMFS OLE is undergoing rulemaking that would also make reimbursement available for cellular-based VMS units. Satellite-based VMS that are currently approved for the commercial Gulf reef fish program cost approximately $3,000 per unit. Monthly service fees, which NMFS expects to range from approximately $40 to $75, will be the responsibility of the fisherman.

Comment 25: The monthly service fee for VMS units will be too high. A 2012 study from Louisiana State University found that smaller operators owe substantial sums on the loans on their vessels. Not only does the owner or operator's net income need to be considered but also their cash flow. These operators cannot afford to decrease their net incomes or cash flow for the sake of gathering information. The logistical and financial burden that the regulations would put on vessel owners is concerning.

Response: NMFS understands there will be additional costs to vessel operators to pay for data collection. NMFS also acknowledges that charter and headboat businesses may have substantial loan payments and other operating costs, such as insurance, overhead, maintenance, and trip costs (*e.g.,* fuel, labor, supplies, etc.), that affect both their net income and cash flow. NMFS cannot reference the study to which the commenter referred to, because no additional detail about the study or source was provided. According to the best scientific information available, which includes a 2012 study published by the Center for Natural Resource Economics and Policy, Louisiana State University, average monthly cash outflows (fixed and variable costs) for charter and headboat businesses are estimated to be approximately $5,171 (2018 dollars) and $15,758, respectively. In comparison to existing costs, NMFS believes the ongoing monthly fee (estimated at $10 to $40 per month) would not materially alter cash flows, profits, or the solvency of for-hire businesses.

NMFS expects that reporting on a trip level basis before off-loading fish will result in more effective and timely management, which is a potential benefit that will outweigh the costs that would be incurred by the industry and NMFS.

Comment 26: Installing a vessel location tracking system and an electronic reporting device on smaller vessels may be impractical or unfeasible.

Response: The results of pilot testing of VMS units on charter vessels as small as 30 feet in length indicate that the units and antennae can be placed successfully. Also, VMS units have been required for vessels with Federal commercial permits for Gulf reef fish since 2006. Some of those Gulf reef fish vessels are relatively small and fishermen have not found the systems to be impractical or unfeasible.

Classification

The Regional Administrator for the NMFS Southeast Region has determined that this final rule is consistent with the Gulf For-hire Reporting Amendment, the respective FMPs, the Magnuson-Stevens Act, and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Magnuson-Stevens Act provides the statutory basis for this final rule. No duplicative, overlapping, or conflicting Federal rules have been identified. A description of this final rule, why it is being implemented, and the purpose of this final rule are contained in the **SUMMARY** and **SUPPLEMENTARY INFORMATION** sections of this preamble.

In compliance with section 604 of the RFA, NMFS prepared a final regulatory flexibility analysis (FRFA) for this final rule. The FRFA follows.

Public comments relating to socio-economic implications and potential impacts on small businesses are addressed in the responses to *Comments 15, 16,* and *23* through *25* in the Comments and Responses section of this final rule. No changes to this final rule were made in response to these public comments. No comments were received from the Office of Advocacy for the Small Business Administration (SBA).

NMFS agrees that the Gulf Council's choice of preferred alternatives will best achieve its objectives for the Gulf For-hire Reporting Amendment while minimizing, to the extent practicable, the adverse effects on fishermen, support industries, and associated communities.

NMFS expects this final rule to directly affect all vessels with a Federal charter vessel/headboat permit for Gulf reef fish or Gulf CMP species. The analysis presented in this final rule has been updated to incorporate new data and information that became available after the proposed rule published. In 2018, there were 1,368 vessels with at least one valid (non-expired) or renewable Federal charter vessel/headboat permit for Gulf reef fish or Gulf CMP species, including historical captain permits. These Gulf charter vessel/headboat permits are limited access permits. More than one type of Federal charter vessel/headboat permit has been issued to most for-hire vessels. Among the 1,368 vessels with at least one Gulf charter vessel/headboat permit, 1,260 for-hire vessels had Federal permits for both Gulf reef fish and Gulf CMP species, 49 had only a Gulf reef fish permit, and 59 had only a Gulf CMP permit. Additionally, 172 of these vessels had a Gulf commercial reef fish permit. Finally, 365 of the vessels with at least one Gulf charter vessel/headboat permit had at least one charter vessel/headboat permit for Atlantic CMP species, Atlantic dolphin and wahoo, or South Atlantic snapper-grouper species.

Although the application for a charter vessel/headboat permit for Gulf reef fish or Gulf CMP species collects information on the primary method of operation, the permit itself does not identify the permitted vessel as either a charter vessel or a headboat, and vessels may operate in both capacities on different trips. However, if a for-hire vessel meets the selection criteria used by the SRHS and is selected to report by the Science and Research Director (SRD) of the NMFS SEFSC, it is considered to operate primarily as a headboat and is required to submit catch and effort information to the SRHS. As of June 2018, there were 70 Gulf headboats that participate in the SRHS. As a result, the estimated 1,368 for-hire vessels that will be affected by this final rule are

expected to consist of approximately 1,298 charter vessels and 70 headboats. The average charter vessel operating in the Gulf is estimated to receive approximately $88,000 (2018 dollars) in gross revenue and $26,000 in net income (gross revenue minus variable and fixed costs) annually. The average headboat is estimated to receive approximately $267,000 (2018 dollars) in gross revenue and $78,000 in net income annually.

On July 18, 2019, the SBA issued an interim final rule (84 FR 34261) effective August 19, 2019, that adjusted the monetary-based industry size standards (*i.e.,* receipts- and assets-based) for inflation for many industries. For fisheries for-hire businesses and marinas, the interim final rule changes the small business size standard from $7.5 million in annual gross receipts to $8 million. *See* 84 FR at 34273 (adjusting NAICS 487210 (Scenic and Sightseeing Transportation, Water) and 713930 (Marinas)).

Pursuant to the Regulatory Flexibility Act, and prior to SBA's July 18, 2019, interim final rule, an initial regulatory flexibility analysis was developed for this action using SBA's former size standards. NMFS has reviewed the analyses prepared for this action in light of the new size standards. Under the former SBA size standards, all entities subject to this action were considered small entities, and they all would continue to be considered small under the new standards. NMFS has determined that the new size standards do not affect analyses prepared for this action.

This final rule requires a Gulf federally permitted for-hire vessel owner or operator to submit an electronic fishing report to NMFS for each trip via NMFS-approved hardware and software, prior to offloading fish from the vessel. NMFS does not expect the submission of an electronic fishing report to require special professional skills. The use of computers, the internet, smartphones, or other forms of electronic connections and communication is commonplace in the business environment. All headboat operators have been required to submit electronic fishing reports since January 2014 and are expected to be proficient with electronic reporting. As a result, NMFS expects that all affected headboat businesses have existing staff with the appropriate skills and experience needed to comply with this final rule. However, charter vessel operators have not been subject to mandatory electronic reporting of fishing activity and, therefore, may lack experience reporting such, beyond the collection and compilation of similar information for their own business management purposes. As a result, although NMFS does not expect the information required to be reported to be complex or substantially beyond that necessary to meet the record-keeping needs of normal fishing business operational purposes, these operators may need some time to become proficient in the reporting requirements. The hiring of new employees with specialized skills, however, should not be necessary.

While no conflicting Federal rules have been identified, an estimated 365 vessels have Federal permits to harvest species managed by both the Gulf Council and the South Atlantic Council. Among these 365 vessels, up to 70 may primarily operate as headboats in the Gulf. NMFS has published a final rule to require electronic reporting for owners and operators of federally permitted charter vessels in the South Atlantic and modify the reporting deadline for owners and operators of headboats (85 FR 10331, February 24, 2020. To reduce redundant reporting, the South Atlantic Council will accept, as fulfillment of the requirements of its for-hire reporting program, reports submitted under other programs, if the reporting requirements in those other programs are more stringent than those of the South Atlantic for-hire reporting program and meet the core data elements identified by the South Atlantic Council. Because NMFS expects the reporting requirements under this final rule to meet these criteria, an owner or operator of a for-hire vessel that has both Gulf and South Atlantic charter vessel/headboat permits and that is required to submit electronic reports under this final rule will not be required to also report under the South Atlantic Council's for-hire reporting program. However, Gulf for-hire vessel owners or operators may also possess one or more Federal for-hire permits to harvest species managed by NMFS or other regional fishery management councils. It is unknown how many vessels currently fit this description. However, the number is expected to be small. The owner or operator of a Gulf for-hire vessel with Federal for-hire permits in other regions will also have to comply with any applicable reporting requirements under those permits.

NMFS expects this final rule will directly affect an estimated 1,368 Gulf for-hire vessel owners or operators. Because all entities expected to be affected by this final rule are small entities, NMFS has determined that this final rule will affect a substantial number of small entities. Moreover, the issue of disproportionate effects on small versus large entities does not arise in the present case.

This final rule will require a Gulf federally permitted for-hire vessel owner or operator to submit a fishing report to NMFS for each trip via electronic reporting. These submissions will need to be made prior to offloading fish using NMFS-approved hardware and software. If no fish are retained on a for-hire trip, the fishing report will have to be submitted within 30 minutes of arriving at the dock, following the conclusion of the trip. Because the majority of charter and headboat trips are half-day trips, this final rule may require multiple submissions in a single day. Submission of an electronic report is estimated to take approximately 10 minutes per trip, which is approximately equivalent to the time burden of the current headboat reporting requirements. However, this final rule provides less flexibility to headboat owners and operators in terms of how and when to allocate labor resources for reporting. NMFS expects that the time and labor associated with filing these fishing reports will be borne by existing vessel personnel and will not represent the need for additional staff. However, it may require that vessel personnel, as opposed to onshore support staff, complete the fishing reports. There is an opportunity cost associated with redirecting effort from normal trip operations to the fishing report submission process. Fishing reports could be completed during transit back to port or within normal business activities, once the vessel is tied up to the dock. NMFS expects each business to adopt the strategy most efficient to its staffing and operational characteristics, thus minimizing any resultant implicit or explicit costs. These costs cannot be estimated with available data.

Because electronic reporting has been a requirement for headboat owners and operators for the past 6 years, the labor and costs associated with reporting have been internalized within each headboat business. For charter vessel owners, if treated as a new and distinct explicit labor cost, the annual reporting burden is estimated to cost approximately $340,000 to $1.14 million (2018 dollars) in total, or $262 to $878 per charter vessel on average. These cost estimates have been updated since the proposed rule published to correct for an inadvertent computational error and to reflect more recent permit counts. The new values do not alter any of NMFS' previous conclusions contained in the proposed rule. These are upper bound cost estimates and are equivalent to 1 percent or less of average annual charter

vessel gross revenue, but up to 3.4 percent of average annual charter vessel net income. However, as previously stated, the reporting burden will likely be absorbed by existing vessel personnel, and therefore, labor costs will likely be less. Some of the effort to complete the fishing reports may be redirected from current operational activities, such as normal trip record-keeping that a vessel completes for standard business purposes. The information that is required under electronic reporting will be accessible to the reporting vessel. Therefore, in addition to satisfying reporting obligations, it may also support business operations. In effect, the for-hire reporting program may serve as the record repository for this component of a vessel owner or operator's business records. In addition to the need to maintain records on the number of trips and passengers a vessel takes, the services for-hire vessels sell require reasonable levels of fishing success. Thus, records of what species a vessel catches, where they are caught, the time of the year they are caught, and how these change over time are vital to managing a successful business. As a result, the information that is required under the Gulf for-hire reporting program should be substantially duplicative of information already recorded by these businesses and should augment their ability to monitor and adjust their fishing practices, supporting more successful operations.

Additionally, this final rule requires that, prior to departing for any trip, a Gulf for-hire vessel owner or operator notify NMFS, report the vessel identification number, and declare the type of trip (*e.g.,* for-hire or other trip). When departing on a for-hire trip they will also need to report the expected return time, date, and landing location. Trip declarations may be submitted using the same NMFS-approved hardware and software that is required for submitting fishing reports. Although the trip declaration requirement represents an additional time burden on for-hire vessel operators, the opportunity cost of complying with such is expected to be low, because of the limited amount of information that needs to be submitted to NMFS. NMFS estimates that a trip declaration will require 2 minutes to complete.

Finally, this final rule will require affected vessel owners or operators to use NMFS-approved hardware and software with GPS location capabilities that, at a minimum, archive vessel position data during a trip for subsequent transmission to NMFS. NMFS estimates the time burden to submit a trip report at 10 minutes per trip. However, transmission of vessel positions will be automatic and not require any additional time burden by the vessel operator. The cellular or satellite VMS will need to be permanently affixed to the vessel and have uninterrupted power, unless the owner or operator applies for and is granted an exemption to power-down a cellular or satellite VMS unit.

In addition to the total burden on vessel operators' time, estimated at up to 12 minutes per trip, as discussed earlier, examples of costs borne by the for-hire fleet may include the purchase and installation costs of the approved hardware units and associated service charges. In the proposed rule, NMFS presented cost estimates to the for-hire industry for several general options including a tablet-based system, a handheld GPS, and a smartphone-based system, where the smartphone is hardwired to a vessel's GPS. These cost estimates have been updated since the proposed rule published and are now based on vendor quotes for six different cellular-based location tracking devices selected for testing by NMFS. If a vessel does not already have an approved type of hardware (*e.g.,* an approved VMS unit), the estimated startup costs for each affected vessel will range from $150 to $800 in the year of implementation. At the top end of this range, these costs are equivalent to 1 percent of average annual headboat net income and 3.1 percent of average annual charter vessel net income. The recurring monthly cost per vessel to use the location tracking device is estimated to be $10 to $40. On an annual basis, these reoccurring charges will be equivalent to up to 0.6 percent of average annual headboat net income and 1.8 percent of average annual charter vessel net income. Some of the cellular-based location tracking devices will allow users to enter and transmit electronic fishing reports in addition to recording and transmitting GPS coordinates. Other devices will only be capable of recording and transmitting GPS coordinates. Therefore, depending on the location tracking device selected for use, a separate mobile device, such as a smartphone, and wireless service plan may be required to submit fishing reports. Some vessel owners and operators may be more or less affected than others by this final rule depending on their existing technology assets and data service plans at the time of implementation, the location tracking device that they select, and the availability of wireless service coverage at their port of landing. For the affected vessels that currently do not have any wireless carrier contract and who select a location tracking device that does not support fishing report submission, the estimated additional cost for an unlimited data plan will range from approximately $60 to $85 per month. This is an upper bound estimate based on advertised rates from four major wireless service providers in 2019 and cheaper plans may be available. A basic smartphone may be purchased for as low as $100 and some providers bundle free phones with their service plans. NMFS assumes that most owners or operators of for-hire vessels already have a basic smartphone and data plan in order to meet the needs of their businesses. NMFS also assumes that owners and operators of for-hire vessels will choose a combination of technology that best satisfies their profit maximization strategies, while meeting the requirements of this final rule.

The following discussion describes the alternatives that were not selected as preferred by the Gulf Council.

Four alternatives were considered for the action to modify the frequency and mechanism of data reporting for charter vessels. The first alternative, the no-action alternative, would retain current reporting requirements for federally permitted charter vessels. This would not be expected to alter for-hire business costs relative to the *status quo,* so no direct economic effects to small entities would be expected to occur. This alternative was not selected by the Gulf Council because it would forgo important biological, economic, and social benefits from improved management as afforded by more timely and accurate estimates of effort, landings, and discards.

The second alternative would require the owner or operator of a federally permitted charter vessel to submit fishing reports to the SRD weekly, or at intervals shorter than a week if notified by the SRD, via electronic reporting using NMFS-approved hardware and software. Under this alternative, reports would need to be filed by Tuesday following each reporting week. Although this alternative could result in additional implicit or explicit costs to affected vessels relative to the *status quo,* it would be less burdensome than this final rule, because charter vessels would have a longer period of time to report and more flexibility in terms of when and how to report. This alternative would be less likely than the preferred alternative to interfere with normal operations during charter trips and would allow for onshore support staff assistance, as well potentially cheaper data transmission methods (*e.g.,*

via a personal computer or laptop connected to the internet). This alternative was not selected by the Gulf Council because it would result in less timely data, as well as potentially less accurate data, due to a lack of dockside validation and greater potential for recall bias.

The third alternative would require the owner or operator of a federally permitted charter vessel to submit fishing reports to the SRD daily via electronic reporting using NMFS-approved hardware and software. Under this alternative, reports would need to be filed by noon (local time) of the following day. The costs of this alternative to affected small entities, in terms of magnitude, would likely fall between those of the second alternative and those of this final rule. There would be less flexibility than under the second alternative in terms of when reports are filed. However, it would still be possible to utilize onshore support staff and technology resources to meet the requirements. Even though the data would be timelier under daily reporting than weekly reporting, and recall bias would likely be reduced, the Gulf Council did not select this alternative because the lack of dockside validation would still be a major drawback in ensuring high quality and accurate data.

Four alternatives were considered for the action to modify the frequency and mechanism of data reporting for headboats. The first alternative, the no-action alternative, would retain current reporting requirements for federally permitted headboats. This would not be expected to alter for-hire business costs relative to the *status quo,* so no direct economic effects to small entities would be expected to occur. This alternative was not selected by the Gulf Council because it would forgo important biological, economic, and social benefits from improved management as afforded by more timely and accurate estimates of effort, landings, and discards.

The second alternative would require the owner or operator of a federally permitted headboat to submit fishing reports to the SRD weekly, or at intervals shorter than a week if notified by the SRD, via electronic reporting using NMFS-approved hardware and software. Under this alternative, reports would need to be filed by Tuesday following each reporting week, which is 5 days sooner than under the *status quo.* Although this alternative could result in additional implicit or explicit costs to affected vessels relative to the *status quo,* it would be less burdensome than this final rule, because headboats would have a longer period of time to report and more flexibility in terms of when and how to report. This alternative would be less likely than the preferred alternative to interfere with normal operations during headboat trips and would allow for onshore support staff assistance, as well potentially cheaper data transmission methods (*e.g.,* via a personal computer or laptop connected to the internet). This alternative was not selected by the Council because it would result in less timely data, as well as potentially less accurate data, due to a lack of dockside validation and greater potential for recall bias.

The third alternative would require the owner or operator of a federally permitted headboat to submit fishing reports to the SRD daily via electronic reporting using NMFS-approved hardware and software. Under this alternative, reports would need to be filed by noon (local time) of the following day. The costs of this alternative to affected small entities, in terms of magnitude, would likely fall between those of the second alternative and those of this final rule. There would be less flexibility than under the second alternative in terms of when reports are filed. However, it would still be possible to utilize onshore support staff and technology resources to meet the requirements. Even though the data would be timelier under daily reporting than weekly reporting and recall bias would likely be lower, the Council did not select this alternative because the lack of dockside validation would still be a major drawback in ensuring high quality and accurate data.

Three alternatives were considered for the action to implement trip declaration requirements for federally permitted charter vessels and headboats. The first alternative, the no-action alternative, would maintain current reporting requirements for for-hire vessels and would not require trip declarations or landing notifications. Therefore, it would not be expected to result in any direct economic effects on any small entities. The Gulf Council did not select the first alternative because it would not satisfy the data needs required for dockside validation and would not aid in enforcement. The second alternative and two options were selected as preferred, and require that both federally permitted charter vessels and headboats submit trip declarations to NMFS prior to departing on any trip. The third alternative would require the owner or operator of a federally permitted charter vessel or headboat to provide a landing notification and submit fishing reports via NMFS-approved hardware and software, prior to arriving at the dock at the end of each for-hire trip. The third alternative contained two options. The first and second options would require federally permitted charter vessels and headboats, respectively, to comply with the landing notification requirement. The Gulf Council did not select the third alternative because requiring vessels to provide a landing notification and submit fishing reports prior to arriving at the dock is not necessary with the preferred reporting alternatives, which require fishing reports be submitted at the end of each trip.

Four alternatives were considered for the action to implement hardware and software requirements for reporting. The first alternative, the no-action alternative, would not change current reporting requirements for for-hire vessels. Therefore, it would not be expected to result in any direct economic effects on any small entities. This alternative was not selected by the Gulf Council because there is currently no reporting platform for charter vessels, and therefore, no means by which charter vessels would be able to submit electronic reports. Additionally, this alternative would not allow for the same level of trip validation, because it would not require GPS unit hardware to be permanently affixed to the vessel.

The second alternative and two options were selected as preferred and require charter vessel and headboat owners or operators to submit fishing reports via NMFS-approved hardware and software. Under this preferred alternative and options, a for-hire vessel owner or operator is also required to use NMFS-approved hardware and software with GPS location capabilities that, at a minimum, archive vessel position data during a trip. The cellular or satellite VMS needs to be permanently affixed to the vessel.

The third alternative would require for-hire vessel owners or operators to submit fishing reports via NMFS-approved hardware and software with GPS location capabilities that, at a minimum, provide real-time vessel position data to NMFS. The cellular or satellite VMS would need to be permanently affixed to the vessel. The third alternative contained two options. The first and second options would require federally permitted charter vessels and headboats, respectively, to comply with the hardware and software requirements of the third alternative. The startup costs, as presented in the proposed rule, for each affected for-hire vessel under the third alternative and two options were estimated to be approximately $300 in the year of implementation. The recurring annual service cost associated with the transmission of real-time location data

in subsequent years was estimated to be approximately $200 per vessel. Since the proposed rule published, NMFS has received several vendor price quotes and has updated the technology cost estimates associated with this final rule. Therefore, NMFS cannot make a direct comparison with the hypothetical cost estimates of this alternative. In the proposed rule, the recurring costs for this alternative were estimated to be higher than for the preferred alternative. If comparable cost estimates were available, NMFS assumes the third alternative, which would require real-time transmission of GPS location coordinates (satellite VMS), would still be more expensive than the archival GPS units (cellular VMS) allowed by this final rule. As discussed earlier, depending on the device that is used for location tracking, a separate mobile device, such as a smartphone, and wireless service plan would potentially be required to submit electronic fishing reports as well. This could result in an additional expense in the range of $60 to $85 per month. The third alternative was not selected by the Gulf Council because it was expected to result in higher costs to industry.

The fourth alternative would require for-hire vessel owners or operators to submit fishing reports via NMFS-approved hardware and software that provide real-time vessel position data to NMFS via satellite VMS. The antenna and junction box would need to be permanently affixed to the vessel. The fourth alternative contained two options. The first and second options would require federally permitted charter vessels and headboats, respectively, to comply with the hardware and software requirements of the fourth alternative. The estimated startup costs for each affected vessel to purchase, install, and operate a satellite VMS unit would range from $2,500 to $4,400 in the year of implementation. This would be equivalent to approximately 10 to 17 percent of average annual charter vessel net income and 3 to 6 percent of average annual headboat net income. The recurring annual cost associated with maintaining and operating satellite VMS hardware and software in subsequent years was estimated to be approximately $750 per vessel. The fourth alternative was not selected by the Council, because the estimated startup and recurring costs to the industry were much higher than those of the preferred alternative.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as 'small entity compliance guides'. The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, NMFS prepared a fishery bulletin, which also serves as a small entity compliance guide. The fishery bulletin will be sent to all interested parties.

This final rule contains collection-of-information requirements that have been submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act (PRA), temporary Control Number 0648–0770. NMFS will merge the collection-of-information requirement implemented by this final rule with the existing, approved information collection under OMB Control Number 0648–0016, Southeast Region Logbook Family of Forms. This final rule requires owners or operators of vessels with Federal charter vessel/headboat permits for Gulf reef fish or Gulf CMP species, and when operating as such, to submit an electronic fishing report to NMFS for each trip via NMFS-approved hardware and software, prior to offloading fish from the vessel. Public reporting burden for these requirements are estimated to average 2 minutes to complete the trip declaration and 10 minutes per fishing report. NMFS estimates a VMS power-down exemption request will require an average of 5 minutes to complete per occurrence. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the necessary data, and compiling, reviewing, and submitting the information to be collected.

Notwithstanding any other provision of the law, no person is required to respond to, and no person will be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number. All currently approved collections of information may be viewed at *http://www.cio.noaa.gov/services_programs/prasubs.html.*

List of Subjects in 50 CFR Part 622

Atlantic, Charter vessel, Cobia, Fisheries, Fishing, Gulf of Mexico, Headboat, King mackerel, Recordkeeping and reporting, Reef fish, South Atlantic, Spanish mackerel, Vessel monitoring systems.

Dated: July 10, 2020.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 622.20, revise paragraph (b)(1)(ii)(A)(*2*) to read as follows:

§ 622.20 Permits and endorsements.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(A) * * *

(*2*) Charter vessel and headboat recordkeeping and reporting requirements specified in § 622.26(b);

* * * * *

■ 3. In § 622.26, revise paragraph (b) to read as follows:

§ 622.26 Recordkeeping and reporting.

* * * * *

(b) *Charter vessel/headboat owners and operators*—(1) *General reporting requirement.* The owner or operator of a charter vessel or headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued, as required under § 622.20(b), and whose vessel is operating as a charter vessel or headboat, regardless of fishing location, must submit an electronic fishing report of all fish harvested and discarded, and any other information requested by the SRD for each trip within the time period specified in paragraph (b)(2) of this section. The electronic fishing report must be submitted to the SRD via NMFS approved hardware and software, as posted on the NMFS Southeast Region website. If selected by the SRD, the owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued must report via the NMFS approved software for the Southeast Region Headboat Survey.

(2) *Reporting deadlines.* Completed electronic fishing reports required by paragraph (b)(1) of this section must be submitted to the SRD prior to removing any fish from the vessel. If no fish were retained by any person on the vessel during a trip, the completed electronic fishing report must be submitted to the SRD within 30 minutes of the

completion of the trip, *e.g.,* arrival at the dock.

(3) *Catastrophic conditions.* During catastrophic conditions only, NMFS provides for use of paper forms for basic required functions as a backup to the electronic reports required by paragraph (b) of this section. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the **Federal Register**, and other appropriate means, such as fishery bulletins or NOAA weather radio, and will authorize the affected participants' use of paper forms for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to waive or modify reporting time requirements.

(4) *Compliance requirement.* Electronic reports required by paragraph (b)(1) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the applicable time specified in paragraph (b)(2) of this section is delinquent. A delinquent report automatically results in the owner and operator of a charter vessel or headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued being prohibited from harvesting or possessing such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

(5) *Hardware and software requirements for vessel location tracking.* An owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued must ensure that the vessel is equipped with NMFS-approved hardware and software with a minimum capability of archiving GPS locations as posted on the NMFS Southeast Region website. The vessel location tracking device can be either a cellular or satellite VMS unit, and must be permanently affixed to the vessel and have uninterrupted operation.

(i) *Use of a NMFS-approved satellite VMS.* An owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued, and who uses a NMFS-approved satellite VMS to comply with the reporting and recordkeeping requirements of this section, must adhere to the VMS requirements specified in § 622.28, except for the trip declaration requirements specified in § 622.28(e). For trip declaration requirements, see paragraph (b)(6) of this section.

(ii) *Use of NMFS-approved cellular VMS.* An owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued, and who uses NMFS-approved cellular VMS to comply with the reporting and recordkeeping requirements of this section must comply with the following—

(A) *Cellular VMS unit operation and replacement.* Ensure that such vessel has an operating cellular VMS unit approved by NMFS on board at all times whether or not the vessel is underway, unless exempted by NMFS under the power-down exemption specified in paragraph (b)(5)(ii)(D) of this section. An operating cellular VMS unit includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and NMFS as provided by a NMFS-approved communication service provider. NMFS maintains a current list of approved cellular VMS units and communication providers, which is available at *https://www.fisheries.noaa.gov/southeast/about-us/sustainable-fisheries-division-gulf-mexico-branch.* If NMFS OLE removes a cellular VMS unit from the approved list, a vessel owner who purchased and installed such a unit prior to its removal from the approved list will still comply with the requirement to have an approved unit, unless otherwise notified by NMFS OLE. At the end of a cellular VMS unit's service life, it must be replaced with a currently approved unit.

(B) *Hourly position reporting requirement.* An owner or operator of a vessel using a NMFS-approved cellular VMS unit as specified in paragraph (b)(5)(ii)(A) of this section must ensure that the required cellular VMS unit archives the vessel's accurate position at least once per hour, 24 hours a day, every day of the year, unless exempted from this requirement under paragraphs (b)(5)(ii)(C) or (D) of this section.

(C) *In-port exemption.* While in port, an owner or operator of a vessel with a NMFS-approved cellular VMS unit configured with the 4-hour position reporting feature may utilize the 4-hour reporting feature rather than comply with the hourly position reporting requirement specified in paragraph (b)(5)(ii)(B) of this section. Once the vessel is no longer in port, the hourly position reporting requirement specified in paragraph (b)(5)(ii)(B) of this section applies. For the purposes of this section, ''in port'' means secured at a land-based facility, or moored or anchored after the return to a dock, berth, beach, seawall, or ramp.

(D) *Power-down exemption.* An owner or operator of a vessel subject to the requirement to have a cellular VMS unit operating at all times as specified in paragraph (b)(5)(ii)(A) of this section can be exempted from that requirement and may power down the required cellular VMS unit if—

(*1*) The vessel will be continuously out of the water or in port, as defined in paragraph (b)(5)(ii)(C) of this section, for more than 72 consecutive hours;

(*2*) The owner or operator of the vessel applies for and obtains a valid letter of exemption from NMFS. The letter of exemption must be maintained on board the vessel and remains valid for the period specified in the letter for all subsequent power-down requests conducted for the vessel consistent with the provisions of paragraphs (b)(5)(ii)(D)(*3*) and (*4*) of this section.

(*3*) Prior to each power down, the owner or operator of the vessel files a report using a NMFS-approved form that includes the name of the person filing the report, vessel name, U.S. Coast Guard vessel documentation number or state vessel registration number, charter vessel/headboat reef fish permit number, vessel port location during cellular VMS power down, estimated duration of the power-down exemption, and reason for power down; and

(*4*) Prior to powering down the cellular VMS unit, the owner or operator of the vessel receives a confirmation from NMFS that the information was successfully delivered.

(E) *Installation and activation of a cellular VMS unit.* Only a cellular VMS unit that has been approved by NMFS for the Gulf reef fish fishery may be used, and the cellular VMS unit must be installed by a qualified marine electrician. When installing and activating or when reinstalling and reactivating the NMFS-approved cellular VMS unit, the vessel owner or operator must—

(*1*) Follow procedures indicated on the VMS installation and activation form, which is available from NMFS; and

(*2*) Submit a completed and signed VMS installation and activation form to NMFS as specified on the form.

(F) *Interference with the cellular VMS.* No person may interfere with, tamper with, alter, damage, disable, or impede

the operation of the cellular VMS, or attempt any of the same.

(G) *Interruption of operation of the cellular VMS.* If a vessel's GPS is not operating properly, the vessel owner or operator must immediately contact NMFS and follow NMFS' instructions. If notified by NMFS that a vessel's cellular VMS is not operating properly, the vessel owner or operator must follow NMFS' instructions. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by NMFS the vessel's positions, or returning to port until the cellular VMS is operable.

(iii) *Access to position data.* As a condition of authorized fishing for or possession of Gulf reef fish subject to the reporting and recordkeeping requirements in this section, a vessel owner or operator subject to the hardware and software requirements in this section must allow NMFS, the U.S. Coast Guard, and their authorized officers and designees access to the vessel's position data obtained from the cellular VMS.

(6) *Trip declaration requirements.* For purposes of this paragraph (b)(6), a trip begins anytime the vessel departs from a dock, berth, beach, seawall, or ramp, and terminates with return to a dock, berth, beach, seawall, or ramp, regardless of the duration or purpose, including non-fishing activities. Prior to departure for each trip, the owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued must notify NMFS and report the type of trip, the U.S. Coast Guard vessel documentation number or state vessel registration number, and whether the vessel will be operating as a charter vessel or headboat, or is departing on another type of trip, such as a commercial trip. If the vessel will be operating as a charter vessel or headboat during the trip, the owner or operator must also report the expected trip completion date, time, and landing location.

* * * * *

■ 4. In § 622.373, revise paragraph (c)(1) to read as follows:

§ 622.373 Limited access system for charter vessel/headboat permits for Gulf coastal migratory pelagic fish.

* * * * *

(c) * * *

(1) Renewal of a charter vessel/headboat permit for Gulf coastal migratory pelagic fish is contingent upon compliance with the recordkeeping and reporting requirements specified in § 622.374(b).

* * * * *

■ 5. In § 622.374, revise paragraph (b) to read as follows:

§ 622.374 Recordkeeping and reporting.

* * * * *

(b) *Charter vessel/headboat owners and operators*—(1) *General reporting requirement*—(i) *Gulf of Mexico.* The owner or operator of a charter vessel or headboat for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), and whose vessel is operating as a charter vessel or headboat, regardless of fishing location, must submit an electronic fishing report of all fish harvested and discarded, and any other information requested by the SRD for each trip within the time period specified in paragraph (b)(2)(i) of this section. An electronic fishing report must be submitted to the SRD via NMFS approved hardware and software, as specified in paragraph (b)(5)(i) of this section. If selected by the SRD, the owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued must report via the NMFS approved software for the Southeast Region Headboat Survey.

(ii) *Atlantic*—(A) *Charter vessels.* The owner or operator of a charter vessel for which a charter vessel/headboat permit for Atlantic coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), and whose vessel is operating as a charter vessel, must record all fish harvested and discarded, and any other information requested by the SRD for each trip, and submit an electronic fishing report within the time period specified in paragraph (b)(2)(ii) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section. If the owner or operator subject to this paragraph (b)(1)(ii)(A) has been issued a Federal permit that requires more restrictive reporting requirements, as determined by NMFS and posted on the NMFS Southeast Region website, reporting under those more restrictive regulations will meet the requirements of this paragraph (b)(1)(ii)(A).

(B) *Headboats.* The owner or operator of a headboat for which a charter vessel/headboat permit for Atlantic coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), and whose vessel is operating as a headboat in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2)(ii) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section.

(2) *Reporting deadlines*—(i) *Gulf of Mexico.* Completed electronic fishing reports required by paragraph (b)(1)(i) of this section must be submitted to the SRD prior to removing any fish from the vessel. If no fish were retained by any person on the vessel during a trip, the completed electronic fishing report must be submitted to the SRD within 30 minutes of the completion of the trip, *e.g.,* arrival at the dock.

(ii) *Atlantic.* Completed electronic fishing reports required by paragraph (b)(1)(ii) of this section must be submitted to the SRD by the Tuesday following each previous reporting week of Monday through Sunday, or at shorter intervals if notified by the SRD. If no fishing activity as a charter vessel or headboat occurred during a reporting week, an electronic report so stating must be submitted by the Tuesday following that reporting week, or at a shorter interval if notified by the SRD.

(3) *Catastrophic conditions.* During catastrophic conditions only, NMFS provides for use of paper forms for basic required functions as a backup to the electronic reports required by paragraphs (b)(1)(i) and (ii) of this section. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the **Federal Register**, and other appropriate means, such as fishery bulletins or NOAA weather radio, and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to waive or modify reporting time requirements.

(4) *Compliance requirement.* Electronic reports required by paragraphs (b)(1)(i) and (ii) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the applicable time specified in paragraphs (b)(2)(i) or (ii) of this section is delinquent. A delinquent report automatically results in the owner and operator of a charter vessel or headboat for which a charter vessel/headboat permit for Gulf or Atlantic coastal migratory pelagic fish has been issued,

as required under § 622.370(b)(1), being prohibited from harvesting or possessing such species, regardless of any additional notification to the delinquent owner and operator by NMFS. The owner and operator who are prohibited from harvesting or possessing such species due to delinquent reports are authorized to harvest or possess such species only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

(5) *Hardware and software requirements for electronic reporting*—(i) *Owner or operator applicability.* An owner or operator of a vessel for which a charter vessel/headboat permit for Gulf or Atlantic coastal migratory pelagic fish has been issued must submit electronic reports using NMFS-approved hardware and software as posted on the NMFS Southeast Region website.

(ii) *Vessel applicability.* For a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued, the NMFS-approved hardware and software must have a minimum capability of archiving GPS locations, and the cellular or satellite VMS must be permanently affixed to the vessel and have uninterrupted operation.

(iii) *Use of a NMFS-approved satellite VMS.* An owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued, and who uses a NMFS-approved satellite VMS to comply with the reporting and recordkeeping requirements of this section, must adhere to the VMS requirements for the Gulf reef fish fishery specified in § 622.28, except for the trip declaration requirements specified in § 622.28(e). For trip declaration requirements, see paragraph (b)(6) of this section.

(iv) *Use of NMFS-approved cellular VMS.* An owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued, and who uses NMFS-approved cellular VMS to comply with reporting and recordkeeping requirements of this section must comply with the following—

(A) *Cellular VMS unit operation and replacement.* Ensure that such vessel has an operating cellular VMS unit approved by NMFS on board at all times whether or not the vessel is underway, unless exempted by NMFS under the power-down exemption specified in paragraph (b)(5)(iv)(D) of this section. An operating cellular VMS unit includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and NMFS as provided by a NMFS-approved communication service provider. NMFS maintains a current list of approved cellular VMS units and communication providers, which is available at *https://www.fisheries.noaa.gov/southeast/about-us/sustainable-fisheries-division-gulf-mexico-branch.* If NMFS OLE removes a cellular VMS unit from the approved list, a vessel owner who purchased and installed such a unit prior to its removal from the approved list will still comply with the requirement to have an approved unit, unless otherwise notified by NMFS. At the end of a cellular VMS unit's service life, it must be replaced with a currently approved unit.

(B) *Hourly position reporting requirement.* An owner or operator of a vessel using a NMFS-approved cellular VMS unit as specified in paragraph (b)(5)(iv)(A) of this section must ensure that the required cellular VMS unit archives the vessel's accurate position at least once per hour, 24 hours a day, every day of the year, unless exempted from this requirement under paragraphs (b)(5)(iv)(C) or (D) of this section.

(C) *In-port exemption.* While in port, an owner or operator of a vessel with a NMFS-approved cellular VMS unit configured with the 4-hour position reporting feature may utilize the 4-hour reporting feature rather than comply with the hourly position reporting requirement specified in paragraph (b)(5)(iv)(B) of this section. Once the vessel is no longer in port, the hourly position reporting requirement specified in paragraph (b)(5)(iv)(B) of this section applies. For the purposes of this section, ''in port'' means secured at a land-based facility, or moored or anchored after the return to a dock, berth, beach, seawall, or ramp.

(D) *Power-down exemption.* An owner or operator of a vessel subject to the requirement to have a cellular VMS unit operating at all times as specified in paragraph (b)(5)(iv)(A) of this section can be exempted from that requirement and may power down the required cellular VMS unit if—

(*1*) The vessel will be continuously out of the water or in port, as defined in paragraph (b)(5)(iv)(C) of this section, for more than 72 consecutive hours; and

(*2*) The owner or operator of the vessel applies for and obtains a valid letter of exemption from NMFS. The letter of exemption must be maintained on board the vessel and remains valid for the period specified in the letter for all subsequent power-down requests conducted for the vessel consistent with the provisions of paragraphs (b)(5)(iv)(D)(*3*) and (*4*) of this section.

(*3*) Prior to each power down, the owner or operator of the vessel files a report using a NMFS-approved form that includes the name of the person filing the report, vessel name, U.S. Coast Guard vessel documentation number or state vessel registration number, permit number of the Gulf coastal migratory pelagic charter vessel/headboat permit, vessel port location during cellular VMS power down, estimated duration of the power-down exemption, and reason for power down; and

(*4*) Prior to powering down the cellular VMS unit, the owner or operator of the vessel receives a confirmation from NMFS that the information was successfully delivered.

(E) *Installation and activation of a cellular VMS unit.* Only a cellular VMS unit that has been approved by NMFS for the Gulf coastal migratory pelagic fishery may be used, and the cellular VMS unit must be installed by a qualified marine electrician. When installing and activating or when reinstalling and reactivating the NMFS-approved cellular VMS unit, the vessel owner or operator must—

(*1*) Follow procedures indicated on the VMS installation and activation form, which is available from NMFS; and

(*2*) Submit a completed and signed VMS installation and activation form to NMFS as specified on the form.

(F) *Interference with the cellular VMS.* No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the cellular VMS, or attempt any of the same.

(G) *Interruption of operation of the cellular VMS.* If a vessel's cellular VMS is not operating properly, the vessel owner or operator must immediately contact NMFS and follow NMFS' instructions. If notified by NMFS that a vessel's cellular VMS is not operating properly, the vessel owner or operator must follow NMFS' instructions. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by NMFS the vessel's positions or returning to port until the cellular VMS is operable.

(v) *Access to position data.* As a condition of authorized fishing for or possession of Gulf coastal migratory pelagic fish subject to the reporting and recordkeeping requirements in this section, a vessel owner or operator subject to the hardware and software requirements in this section must allow NMFS, the U.S. Coast Guard, and their authorized officers and designees access

to the vessel's position data obtained from the cellular VMS.

(6) *Trip declaration requirements in the Gulf.* For purposes of this paragraph (b)(6), a trip begins anytime the vessel departs from a dock, berth, beach, seawall, or ramp, and terminates with return to a dock, berth, beach, seawall, or ramp, regardless of the duration or purpose, including non-fishing activities. Prior to departure for each trip, the owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued must notify NMFS and report the type of trip, the U.S. Coast Guard vessel documentation number or state vessel registration number, and whether the vessel will be operating as a charter vessel or headboat, or is departing on another type of trip, such as a commercial trip. If the vessel will be operating as a charter vessel or headboat during the trip, the owner or operator must also report the expected trip completion date, time, and landing location.

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[FR Doc. 2020–15275 Filed 7–20–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 200325–0088]

RTID 0648–XA288

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Mid-Atlantic Scallop Access Area to General Category Individual Fishing Quota Scallop Vessels

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the Mid-Atlantic Scallop Access Area is closed to Limited Access General Category Individual Fishing Quota scallop vessels for the remainder of the 2020 fishing year. No vessel issued a Limited Access General Category Individual Fishing Quota permit may fish for, possess, or land scallops from the Mid-Atlantic Scallop Access Area. Regulations require this action once it is projected that 100 percent of trips allocated to the Limited Access General Category Individual Fishing Quota scallop vessels for the Mid-Atlantic Scallop Access Area will be taken.

DATES: Effective 0001 hr local time, July 19, 2020, through March 31, 2021.

FOR FURTHER INFORMATION CONTACT: Shannah Jaburek, Fishery Management Specialist, (978) 282–8456.

SUPPLEMENTARY INFORMATION: Regulations governing fishing activity in the Sea Scallop Access Areas can be found in 50 CFR 648.59 and 648.60. These regulations authorize vessels issued a valid Limited Access General Category (LAGC) Individual Fishing Quota (IFQ) scallop permit to fish in the Mid-Atlantic Scallop Access Area under specific conditions, including a total of 1,142 trips that may be taken during the 2020 fishing year. Section 648.59(g)(3)(iii) requires the Mid-Atlantic Scallop Access Area to be closed to LAGC IFQ permitted vessels for the remainder of the fishing year once the NMFS Greater Atlantic Regional Administrator determines that the allocated number of trips for fishing year 2020 are projected to be taken.

Based on trip declarations by LAGC IFQ scallop vessels fishing in the Mid-Atlantic Scallop Access Area, analysis of fishing effort, and other information, NMFS projects that 1,142 trips will be taken as of July 19, 2020. Therefore, in accordance with § 648.59(g)(3)(iii), NMFS is closing the Mid-Atlantic Scallop Access Area to all LAGC IFQ scallop vessels as of July 19, 2020. No vessel issued an LAGC IFQ permit may fish for, possess, or land scallops in or from the Mid-Atlantic Scallop Access Area after 0001 local time, July 19, 2020. Any LAGC IFQ vessel that has declared into the Mid-Atlantic Access Area scallop fishery, complied with all trip notification and observer requirements, and crossed the vessel monitoring system (VMS) demarcation line on the way to the area before 0001, July 19, 2020, may complete its trip without being subject to this closure. This closure is in effect for the remainder of the 2020 scallop fishing year, through March 31, 2021.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. The Mid-Atlantic Scallop Access Area opened for the 2020 fishing year on April 1, 2020. The regulations at § 648.59(g)(3)(iii) require this closure to ensure that LAGC IFQ scallop vessels do not take more than their allocated number of trips in the area. The projected date on which the LAGC IFQ fleet will have taken all of its allocated trips in an Access Area becomes apparent only as trips into the area occur on a real-time basis and as activity trends begin to appear. As a result, NMFS can only make an accurate projection very close in time to when the fleet has taken all of its trips. To allow LAGC IFQ scallop vessels to continue to take trips in the Mid-Atlantic Scallop Access Area during the period necessary to publish and receive comments on a proposed rule would likely result in the vessels taking much more than the allowed number of trips in the Mid-Atlantic Scallop Access Area. Excessive trips and harvest from the Mid-Atlantic Scallop Access Area would result in excessive fishing effort in the area, where effort controls are critical, thereby undermining conservation objectives of the Atlantic Sea Scallop Fishery Management Plan and requiring more restrictive future management measures. Also, the public had prior notice and full opportunity to comment on this closure process when it was enacted.

For these same reasons, NMFS further finds, under 5 U.S.C 553(d)(3), good cause to waive the 30-day delayed effectiveness period.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 16, 2020.

Hélène M.N. Scalliet,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–15745 Filed 7–17–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200713–0187]

RIN 0648–BJ34

Pacific Halibut Fisheries; Revisions to Catch Sharing Plan and Domestic Management Measures in Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This final rule implements regulations for a ''fish up'' provision in

the halibut and sablefish Individual Fishing Quota (IFQ) Program to allow Community Quota Entities (CQEs) located in IFQ regulatory Area 3A (Southcentral Alaska) holding Area 3A category D halibut quota share (QS) (*i.e.,* for use on catcher vessel less than or equal to 35 ft (10.7 m) length overall) to have the associated IFQ harvested on category C vessels (catcher vessels less than or equal to 60 ft (18.3 m) length overall) beginning August 15 of each IFQ fishing season. This action also makes a minor change to regulations implementing the IFQ Program to consolidate temporary IFQ transfer forms. This final rule is intended to promote the goals and objectives of the Northern Pacific Halibut Act of 1982, the Magnuson-Stevens Act, and other applicable laws.

DATES: Effective August 20, 2020.

ADDRESSES: Electronic copies of the Categorical Exclusion and the Regulatory Impact Review (RIR) prepared for this action are available from *www.regulations.gov* or from the NMFS Alaska Region website at *https://www.fisheries.noaa.gov/region/alaska.*

FOR FURTHER INFORMATION CONTACT: Doug Duncan, 907–586–7228 or *doug.duncan@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for Action

NMFS manages the groundfish fisheries in the exclusive economic zone off Alaska under the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska (GOA) and under the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI). The North Pacific Fishery Management Council (Council) prepared the FMPs under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMPs appear at 50 CFR parts 600 and 679.

The International Pacific Halibut Commission (IPHC) and NMFS manage fishing for Pacific halibut (*Hippoglossus stenolepis)* through regulations established under authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). The IPHC adopts regulations governing the Pacific halibut fishery under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979). For the United States, regulations developed by the IPHC are subject to acceptance by the Secretary of State with the concurrence from the Secretary of Commerce. After acceptance by the Secretary of State and concurrence from the Secretary of Commerce, NMFS publishes the IPHC regulations in the **Federal Register** as annual management measures at 50 CFR 300.62.

The Halibut Act, 16 U.S.C. 773c(a) and (b), provides the Secretary of Commerce with general responsibility to carry out the Convention and the Halibut Act. In adopting regulations that may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act, the Secretary of Commerce is directed to consult with the Secretary of the department in which the U.S. Coast Guard is operating, currently the Department of Homeland Security.

The Halibut Act, 16 U.S.C. 773c(c), also provides the Council with authority to develop regulations, including limited access regulations, that are in addition to, and not in conflict with, approved IPHC regulations. Regulations developed by the Council may be implemented by NMFS only after approval by the Secretary of Commerce. The Council has exercised this authority in the development of the IFQ Program for the commercial halibut and sablefish fisheries, codified at 50 CFR part 679, under the authority of section 5 of the Halibut Act (16 U.S.C. 773c(c)) and section 303(b) of the Magnuson-Stevens Act (16 U.S.C. 1853(b)).

Background

This final rule contains two elements. The first modifies regulations pertaining to the use of halibut QS and halibut IFQ held by CQEs in Area 3A. The second element makes minor changes to regulations implementing the IFQ Program that consolidate temporary IFQ transfer forms. The following sections briefly summarize the IFQ Program, the CQE Program, and this rule. A more comprehensive description can be found in the preamble to the proposed rule for this action (85 FR 20657; April 14, 2020).

IFQ Program

The IFQ Program, a limited access privilege program for the fixed-gear halibut and sablefish (*Anoplopoma fimbria*) fisheries off Alaska, was recommended by the Council in 1992 and approved by NMFS in 1993. A comprehensive explanation of the IFQ Program can be found in the final rule implementing the program (58 FR 59375, November 9, 1993).

In the IFQ program, halibut QS was issued specific to one of eight IPHC halibut management areas throughout the BSAI and GOA, and four vessel categories: catcher/processor of any length (category A); catcher vessel of any length (category B); catcher vessel less than or equal to 60 ft (18.3 m) LOA (category C); and catcher vessel less than or equal to 35 ft (10.7 m) LOA (category D). The amount of halibut that each QS holder may harvest is calculated annually and issued as IFQ in pounds on an IFQ permit. Under most circumstances, the category of halibut IFQ must be matched to the category of vessel used to harvest it. Exceptions to allow a smaller category of IFQ to be harvested on a larger vessel category (*e.g.,* fishing category D IFQ on a category C vessel) are referred to as ''fish-up'' provisions.

CQE Program

The Council developed the CQE Program to improve the ability of remote coastal communities to maintain long-term opportunities to access the halibut and sablefish resources managed under the IFQ program. The Council recommended the CQE Program in the GOA as an amendment to the IFQ Program in 2002, and NMFS implemented the program in 2004 (69 FR 23681, April 30, 2004).

The CQE Program allows 45 small, remote, coastal communities in the GOA, represented by a NMFS-approved non-profit CQE, to purchase and hold catcher vessel halibut QS in halibut Areas 2C, 3A, and 3B. Communities eligible to participate in the CQE Program in the GOA include those that meet criteria for geographic location, population size, and historic participation in the halibut and sablefish fisheries, and are listed in Table 21 to 50 CFR part 679.

A CQE functions by holding QS and leasing the IFQ derived from it to community residents who can, among other purposes, use the revenue from harvesting to purchase their own QS. This promotes community access to IFQ Program fisheries.

The Council established limitations in the original CQE Program to prevent excessive consolidation of IFQ harvest into CQE communities. However, subsequent review by the Council and NMFS found that few CQEs held any halibut QS and there was no clear evidence demonstrating conflict between CQE and non-CQE IFQ Program participants. As a result, NMFS has taken previous action to improve the effectiveness of the CQE Program by minimizing program limitations (78 FR 33243, June 4, 2013).

Need for This Action

While the expanded CQE Program provided additional flexibility for eligible communities to participate in IFQ Program fisheries, CQEs still face financial challenges that make it difficult to purchase and finance QS. As of 2019, only two out of fourteen eligible CQE communities in Area 3A had purchased halibut QS. Furthermore, public testimony has indicated that in those Area 3A CQE communities that have acquired category D halibut QS, smaller category D vessels are sometimes unavailable to harvest the IFQ. IFQ Program regulations in Area 3A do not allow category D IFQ to be harvested on larger category C vessels, which could limit a CQE's ability to fully utilize its halibut IFQ in the event that no usable vessels are available or severe late season weather precludes the use of small vessels. If a CQE is unable to fully harvest its annual IFQ and realize the associated revenue, it may face difficulty fulfilling any debt service on financed QS. If no alternative funding is available, a CQE could be forced to sell QS, potentially eliminating fishery access and economic opportunities for the community.

Modifying the regulations to allow category D IFQ to be harvested on larger category C vessels near the end of the IFQ season will provide more flexibility to CQE participants to fully harvest their category D IFQ in Area 3A. This will further the Council's intent of facilitating CQE community access to the halibut resource. By limiting use of the exemption to the end of the season as a contingency plan, this action is also consistent with the intent of the IFQ Program to maintain the historical vessel size characteristics of the fleet when possible.

The Council's intent is reflected in the purpose and need statement adopted at final action at the April 2018 Council meeting. The Council's purpose and need, and final motion is available in the RIR (see **ADDRESSES**). Section 1.1 of the RIR also provides a summary of the history of this action.

Provisions of This Final Rule

This final rule includes two elements. The first element will modify regulations to allow halibut IFQ derived from CQE held category D QS in Area 3A to be used to harvest halibut on a vessel less than or equal to 60 ft (18.3 m) LOA beginning on August 15 of each IFQ fishing season. The second element of this action makes minor changes to regulations implementing the IFQ Program to consolidate temporary IFQ transfer forms.

CQE Fish-Up Provision

The first element of this final rule will add a paragraph at § 679.42(a)(2)(ii)(A) specifying that IFQ derived from CQE held QS assigned to category D in Area 3A could be harvested on a vessel less than or equal to 60 ft (18.3 m) LOA from August 15 to the end of the IFQ season. This action will allow eligible community residents leasing category D IFQ from a CQE to fish it on larger vessels before the end of the IFQ season, which is typically in mid-November. This action does not prevent category D IFQ held by a CQE from being fished on a category D vessel at any time during the IFQ season.

This final rule only applies to Area 3A category D halibut QS held by CQEs located in Area 3A. A ''fish-up'' provision is already in place for Areas 3B and 4B, whereas CQEs located in 2C cannot hold category D halibut QS. Areas 4A, 4C, 4D, and 4E do not have communities eligible to participate in the CQE program. CQEs located in other IFQ regulatory areas are also not eligible to hold category D halibut QS assigned to Area 3A. If CQEs held the maximum amount of Area 3A category D halibut QS allowed by regulation, this final rule would apply to 1,233,740 halibut QS units (approximately 10 percent of the total Area 3A category D halibut QS, or about 0.7 percent of the total halibut QS in Area 3A). Currently, one CQE in Area 3A owns 159,075 units of Area 3A category D halibut QS (6,324 IFQ pounds in 2018). Potentially up to 14 CQE communities will be affected by this action. This action is not expected to have a significant impact on other IFQ Program participants due the regulatory constraints and financial limitations of CQEs. Use of this provision will be voluntary and is expected to have a small but beneficial impact on affected CQEs.

Additional Changes to IFQ Program Regulations

This action also includes a minor change to regulations implementing the IFQ Program to consolidate the Application for Temporary Military Transfer of IFQ form into the Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ) form. Currently, the Temporary Transfer of Halibut/Sablefish IFQ form is used for category A IFQ transfers, surviving beneficiary transfers, and IFQ transfers to CDQ groups during years of low abundance. By adding military-related IFQ transfers to the existing Application for Temporary Transfer of Halibut/Sablefish IFQ form, this action will centralize all non-medical temporary IFQ transfers onto a single form. This action also eliminates regulatory reference to the previously required form fields of ''number of QS units'' and ''range of QS serial numbers for IFQ to be transferred'' because they are no longer used to process temporary IFQ transfers. This simplifies the temporary IFQ transfer process for the public and for agency administrators. There are no changes to the eligibility requirements for, or agency processing of, a temporary military transfer of IFQ. Regulations at § 679.41(m)(3) introductory text and (m)(3)(iii) will be modified to reference the ''application for temporary transfer of halibut/sablefish IFQ'' and the corresponding contents of a complete application.

Response to Comments

NMFS received two comments on the proposed rule. Neither comment addressed the content of this action and were therefore outside the scope of this action and are not addressed in this final rule.

Changes From Proposed to Final Rule

NMFS has made no modifications from the proposed rule.

Classification

Pursuant to section 305(d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this rule is consistent with the BSAI and GOA FMPs, other provisions of the Magnuson-Stevens Act, the Halibut Act, and other applicable law.

Regulations governing the U.S. fisheries for Pacific halibut are developed by the IPHC, the Pacific Fishery Management Council, the Council, and the Secretary of Commerce. Section 5 of the Halibut Act (16 U.S.C. 773c) allows the regional fishery management council having authority for a particular geographical area to develop regulations governing the allocation and catch of halibut in U.S. Convention waters which are in addition to, and not in conflict with, IPHC regulations. This final rule is consistent with the Council's authority to allocate halibut catches among fishery participants in the waters in and off Alaska.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule is considered an Executive Order 13771 deregulatory action.

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified

to the Chief Counsel for Advocacy of the Small Business Administration (SBA) during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding the factual basis for certification.

Collection-of-Information Requirements

This final rule contains collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). NMFS has submitted these requirements to OMB for approval under Control Number 0648–0272. Public reporting burden is estimated to average per response: two hours for Application for Temporary Transfer of Halibut/Sablefish Individual Fishing Quota (IFQ). These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information.

Notwithstanding any other provision of the 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 PRA, unless that collection of information displays a currently valid OMB control number. All currently approved NOAA collections of information may be viewed at *http://www.cio.noaa.gov/services_programs/prasubs.html* or *https://www.reginfo.gov/public/do/PRASearch.*

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: July 16, 2020.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 679 as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447; Pub. L. 111–281.

■ 2. In § 679.41, revise paragraphs (m)(3) introductory text and (m)(3)(iii) to read as follows:

§ 679.41 Transfer of quota shares and IFQ.

* * * * *

(m) * * *

(3) *Application.* A QS holder may apply for a temporary military transfer by submitting an application for temporary transfer of halibut/sablefish IFQ to the Alaska Region, NMFS. NMFS will transfer, upon approval of the application, the applicable IFQ from the applicant (transferor) to the recipient (transferee). An application for temporary transfer of halibut/sablefish IFQ is available at *https://www.fisheries.noaa.gov/region/alaska* or by calling 1–800–304–4846. A complete application must include all of the following:

* * * * *

(iii) The identification characteristics of the IFQ including whether the transfer is for halibut or sablefish IFQ, IFQ regulatory area, actual number of IFQ pounds, transferor (seller) IFQ permit number, and fishing year.

* * * * *

■ 3. In § 679.42, add paragraph (a)(2)(ii)(A) and reserve paragraph (a)(2)(ii)(B) to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

(a) * * *

(2) * * *

(ii) * * *

(A) Halibut IFQ derived from QS assigned to vessel category D in Area 3A that is held by a CQE located in Area 3A may be used to harvest IFQ halibut on a vessel less than or equal to 60 ft (18.3 m) LOA from August 15 to the end of the IFQ fishing season.

(B) [Reserved]

* * * * *

[FR Doc. 2020–15752 Filed 7–20–20; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 140
Tuesday, July 21, 2020

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

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 52

[NRC–2015–0225]

RIN 3150–AJ68

Emergency Preparedness for Small Modular Reactors and Other New Technologies

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule and guidance; request for comment; extension of comment period.

SUMMARY: On May 12, 2020, the U.S. Nuclear Regulatory Commission (NRC) issued for public comment proposed amendments to its regulations regarding new alternative emergency preparedness requirements for small modular reactors and other new technologies. The public comment period was originally scheduled to close on July 27, 2020. The NRC is extending the public comment period to allow more time for members of the public and other stakeholders to develop and submit their comments.

DATES: The comment period for the document published on May 12, 2020 (85 FR 28436) is extended. Comments should be filed no later than September 25, 2020. Comments received after this date will be considered, if it is practical to do so, but the NRC 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–2015–0225. 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.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications 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: Robert Beall, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–3874; email: *Robert.Beall@nrc.gov* and Eric Schrader, Office of Nuclear Security and Incident Response; telephone: 301–287–3789; email: *Eric.Schrader@nrc.gov.* Both are staff of the 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–2015–0225 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–2015–0225.
- *NRC's Agencywide Documents Access Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- *Attention:* The 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.

B. Submitting Comments

Please include Docket ID NRC–2015–0225 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. Discussion

On June 24, 2020, the NRC received three emails (ADAMS Accession Numbers ML20177A319, ML20177A320, and ML20177A318) requesting the comment period for the proposed rule be extended by an additional 6 months. Two requestors state that due to the complexity of the rulemaking and the number of related documents that need to be reviewed, additional time is needed to submit comments. The third requestor states that due to the COVID–19 public health emergency, this is not the time to ask communities, emergency response leaders, and disaster readiness personnel to be commenting on a proposed rule.

The NRC seeks to ensure the public and other stakeholders have a reasonable opportunity to provide the NRC with comments on this proposed action. The NRC acknowledges that the rulemaking documents contain a significant amount of information. Accordingly, the NRC has decided to extend the comment period for the proposed rule for an additional 60 days. A 60-day extension provides a reasonable opportunity for all stakeholders to review these documents and to develop informed comments on these documents.

The NRC is extending the public comment period for the proposed rule until September 25, 2020, to allow more time for members of the public and

other stakeholders to submit their comments.

Dated July 16, 2020.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary to the Commission.

[FR Doc. 2020–15731 Filed 7–20–20; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2019–BT–TP–0025]

RIN 1904–AE55

Energy Conservation Program: Test Procedures for Commercial Prerinse Spray Valves

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

ACTION: Reopening of public comment period.

SUMMARY: The U.S. Department of Energy (''DOE'') is reopening the public comment period for its Request for Information (''RFI'') regarding test procedures for commercial prerinse spray valves. DOE published the RFI in the **Federal Register** on June 5, 2020, establishing a 30-day public comment period that ended on July 6, 2020. On June 25, 2020, DOE received a comment requesting extension of the comment period by 30 days. DOE is reopening the public comment period for submitting comments for an additional 30 days.

DATES: The comment period for the RFI published on June 5, 2020 (85 FR 34541), is re-opened. DOE will accept comments, data, and information regarding this RFI received no later than August 20, 2020.

ADDRESSES: Interested persons are encouraged to submit comments, identified by docket number EERE–2019–BT–TP–0025, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: CPSV2019TP0025@ee.doe.gov. Include the docket number EERE–2019–BT–TP–0025 and/or RIN 1904–AE55 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

Postal Mail: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

Hand Delivery/Courier: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: For access to the docket to read background documents, or comments received, go to the Federal eRulemaking Portal at *http://www.regulations.gov/#!docketDetail;D=EERE-2019-BT-TP-0025.*

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

The docket web page can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2019-BT-TP-0025.* The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Ms. Kathryn McIntosh, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–2002. Email: *Kathryn.McIntosh@hq.doe.gov.*

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

SUPPLEMENTARY INFORMATION: On June 5, 2020, DOE published a RFI in the **Federal Register** soliciting public comment on its test procedures for commercial prerinse spray valves. 85 FR 34541. Comments were originally due on July 6, 2020. On June 25, 2020, DOE received a comment from Plumbing Manufacturers International (''PMI'') requesting extension of the comment period by 30 days due to the need for more detailed feedback from its members to inform PMI's comments.[1] PMI stated that feedback has been difficult to obtain due to the current pandemic and related business impacts and priorities. DOE has reviewed the request and considered the benefit to stakeholders in providing additional time to review the RFI and gather information/data that DOE is seeking. Accordingly, DOE has determined that a re-opening of the comment period is appropriate, and will accept comments until August 20, 2020. DOE will consider any comments received from July 6, 2020 through the end of the comment period to be timely submitted. DOE feels that the additional time provided is adequate for stakeholders to respond to the RFI.

Signing Authority

This document of the Department of Energy was signed on July 7, 2020, by Alexander N. Fitzsimmons, Deputy Assistant Secretary for Energy Efficiency, 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 July 8, 2020.

Treena V. Garrett,

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

[FR Doc. 2020–15002 Filed 7–20–20; 8:45 am]

BILLING CODE 6450–01–P

[1] DOE has posted this comment to the docket at *https://www.regulations.gov/document?D=EERE-2019-BT-TP-0025-0002.*

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2016–0655; FRL–10012–46–Region 4]

Air Plan Approval; SC and TN: Minimum Reporting Requirements in SIPs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a portion of State Implementation Plan (SIP) revisions for South Carolina submitted by the South Carolina Department of Health and Environmental Control (SC DHEC) through letters dated August 8, 2014, and August 12, 2015, and a portion of a SIP revision for Tennessee submitted by the Tennessee Department of Environment and Conservation (TDEC) through a letter dated February 17, 2014. The South Carolina SIP revisions modify a provision that requires fossil fuel-fired steam generators having a heat input capacity of more than 250 million British thermal units (Btu) per hour (Btu/hr) to submit continuous opacity monitoring reports required by the SIP on a quarterly basis. This provision is being modified to allow such reporting on a semiannual basis instead. The South Carolina SIP does not contain any other continuous opacity monitoring report requirements for the subject sources, and this rule revision has no impact on any federal reporting requirements. Specifically, the South Carolina SIP revisions do not override any other reporting requirements that might continue to require more frequent reporting. The Tennessee SIP revision would add a new provision that requires any source subject to the State's title V operating permit program to submit emission monitoring reports required by the SIP on a semiannual basis rather than on a quarterly basis. Much like the South Carolina SIP revisions, the Tennessee SIP revision has no impact on any federal reporting requirements and does not override any other reporting requirements that might continue to require more frequent reporting. EPA is proposing to approve these changes to the South Carolina and Tennessee SIPs because they are consistent with recent proposed changes to federal regulations and because EPA has preliminarily determined that the South Carolina and Tennessee SIP revisions are consistent with the Clean Air Act (CAA or Act).

DATES: Written comments must be received on or before July 21, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2016–0655 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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. 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 *www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Joel Huey, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960, or Sean Lakeman, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Huey can be reached by telephone at (404) 562–9104 or via electronic mail at *huey.joel@epa.gov.* Mr. Lakeman can be reached by telephone at (404) 562–9043 or via electronic mail at *lakeman.sean@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Historical and Regulatory Background for Appendix P

The following discussion provides a brief historical and regulatory background associated with Appendix P to 40 CFR part 51 (Appendix P), which is related to the South Carolina and Tennessee SIP revisions being proposed for approval in this rulemaking.

A. SIPs and EPA's Regulations at 40 CFR Part 51

The SIP is a state's plan identifying how the state will meet certain CAA requirements, such as how to attain and maintain compliance with the national ambient air quality standards (NAAQS). Section 110 of the CAA requires each state to submit a SIP for EPA approval, and EPA is required to evaluate and either approve or disapprove the state's submission. The SIP (including revisions over time) contains control measures and strategies developed through a public process and formally adopted by the state. Pursuant to CAA section 110, EPA established procedural requirements applicable to all states concerning the preparation, adoption, and submission of SIPs and SIP revisions. These regulations, initially promulgated in 1971, comprise 40 CFR part 51, ''Requirements for Preparation, Adoption, and Submittal of Implementation Plans.'' Like the SIPs themselves, these regulations are periodically revised. Of particular relevance to this proposed rulemaking, CAA section 110(a)(2)(F) governs requirements associated with stationary source monitoring and reporting in the context of SIPs.

B. Part 51 Requirement for Continuous Monitoring Systems

In 1974, EPA proposed to amend its SIP preparation regulations under 40 CFR part 51 to require that SIPs contain legally enforceable procedures mandating owners or operators of stationary sources to install equipment to monitor pollutant emissions on a continuous basis and to report the data obtained.[1] As was explained in the 1974 notice of proposed rulemaking (NPRM), the regulations already required states to have the legal authority to require such monitoring and recording. The notice stated, however, that at the time that EPA's SIP preparation regulations were originally published, ''[t]he Agency believed that the state-of-the-art was such that it was not prudent to require existing sources to install [continuous monitoring] devices.'' EPA went on to explain that emission monitoring techniques had continued to develop since that time and, as a result of that work, the Agency believed that for certain sources, including existing ones, ''general specifications for accuracy, reliability and durability can be established for continuous emission monitors . . .'' Accordingly, the Agency proposed to amend 40 CFR part 51 by adding a new requirement that would ''require States to revise their implementation plans to require sources to install monitoring instruments and to

[1] ''Requirements for the Preparation, Adoption and Submittal of Implementation Plans: Emission Monitoring of Stationary Sources; Proposed rules,'' 39 FR 32871 (September 11, 1974).

report the resulting data to the appropriate State Agency.''

In choosing the types of sources and pollutants listed in Appendix P, EPA selected four source categories that would be covered by continuous emission monitoring requirements and performance testing methods simultaneously proposed under new source performance standards (NSPS) promulgated pursuant to section 111 of the CAA (*i.e.,* under part 60).[2] The four source categories subject to Appendix P are fossil fuel-fired steam generators, nitric acid plants, sulfuric acid plants, and fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries. EPA even noted in the Appendix P proposal that the SIP rulemaking was very closely connected with the NSPS rulemaking. EPA urged states and other affected parties to consider the companion NSPS proposal as part of the Appendix P proposal and to direct comments to the relevant portions of both proposals.[3]

In 1975, EPA promulgated Appendix P on the same day it promulgated the final NSPS monitoring and performance requirements under 40 CFR part 60.[4] [5] In the final amendments to 40 CFR part 51, EPA expanded the SIP continuous emission monitoring requirements at 40 CFR 51.19 (now 40 CFR 51.214) to require states to revise their SIPs to include legally enforceable procedures for certain specified categories of existing stationary sources to monitor emissions on a continuous basis. The Agency explained that requiring ''a sound program of continuous emission monitoring and reporting'' would more fully implement CAA sections 110(a)(2)(F)(ii) and (iii). Section 51.19(e)(4) (now § 51.214(e)) specifies that the SIP must ''require the source owner or operator to submit information relating to emissions and operation of the emission monitors to the State to the extent described in appendix P at least as frequently as described therein.'' Each state is required to include in its SIP, as a minimum, all of the continuous emission monitoring and recording requirements set forth in Appendix P. *See* Appendix P, paragraph 1.0.

With respect to reporting requirements, Appendix P specifies under paragraph 4.1 that the SIP ''shall require owners or operators of facilities required to install continuous monitoring systems to submit a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions, if known.'' At the time of promulgation in 1975, this specification in Appendix P of quarterly reporting as the minimum frequency was by design aligned with the quarterly reporting frequency generally specified for new sources under Part 60. This ''report of excess emissions,'' like the corollary ''excess emissions and monitoring systems performance report'' specified under 40 CFR part 60 (see § 60.7(c)), should be submitted by the facility owner or operator whether or not excess emissions occurred within the reporting period (see Appendix P, paragraph 4.5).

In 1999, EPA promulgated the ''Recordkeeping and Reporting Burden Reduction, Final amendments,'' 64 FR 7457 (February 12, 1999) (Burden Reduction Rule), which, among other things, revised the NSPS reporting frequency, with a few exceptions, to semiannually for nearly all source categories. As noted in the NPRM for the 1999 rule,[6] EPA's most recent NSPS and National Emissions Standards for Hazardous Air Pollutants (NESHAP) rules had moved almost exclusively to semiannual reporting. In addition, EPA's operating permit rules at 40 CFR part 70, promulgated in 1992,[7] require CAA title V operating permit (title V) holders to submit any required monitoring reports at least every six months and to clearly identify all instances of deviations from permit requirements in such reports. *See* 40 CFR 70.6(a)(3)(iii)(A) and 40 CFR 71.6(a)(3)(iii)(A).

C. EPA's Proposed Revisions to Appendix P Concerning Minimum Emission Reporting Requirements in SIPs

In a NPRM published on February 21, 2020 (hereinafter referred to as the February 21, 2020, NPRM, EPA proposed updates to Appendix P. *See* 85 FR 10121. In particular, the proposed amendments to Appendix P would revise the minimum frequency for submitting reports of excess emissions from ''each calendar quarter'' to ''twice per year at 6-month intervals.'' If EPA finalizes these amendments as proposed, states will be able to make similar revisions in their SIPs. States will be able to establish semiannual reporting as the minimum frequency for affected sources to submit reports of excess emissions to the state. This aligns with what EPA has generally established as the reporting frequency applicable to the Appendix P source categories under more recently updated regulations. The comment period for EPA's proposed revisions closed on March 23, 2020. EPA received no adverse comments on the February 21, 2020, NPRM. Both South Carolina and Tennessee and the American Petroleum Institute submitted comments in support of it.

II. EPA's Proposal on the South Carolina and Tennessee Submittals

On August 8, 2014, and August 12, 2015, SC DHEC submitted revisions to the South Carolina SIP concerning the frequency with which fossil fuel-fired steam generators are required to submit continuous opacity monitoring reports to the State. On December 30, 2016, SC DHEC submitted additional information on this topic in response to questions raised by EPA Region 4. On February 17, 2014, TDEC submitted a revision to the Tennessee SIP concerning the frequency with which major sources subject to the title V operating permit program are required to report excess emissions data to the State. On July 16, 2015, TDEC submitted additional information on this topic in response to questions raised by EPA Region 4. These SIP revisions would change certain existing quarterly emission reporting requirements to semiannual requirements for affected facilities. Additionally, these SIP revisions do not purport to override other SIP provisions which may require quarterly, or more frequent, reporting.

In their submittals, SC DHEC and TDEC note that most of the NSPS of 40 CFR part 60 and NESHAP of 40 CFR parts 61 and 63 require semiannual reporting of emissions data. SC DHEC and TDEC also note that the title V permitting program under 40 CFR part 70 allows semiannual reporting of any required monitoring. *See* 40 CFR 70.6(a)(3)(iii)(A). In addition, SC DHEC and TDEC emphasize the significance of the amendments to federal rules that EPA finalized in the 1999 Burden Reduction Rule. Through that rulemaking, as discussed above, EPA changed the frequency of required emission data reporting from quarterly to semiannually for nearly all NSPS categories, consistent with the most recent NSPS and NESHAP rules

[2] 39 FR 32871 at 32872; see also ''Standards of Performance for New Stationary Sources: Emission Monitoring Requirements and Performance Testing Methods; Proposed rules,'' 39 FR 32852 (September 11, 1974).

[3] *See* id. at 32872.

[4] ''Part 51—Requirements for the Preparation, Adoption and Submittal of Implementation Plans: Emission Monitoring of Stationary Sources,'' 40 FR 46240 (October 6, 1975).

[5] ''Part 60—Standards of Performance for New Stationary Sources,'' 40 FR 46250 (October 6, 1975).

[6] ''Recordkeeping and Reporting Burden Reduction; Proposed revisions to rules and notice of public hearing,'' 61 FR 47840 (September 11, 1996). *See* 61 FR 47844/2 and 64 FR 7457 at 7458/3.

[7] *See* 57 FR 32250 (July 21, 1992).

promulgated at that time, and for the general provisions for the NSPS and NESHAP programs. SC DHEC and TDEC assert, therefore, that quarterly reporting is inconsistent with most federal reporting requirements and overly burdensome to industry. Both States assert that modifying certain SIP provisions to require semiannual rather than quarterly reporting would improve implementation of their air quality programs by simplifying and reducing the reporting burden on sources.

As noted in section 1.B, above, Paragraph 1.1 of Appendix P applies to fossil fuel-fired steam generators, nitric acid plants, sulfuric acid plants, and fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries. Appendix P requires sources in these categories to install, calibrate, operate, and maintain all monitoring equipment necessary for continuously monitoring the pollutants specified and to begin monitoring and recording the relevant data within 18 months of plan approval or promulgation. With regard to emissions data reporting requirements, paragraph 4.1 of Appendix P provides that the state plan must ''require owners or operators of facilities required to install continuous monitoring systems to submit a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions, if known.'' [8] The SC DHEC and TDEC submittals would change the frequency of required emission reports for some facilities subject to Appendix P from quarterly to semiannually. As such, these submittals are inconsistent with the current Appendix P requirement for affected facilities to submit a report of excess emissions for ''each calendar quarter.'' However, as mentioned above, on February 21, 2020, EPA proposed to change the Appendix P provision regarding the minimum frequency for submitting reports of excess emissions from ''each calendar quarter'' to ''twice per year at 6-month intervals.'' If EPA finalizes the February 21, 2020, NPRM as proposed, the South Carolina SIP revision and the Tennessee SIP revision will no longer be in conflict with federal requirements.

Section 110(l) of the CAA provides that EPA shall not approve a revision to a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA. As described further in sections III and IV below, the South Carolina and Tennessee SIP revisions that are the subject of the proposed actions will not override any more stringent reporting requirements,[9] will not cause any changes in allowable pollutant emissions, and will not otherwise interfere with the States' abilities to attain and maintain the NAAQS or interfere with any other applicable CAA requirement. Furthermore, these revisions will not interfere with the revised Appendix P because they will not conflict with the minimum reporting requirements contained therein, and EPA does not intend to take final action on these revisions unless and until EPA takes final action to revise Appendix P as proposed in the February 21, 2020, NPRM.

III. EPA's Analysis of the South Carolina SIP Submittals

The August 8, 2014, submittal from SC DHEC seeks to make multiple changes to the State's implementation plan, including Regulation 61–62.5 Standard 1, Section IV.B, ''*Continuous Opacity Monitor Reporting Requirements*.'' [10] Section IV.B applies to the owner or operator of any fossil fuel-fired steam generator of more than 250 million Btu/hr of heat input. South Carolina's change to Section IV.B reduces the required frequency of the State's continuous opacity monitoring data reporting requirement for these units from quarterly to semiannually. The change also makes some stylistic edits, such as changing ''Section (IV)(A)'' to ''Section IV.A'' and ''semiannual'' to ''semi-annual.'' The August 12, 2015, submittal from SC DHEC made changes to the August 8, 2014, submittal and contained other, new changes to the SIP as well. The only change to Section IV.B included in the August 12, 2015, submittal changes the word ''semiannual'' to ''semi-annual'' in the last sentence of Section IV.B.1 and in the first sentence of Section IV.B.3. In these actions, EPA is only proposing to act on the changes to Regulation 61–62.5 Standard 1, Section IV.B. These revisions do not cause any changes to allowable pollutant emissions under the South Carolina SIP.

EPA has reviewed South Carolina's revisions to Regulation 61–62.5 Standard 1, Section IV.B and is proposing to determine that this change is approvable. If EPA finalizes the changes proposed in the February 21, 2020, NPRM, the proposed SIP revisions will not conflict with the minimum reporting requirements of the revised Appendix P. In addition, while Regulation 61–62.5 Standard 1, Section IV.B, as proposed, requires fossil fuel-fired steam generators having a heat input capacity of more than 250 million Btu/hr to submit continuous opacity monitor reports to the State semiannually, subject facilities must continue to comply with any more stringent reporting obligations under any applicable federal or state rules. A SIP requirement for a semiannual monitoring report is consistent with EPA's part 70 monitoring report requirement at 40 CFR 70.6(a)(3)(iii)(A). Also, as described in the 1999 Burden Reduction Rule, the EPA's experience with a variety of NSPS and NESHAP rulemakings covering industries of all types suggests that semiannual reporting provides sufficiently timely information to both ensure compliance and enable adequate enforcement of applicable requirements, while imposing less burden on the affected industry than would quarterly reporting.

On the bases described above, EPA proposes to determine that submission of continuous opacity monitoring reports on a semiannual basis by owners or operators of fossil fuel-fired steam generators having a heat input capacity of more than 250 million Btu/hr will provide sufficiently timely information to ensure compliance and enable adequate enforcement of applicable requirements for the affected sources. Consequently, EPA is proposing to approve South Carolina's changes to Regulation 61–62.5 Standard 1, Section IV.B as outlined in this proposed rulemaking. EPA does not intend to take final action on South Carolina's SIP revisions related to Appendix P unless and until EPA takes final action to revise Appendix P as proposed in the February 21, 2020, NPRM.

IV. EPA's Analysis of the Tennessee SIP Submittal

On February 17, 2014, TDEC submitted a revision to Rule 1200–03–10–.02, ''*Monitoring of Source Emissions, Recording, and Reporting of the Same Are Required*,'' by adding a new subparagraph (2)(d) which states: ''Any source located at a facility required to obtain a major source

[8] The South Carolina SIP requires sources subject to the State's opacity monitoring requirements to submit to the State reports of excess opacity measurements, together with their nature and cause. *See* SC Regulation 61–62.5 Standard 1, Section IV.B.1.a. The Tennessee SIP requires owners or operators of facilities of the four Appendix P source categories to submit a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions, if known. *See* TN Rule 1200–03–10–.02(2)(b)1.

[9] To the extent any sources are required by other CAA requirements to submit continuous opacity monitoring reports more frequently, those requirements will continue to apply and will not be impacted by these proposed revisions.

[10] EPA has taken action or will act on the remainder of SC DHEC's submittals in a separate action.

operating permit in accordance with the provisions of paragraph (11) of Rule 1200–03–09–.02 may submit the reports required by this rule on a semi-annual basis.'' Paragraph (11) of Rule 1200–03–09–.02 is the State of Tennessee's title V operating permits program for major stationary sources, as approved under 40 CFR part 70. The State's rationale for the revision to Rule 1200–03–10–.02 is to allow sources subject to the continuous in-stack monitoring requirements and quarterly excess emission reporting requirements set forth in the rule to synchronize with the semiannual reporting requirements of their title V program (as required by 40 CFR 70.6(a)(3)(iii)(A)) and with other federal rules. This revision does not cause any changes in allowable pollutant emissions under the Tennessee SIP.

EPA has reviewed Tennessee's change to Rule 1200–03–10–.02 and is proposing to determine that this change is approvable. If EPA finalizes the changes proposed in EPA's February 21, 2020, NPRM, the proposed SIP revisions will not conflict with the minimum reporting requirements of the revised Appendix P. In addition, while Rule 1200–03–10–.02, as proposed for revision, allows facilities subject to the State's title V operating permits program to submit emissions reports required by Rule 1200–03–10–.02 to the State semiannually, sources must continue to comply with any other, more stringent reporting obligations under any applicable federal or state rules. A SIP requirement for a semiannual monitoring report is consistent with EPA's part 70 monitoring report requirement at 40 CFR 70.6(a)(3)(iii)(A). Also, as described in the 1999 Burden Reduction Rule, the EPA's experience with a variety of NSPS and NESHAP rulemakings covering industries of all types suggests that semiannual reporting provides sufficiently timely information to both ensure compliance and enable adequate enforcement of applicable requirements, while imposing less burden on the affected industry than would quarterly reporting.

On the bases described above, EPA proposes to determine that submission of reports required by the Tennessee SIP for owners or operators of facilities subject to the State's title V operating permit program on a semiannual basis will provide sufficiently timely information to ensure compliance and enable adequate enforcement of applicable requirements for the affected sources. Consequently, EPA is proposing to approve Tennessee's change to Rule 1200–03–10–.02 as outlined in this proposed rulemaking. EPA does not intend to take final action on this proposal to approve Tennessee's SIP revision related to Appendix P unless and until EPA takes final action to revise Appendix P as proposed in the February 21, 2020, NPRM.

V. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the South Carolina Regulation 61–62.5 Standard 1, Section IV, ''*Opacity Monitoring Requirements,*'' state effective June 26, 2015, which revises the quarterly reporting requirement to a semiannual requirement. Also, in accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the Tennessee Rule 1200–03–10–.02, ''*Monitoring of Source Emissions, Recording, and Reporting of the Same Are Required,*'' state effective February 5, 2013, which revises the quarterly reporting requirement to a semiannual requirement. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Proposed Actions

EPA is proposing to approve a portion of South Carolina's August 8, 2014, and August 12, 2015, SIP revisions to change Rule 61–62.5 Standard 1, Section IV.B.1 to provide that the owner or operator of any fossil fuel-fired steam generators having a heat input capacity of more than 250 million Btu/hr shall submit a written continuous opacity monitor report to SC DHEC semiannually or more often if requested, thus revising the existing requirement to submit such reports on a quarterly basis. EPA is also proposing to approve Tennessee's February 17, 2014, SIP revision including a change to Rule 1200–03–10–.02 to add a new subparagraph (2)(d) which states: ''Any source located at a facility required to obtain a major source operating permit in accordance with the provisions of paragraph (11) of Rule 1200–03–09–.02 may submit the reports required by this rule on a semi-annual basis.'' This revision to the Tennessee SIP changes the existing SIP requirement for title V sources to submit monitoring reports required by Rule 1200–03–10–.02 to the State on a quarterly basis to a semiannual basis. EPA does not intend to take final action on South Carolina's and Tennessee's SIP revisions related to Appendix P unless and until EPA takes final action to revise Appendix P as proposed in the February 21, 2020, NPRM.

VII. 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. *See* 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. These actions merely propose to approve state law as meeting Federal requirements and do not impose additional requirements beyond those imposed by state law. For that reason, these proposed actions:

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

For South Carolina, because this proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law, this proposed action for the State of South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Therefore, this proposed action will not impose substantial direct costs on Tribal governments or preempt Tribal law. The Catawba Indian Nation (CIN) Reservation is located within the boundary of York County, South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120 (Settlement Act), ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' The CIN also retains authority to impose regulations applying higher environmental standards to the Reservation than those imposed by state law or local governing bodies, in accordance with the Settlement Act.

List of Subjects in 40 CFR Part 52

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

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

Dated: July 15, 2020.

Mary Walker,

Regional Administrator, Region 4.

[FR Doc. 2020–15720 Filed 7–20–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1986–0005; FRL–10011–64–Region 2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the FMC Dublin Road Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of intent.

SUMMARY: The Environmental Protection Agency (EPA) Region 2 is issuing a Notice of Intent to Delete FMC Dublin Road Superfund Site (Site) located in the Towns of Shelby and Ridgeway, Orleans County, NY, 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 New York, through the New York State Department of Environmental Conservation, have determined that all appropriate response actions under CERCLA, other than operation and maintenance, monitoring and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by August 20, 2020.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1986–0005. Written comments submitted by mail are temporarily suspended and no hand deliveries will be accepted. We encourage the public to submit comments via *https://www.regulations.gov* following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**. 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: Isabel R. Fredricks, Remedial Project Manager, U.S. Environmental Protection Agency, Region 2, 19th Floor, New York, NY 10007, (212) 637–4248, email: *rodrigues.isabel@epa.gov*

You might also contact: Michael Basile, Community Involvement Coordinator, U.S. Environmental Protection Agency, WNY Public Information Office, 186 Exchange Street, Buffalo, NY 14204, (716) 551–4410, email: *basile.michael@epa.gov*

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' section of today's **Federal Register**, we are publishing a direct final Notice of Deletion of the FMC Dublin Road Superfund Site without prior Notice of Intent to Delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final Notice of Deletion, and those reasons are incorporated herein. If we receive adverse comment(s) on this deletion action, we will withdraw the direct final Notice of Deletion, and it will not take effect. We will, as appropriate, consider and address all public comments in a subsequent final Notice of Deletion based on this Notice of Intent to Delete, if such action is determined to be appropriate. If so, we will not institute a second comment period on this Notice of Intent to Delete. Any parties interested in commenting must do so at this time.

For additional information, see the direct final Notice of Deletion which is located in the ''Rules and Regulations'' section of this **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1251 *et seq.*

Peter Lopez,

Regional Administrator, Region 2.

[FR Doc. 2020–15722 Filed 7–20–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2020–0303; FRL–10011–81]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (20–7.B)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for chemical substances which are the subject of premanufacture notices (PMNs). This action would require persons to notify EPA at least 90 days before commencing manufacture (defined by statute to include import) or processing of any of these chemical substances for an activity that is designated as a significant new use by this proposed rule. This action would further require that persons not commence manufacture or processing for the significant new use until they have submitted a Significant New Use Notice (SNUN), and EPA has conducted a review of the notice, made an appropriate determination on the notice under TSCA, and has taken any risk management actions as are required as a result of that determination.

DATES: Comments must be received on or before August 20, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0303, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Please note that due to the public health emergency the EPA Docket Center (EPA/DC) and Reading Room was closed to public visitors on March 31, 2020. Our EPA/DC staff will continue to provide customer service via email, phone, and webform. For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: For technical information contact: Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this proposed rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import provisions. This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA, which would include the SNUR requirements should these proposed rules be finalized. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, pursuant to 40 CFR 721.20, any persons who export or intend to export a chemical substance that is the subject of this proposed rule on or after August 20, 2020 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

A. What action is the Agency taking?

EPA is proposing these SNURs under TSCA section 5(a)(2) for chemical substances which are the subjects of PMNs P–16–313, P–17–333, P–18–320, P–18–363, P–20–15, P–20–38, and P–20–40. These proposed SNURs would require persons who intend to manufacture or process any of these chemical substances for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity.

The record for these proposed SNURs, identified as docket ID number EPA–HQ–OPPT–2020–0303, includes information considered by the Agency in developing these proposed SNURs.

B. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four TSCA section 5(a)(2) factors listed in Unit III.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. Pursuant to

40 CFR 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A) (15 U.S.C. 2604(a)(1)(A)). In particular, these requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1) (15 U.S.C. 2604(b) and 2604(d)(1)), the exemptions authorized by TSCA sections 5(h)(1), 5(h)(2), 5(h)(3), and 5(h)(5) and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the use is not likely to present an unreasonable risk of injury under the conditions of use for the chemical substance or take such regulatory action as is associated with an alternative determination before the manufacture or processing for the significant new use can commence. If EPA determines that the use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register,** a statement of EPA's findings.

III. Significant New Use Determination

TSCA section 5(a)(2) states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In determining what would constitute a significant new use for the chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, and potential human exposures and environmental releases that may be associated with the substances, in the context of the four bulleted TSCA section 5(a)(2) factors listed in this unit. During its review of these chemicals, EPA identified certain conditions of use that are not intended by the submitters, but reasonably foreseen to occur. EPA is proposing to designate those reasonably foreseen conditions of use as well as certain other circumstances of use as significant new uses.

IV. Substances Subject to This Proposed Rule

EPA is proposing significant new use and recordkeeping requirements for certain chemical substances in 40 CFR part 721, subpart E. In this unit, EPA provides the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as CBI).
- Chemical Abstracts Service (CAS) Registry number (if assigned for non-confidential chemical identities).
- Basis for the SNUR.
- Potentially Useful Information.
- CFR citation assigned in the regulatory text section of these proposed rules.

The regulatory text section of this document specifies the activities designated as significant new uses. Certain new uses, including production volume limits and other uses designated in the proposed rules, may be claimed as CBI.

The chemical substances that are the subject of these proposed SNURs are undergoing premanufacture review. In addition to those conditions of use intended by the submitter, EPA has identified certain other reasonably foreseen conditions of use. EPA has preliminarily determined that the chemicals under their intended conditions of use are not likely to present an unreasonable risk. However, EPA has not assessed risks associated with the reasonably foreseen conditions of use for these chemicals. EPA is proposing to designate these reasonably foreseen conditions of use and other circumstances of use as significant new uses. As a result, those significant new uses cannot occur without first going through a separate, subsequent EPA review and determination process associated with a SNUN.

The substances subject to these proposed rules are as follows:

PMN Number: P–16–313

Chemical name: Tar acids (shale oil), C6–9 fraction, alkyl phenols, low boiling.

CAS number: 1887000–93–2.

Basis for action: The PMN states that the use of the substance will be as a raw material in the production of resins. Based on the physical/chemical properties of the PMN substance, test data on the PMN substance, and Structure Activity Relationships (SAR) analysis of analogous substances, EPA has identified concerns for acute toxicity, aquatic toxicity, reproductive toxicity, skin corrosion, skin sensitization, and specific target organ toxicity if the chemical is not used following the limitations noted. This proposed SNUR designates the following as ''significant new uses'' requiring further review by EPA:

- Release of the PMN substance resulting in surface water concentrations that exceed 14 ppb.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful to characterize the effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of specific target organ toxicity testing would help characterize the potential health effects of the PMN substance.

CFR citation: 40 CFR 721.11507.

PMN Number: P–17–333

Chemical name: 2-Propenoic acid, mixed esters with heterocyclic dimethanol and heterocyclic methanol (generic).

CAS number: Not available.

Basis for action: The PMN states that the use of the substance will be as a reactive diluent for optical film coating. Based on test data on the PMN substance and SAR analysis of analogous substances, EPA has identified concerns for aquatic toxicity, reproductive toxicity, respiratory sensitization, skin sensitization, and specific target organ toxicity if the chemical is not used following the limitations noted. This proposed SNUR designates the following as ''significant new uses'' requiring further review by EPA:

- Release of the PMN substance resulting in surface water concentrations that exceed 1 ppb.

Potentially useful information: EPA has determined that certain information about the environmental and health effects of the PMN substance may be potentially useful to characterize the effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of aquatic toxicity, developmental toxicity, reproductive toxicity, and specific target organ toxicity testing would help characterize the potential environmental and health effects of the PMN substance.

CFR citation: 40 CFR 721.11508

PMN Number: P–18–320

Chemical name: Alkane, diisocyanato-(isocyanatoalkyl)-(generic).

CAS number: Not available.

Basis for action: The PMN states that the generic use of the substance will be as a hardener. Based on the physical/chemical properties of the PMN substance and data on the PMN substance and structurally analogous chemical substances, EPA has identified concerns for respiratory sensitization, serious eye damage, skin irritation, skin sensitization, and specific target organ toxicity if the chemical is not used following the limitations noted. This proposed SNUR designates the following as ''significant new uses'' requiring further review by EPA:

- Use without personal protective equipment to prevent dermal exposure where there is a potential for dermal exposure and a National Institute for Occupational Safety and Health certified respirator with an Assigned Protection Factor of at least 1,000 where there is a potential for inhalation exposures.
- Use of the PMN substance in a consumer product.

Potentially useful information: EPA has determined that certain information about the fate properties of the PMN substance may be potentially useful to characterize the effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that fate data and information that would inform the understanding of the hydrolysis at different concentrations would help characterize the health and environmental effects of the PMN substance.

CFR citation: 40 CFR 721.11509.

PMN Number: P–18–363

Chemical name: Phenol, polymer with formaldehyde, 5-methyl-1,3-benzenediol-terminated, sodium salts (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic use of the substance will be as an adhesive. Based on SAR analysis of test data on analogous substances, EPA has identified concerns for aquatic toxicity, eye irritation, serious eye damage, and skin irritation/corrosion if the chemical is not used following the limitations noted. This proposed SNUR designates the following as ''significant new uses'' requiring further review by EPA:

- Release of the PMN substance resulting in surface water concentrations that exceed 4 ppb.

Potentially useful information: EPA has determined that certain information about the environmental and health effects of the PMN substance may be potentially useful to characterize the effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of aquatic toxicity, skin irritation/corrosion, and eye damage testing would help characterize the potential environmental and health effects of the PMN substance.

CFR citation: 40 CFR 721.11510.

PMN Number: P–20–15

Chemical name: N-Alkyl heteromonocyclic diphenolamide, polymer with bisphenol A, haloaryl-substituted sulfone, compd. with cyclic sulfonate ester, polyaryl alcohol terminated (generic).

CAS number: Not available.

Basis for action: The PMN states that the use of the substance will be as a polymer in the manufacture of hollow fiber products. Based on the physical/chemical properties of the PMN substance and SAR analysis of test data on analogous substances, EPA has identified concerns for specific target organ toxicity if the chemical is not used following the limitations noted. This proposed SNUR designates the following as ''significant new uses'' requiring further review by EPA:

- Manufacture beyond the confidential annual production volume specified in the PMN.
- Use other than as a polymer in the manufacture of hollow fiber membrane products.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful to characterize the effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of pulmonary effects (polymer lung overload) testing would help characterize the potential health effects of the PMN substance.

CFR citation: 40 CFR 721.11511.

PMN Number: P–20–38

Chemical name: 1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[3-(2-oxiranyl)propyl]-.

CAS number: 91403–64–4.

Basis for action: The PMN states that the use of the substance will be as a resist compound for semiconductor manufacture. Based on the physical/chemical properties of the PMN substance and SAR analysis of test data on analogous substances, EPA has identified concerns for acute toxicity, aquatic toxicity, eye irritation, gene cell mutagenicity, reproductive toxicity, respiratory sensitization, skin irritation, skin sensitization, and specific target organ toxicity if the chemical is not used following the limitations noted. This proposed SNUR designates the following as ''significant new uses'' requiring further review by EPA:

- Manufacture, process, or use the PMN substance in any manner that results in inhalation exposure.
- Release of the PMN substance resulting in surface water concentrations that exceed 5 ppb.

Potentially useful information: EPA has determined that certain information about the environmental and health effects of the PMN substance may be potentially useful to characterize the effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of aquatic toxicity, developmental toxicity, neurotoxicity, and reproductive toxicity testing would help characterize the potential environmental and health effects of the PMN substance.

CFR citation: 40 CFR 721.11512.

PMN Number: P–20–40

Chemical name: 2-Propenoic acid, cycloalkyl ester (generic).

CAS number: Not available.

Basis for action: The PMN states that the generic use of the substance will be as an additive for use in inks, coatings, adhesives and sealants. Based on the physical/chemical properties of the PMN substance and SAR analysis of test data on analogous substances, EPA has identified concerns for aquatic toxicity, aspiration hazard, reproductive toxicity, skin sensitization, and specific target organ toxicity if the chemical is not used following the limitations noted. This proposed SNUR designates the following as ''significant new uses'' requiring further review by EPA:

- Release of the PMN substance resulting in surface water concentrations that exceed 7 ppb.

Potentially useful information: EPA has determined that certain information about the environmental and health effects of the PMN substance may be potentially useful to characterize the effects of the PMN substance if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of aquatic toxicity, developmental toxicity, reproductive toxicity, skin sensitization,

and specific target organ toxicity testing would help characterize the potential environmental and health effects of the PMN substance.

CFR citation: 40 CFR 721.11513.

V. Rationale and Objectives of the Proposed Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are the subject of these proposed SNURs and as further discussed in Unit IV., EPA identified certain other reasonably foreseen conditions of use, in addition to those conditions of use intended by the submitter. EPA has preliminarily determined that the chemical under the intended conditions of use is not likely to present an unreasonable risk. However, EPA has not assessed risks associated with the reasonably foreseen conditions of use. EPA is proposing to designate these conditions of use as well as certain other circumstances of use as significant new uses. As a result, those significant new uses cannot occur without going through a separate, subsequent EPA review and determination process associated with a SNUN.

B. Objectives

EPA is proposing these SNURs because the Agency wants:

- To have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- To be obligated to make a determination under TSCA section 5(a)(3) regarding the use described in the SNUN, under the conditions of use. The Agency will either determine under TSCA section 5(a)(3)(C) that chemical, under the conditions of use, is not likely to present an unreasonable risk, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, or make a determination under TSCA section 5(a)(3)(A) or (B) and take the required regulatory action associated with the determination, before manufacture or processing for the significant new use of the chemical substance can occur.
- To be able to complete its review and determination on each of the PMN substances, while deferring analysis on the significant new uses proposed in these rules unless and until the Agency receives a SNUN.

Issuance of a proposed SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Inventory. Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *https://www.epa.gov/tsca-inventory.*

VI. Applicability of the Proposed Rules to Uses Occurring Before the Effective Date of the Final Rule

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this proposed rule were undergoing premanufacture review at the time of signature of this proposed rule and were not on the TSCA Inventory. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for the chemical substances subject to these proposed SNURs, EPA concludes that the proposed significant new uses are not ongoing.

EPA designates July 6, 2020 (date of web posting of this proposed rule) as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach is to ensure that a person cannot defeat a SNUR by initiating a significant new use before the effective date of the final rule.

Persons who begin commercial manufacture or processing of the chemical substances for a significant new use identified on or after that date would have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and EPA would have to take action under TSCA section 5 allowing manufacture or processing to proceed. In developing this proposed rule, EPA has recognized that, given EPA's general practice of posting proposed rules on its website a week or more in advance of **Federal Register** publication, this objective could be thwarted even before **Federal Register** publication of the proposed rule.

VII. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require development of any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, Order or consent agreement under TSCA section 4 (15 U.S.C. 2603), then TSCA section 5(b)(1)(A) (15 U.S.C. 2604(b)(1)(A)) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known to or reasonably ascertainable by them (see 40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Unit IV. lists potentially useful information for all SNURs listed here. Descriptions are provided for informational purposes. The potentially useful information identified in Unit IV. will be useful to EPA's evaluation in the event that someone submits a SNUN for the significant new use. Companies who are considering submitting a SNUN are encouraged, but not required, to develop the information on the substance, which may assist with EPA's analysis of the SNUN.

EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing in vertebrate animals, EPA encourages consultation with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the recommended test data. EPA encourages dialog with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h).

The potentially useful information described in Unit IV. may not be the only means of providing information to evaluate the chemical substance associated with the significant new uses. However, submitting a SNUN without any test data may increase the likelihood that EPA will take action under TSCA sections 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.

VIII. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with

the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40 and 40 CFR 721.25. E–PMN software is available electronically at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca.*

IX. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this proposed rule. EPA's complete economic analysis is available in the docket under docket ID number EPA–HQ–OPPT–2020–0303.

X. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations-and-executive-orders.*

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

This action proposes to establish SNURs for new chemical substances that were the subject of PMNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

According to the PRA, 44 U.S.C. 3501 *et seq.,* an Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA and assigned OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Regulatory Support Division, Office of Mission Support (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act (RFA)

Pursuant to section 605(b) of the RFA, 5 U.S.C. 601 *et seq.,* the Agency hereby certifies that promulgation of this action will not have a significant adverse economic impact on a substantial number of small entities. The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use.'' Because these uses are ''new,'' based on all information currently available to EPA, EPA has concluded that no small or large entities presently engage in such activities.

A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, EPA received 7 SNUNs in Federal fiscal year (FY) 2013, 13 in FY2014, 6 in FY2015, 12 in FY2016, 13 in FY2017, and 11 in FY2018, only a fraction of these SNUNs were from small businesses. In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $16,000 to $2,800. This lower fee reduces the total reporting and recordkeeping of cost of submitting a SNUN to about $10,116 for qualifying small firms. Therefore, the potential economic impacts of complying with this SNUR are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this action. As such, EPA has determined that this action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1531–1538 *et seq.*).

E. Executive Order 13132: Federalism

This action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action will not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes; will not significantly or uniquely affect the communities of Indian Tribal governments; nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 (65 FR 67249, November 9, 2000), do not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

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

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: June 30, 2020.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 2. Add §§ 721.11507 through 721.11513 to subpart E to read as follows:

Subpart E—Significant New Uses for Specific Chemical Substances

Sec.

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§ 721.11507 Tar acids (shale oil), C6–9 fraction, alkyl phenols, low boiling.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as tar acids (shale oil), C6–9 fraction, alkyl phenols, low boiling (PMN P–16–313, CAS No. 1887000–93–2) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 14.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11508 2-Propenoic acid, mixed esters with heterocyclic dimethanol and heterocyclic methanol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as 2-propenoic acid, mixed esters with heterocyclic dimethanol and heterocyclic methanol (PMN P–17–333) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 1.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11509 Alkane, diisocyanato-(isocyanatoalkyl)- (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as alkane, diisocyanato-(isocyanatoalkyl)- (PMN P–18–320) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Workplace protection.* Requirements as specified in § 721.63(a)(1) and (3) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 1000. For purposes of § 721.63(a)(6), particulate (including solids or liquid droplets).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11510 Phenol, polymer with formaldehyde, 5-methyl-1,3-benzenediol-terminated, sodium salts (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as phenol, polymer with formaldehyde, 5-methyl-1,3-benzenediol-terminated, sodium salts (generic) (PMN P–18–363) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 4.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11511 N-Alkyl heteromonocyclic diphenolamide, polymer with bisphenol A, haloaryl-substituted sulfone, compd. with cyclic sulfonate ester, polyaryl alcohol terminated (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as N-Alkyl heteromonocyclic diphenolamide, polymer with bisphenol A, haloaryl-substituted sulfone, compd. with cyclic sulfonate ester, polyaryl alcohol terminated (PMN P–20–15) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(s). It is a significant new use to use the PMN substance for other than as a polymer in the manufacture of hollow fiber membrane products.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

§ 721.11512 1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[3-(2-oxiranyl)propyl]-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[3-(2-oxiranyl)propyl]- (PMN P–20–38, CAS No. 91403–64–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the PMN substance in any manner that results in inhalation exposure.

(ii) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) where N = 5.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a) through (c), (i), and (k).

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11513 2-Propenoic acid, cycloalkyl ester (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance generically identified as 2-Propenoic acid, cycloalkyl ester (PMN P–20–40) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) where N = 7.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 2020–15017 Filed 7–20–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 18–295, GN Docket No. 17–183; DA 20–632; FRS 16892]

Unlicensed Use of the 6 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Denial of request for comment period extension.

SUMMARY: In this document, the Office of Engineering and Technology respond to Ultra Wide Band Alliance (UWB Alliance) request seeking a 30-day extension of the comment period for the proposed rule published in the **Federal Register** on May 28, 2020. It is the general policy of the Commission that extensions of time shall not be routinely granted. The Commission denies the request of UWB Alliance to extend the deadline for filing comments and replies in the Unlicensed Use of the 6 GHz Band proceeding.

DATES: Request on comment extension for the proposed rule published at 85 FR 31997, May 28, 2020, denied June 16, 2020.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nicholas Oros, Office of Engineering and Technology, 202–418–0636, *Nicholos.Oros@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, ET Docket No. 18–295, GN Docket No. 17–183, DA 20–632, adopted June 16, 2020, and released June 16, 2020. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW, Washington, DC 20554. The full text may also be downloaded at: *https://www.fcc.gov/document/uwb-alliances-request-extension-comments-deadline-denied.*

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Federal Communications Commission.

Ronald T. Repasi,

Acting Chief, Office of Engineering and Technology.

[FR Doc. 2020–15476 Filed 7–20–20; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 85, No. 140
Tuesday, July 21, 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.

AFRICAN DEVELOPMENT FOUNDATION

Public Quarterly Meeting of the Board of Directors

AGENCY: United States African Development Foundation

ACTION: Notice of meeting.

SUMMARY: The U.S. African Development Foundation (USADF) will hold its quarterly meeting of the Board of Directors to discuss the agency's programs and administration. This meeting location will be held via teleconference. For teleconference details, see the provided contact information.

DATES: The meeting date is Tuesday, July 21, 2020, 10:30 a.m. to 12:00 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Nina-Belle Mbayu, (202) 233–8808, *nbmbayu@usadf.gov.*

Authority: Public Law 96–533 (22 U.S.C. § 290h).

Dated: July 14, 2020.

Nina-Belle Mbayu,

Acting General Counsel.

[FR Doc. 2020–15753 Filed 7–20–20; 8:45 am]

BILLING CODE 6117–01–P

DEPARTMENT OF AGRICULTURE

Office of Partnerships and Public Engagement

[FOA No.: OPPE–014 & OPPE–016]

Funding Opportunity Announcement: Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers and Veteran Farmers and Ranchers; Correction

AGENCY: Office of Partnerships and Public Engagement (OPPE), Agriculture (USDA).

ACTION: Funding Opportunity Announcement (FOA) for Fiscal Years 2020 and FY 2021; Correction.

SUMMARY: OPPE published a document in the **Federal Register** of July 13, 2020, concerning the availability of funds for two fiscal years (FY 2020 and FY 2021) and solicits applications from community-based and non-profit organizations, institutions of higher education, and Tribal entities to compete for financial assistance through the Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers and Veteran Farmers and Ranchers Program (hereinafter referred to as the ''2501 Program''). The document contained incorrect deadline to submit proposals. The deadline has been corrected to August 26, 2020.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Agriculture, Office of Partnerships and Public Engagement, Attn: Kenya Nicholas, Program Director, Jamie L. Whitten Building, Room 520–A, 1400 Independence Avenue SW, Washington, DC 20250; Phone: (202) 720–6350; Fax: (202) 720–7704; Email: *2501grants@usda.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of July 13, 2020, in FR Doc. 2020–14321, on page 41938, in the third column, correct the first three sentences of the **DATES** caption to read:

DATES: Only one project proposal may be submitted per eligible entity. Proposals must be submitted through *http://www.grants.gov* and received by August 26, 2020, at 11:59 p.m. EST. Proposals submitted after this deadline will *not* be considered for funding.

Signed this 23 day of June 2020.

Jacqueline Davis-Slay,

Deputy Director, Office of Partnerships and Public Engagement.

[FR Doc. 2020–15473 Filed 7–20–20; 8:45 am]

BILLING CODE 3412–89–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meetings

TIME AND DATE: July 31, 2020, 11:00 a.m. EDT.

PLACE: Conference Call.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on Friday, July 31, 2020 at 11:00 a.m. EDT. The Board will discuss open investigations, the status of audits from the Office of the Inspector General, financial and organizational updates via conference call. The ''new business'' portion of the meeting will include the possible release of the Kuraray investigation report as well as a discussion led by the Chairman on future plans of the board and how it will be moving forward with a ''quorum of one.''

Additional Information

This meeting will only be available via the dial in number below. If you require a translator or interpreter, please notify the individual listed below as the ''Contact Person for Further Information,'' at least three business days prior to the meeting.

Audience members should use the following dial in numbers to join the conference:

Please dial the phone number five minutes prior to the start of the conference call and enter the passcode.

Dial in: 1 (800) 697–5978 Audience US Toll Free;
1 (630) 691–2750 Audience US Toll
Passcode: 6477 540#

The CSB is an independent federal agency charged with investigating incidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

Public Comment

The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to three minutes or less, but commenters may submit written statements for the record.

CONTACT PERSON FOR FURTHER INFORMATION: Hillary Cohen,

Communications Manager, at *public@csb.gov* or (202) 446–8094. Further information about this public meeting can be found on the CSB website at: *www.csb.gov.*

Dated: July 17, 2020.

Ray Porfiri,

Deputy General Counsel, Chemical Safety and Hazard Investigation Board.

[FR Doc. 2020–15892 Filed 7–17–20; 4:15 pm]

BILLING CODE 6350–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–45–2020]

Foreign-Trade Zone (FTZ) 26—Atlanta, Georgia; Notification of Proposed Production Activity; Ricoh Electronics, Inc. (Toner Products, Thermal Paper and Film); Lawrenceville and Buford, Georgia

Ricoh Electronics, Inc. (Ricoh) submitted a notification of proposed production activity to the FTZ Board for its facilities in Lawrenceville and Buford, Georgia. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on July 13, 2020.

Ricoh already has authority to produce copiers, printers, toner cartridges, related toner products, and thermal paper and film products within Subzone 26H. The current request would add foreign-status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Ricoh from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below, Ricoh would be able to choose the duty rates during customs entry procedures that apply to copiers, printers, toner cartridges, related toner products, and, thermal paper and film (duty rate ranges between duty-free and 5.8%). Ricoh 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 materials/components sourced from abroad include: Carnauba wax; titanium dioxide mixture (titanium dioxide, methyltrimethoxy silane, and trifluoropropyltrimethoxysilane); wax ester; carnauba wax/rice bran wax blend; ethylene propylene copolymer wax; polyester resin; acrylonitrile butadiene styrene (ABS) resin; polystyrene (PS) resin; PS/ABS resin; flame retardant additive (polyethylene terephthalate/titanium dioxide mixture); and, plastic damp bags (duty rate ranges from duty-free to 6.5%). The request indicates that certain materials/components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

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 August 31, 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 Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: July 14, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–15725 Filed 7–20–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–44–2020]

Foreign-Trade Zone 208—New London, Connecticut; Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the New London Foreign Trade Zone Commission, grantee of FTZ 208, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on July 13, 2020.

FTZ 208 was approved by the FTZ Board on June 26, 1995 (Board Order 746, 60 FR 35893, July 12, 1995).

The current zone includes the following site: *Site 1* (133 acres)—New London State Pier, State Pier Road, New London.

The grantee's proposed service area under the ASF would be New London County, Connecticut, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The application indicates that the proposed service area is within and adjacent to the New London Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone to include its existing site as a ''magnet'' site. No subzones/usage-driven sites are being requested at this time. The application would have no impact on FTZ 208's previously authorized subzone.

In accordance with the FTZ Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is September 21, 2020. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 5, 2020.

A copy of the application will be available for public inspection in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: July 13, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–15726 Filed 7–20–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–869]

Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products From Japan: Preliminary Results of the Antidumping Duty Administrative Review; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that the producer/exporter subject to this administrative review made sales of subject merchandise at less than normal value (NV) during the period of review (POR), May 1, 2018 through April 30, 2019. Interested parties are invited to comment on these preliminary results.

DATES: Applicable July 21, 2020.

FOR FURTHER INFORMATION CONTACT: Ian Hamilton or Terre Keaton Stefanova, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4798 or (202) 482–1280, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 15, 2019, based on a timely request for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on diffusion-annealed, nickel-plated flat-rolled steel products from Japan for one company, Toyo Kohan Co., Ltd. (Toyo Kohan).[1] In January 2020, we extended the preliminary results of this review to no later than May 29, 2020.[2] On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days, thereby extending the deadline for these results until July 20, 2020.[3] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[4]

Scope of the Order

The products covered by the order are flat-rolled, cold-reduced steel products, regardless of chemistry, whether or not in coils, either plated or coated with nickel or nickel-based alloys and subsequently annealed (*i.e.,* ''diffusion annealed''), whether or not painted, varnished or coated with plastics or other metallic or nonmetallic substances from Japan.[5] Products subject to the order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7212.50.0000 and 7210.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://enforcement.trade.gov/frn/summary/japan/japan-fr.htm.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that a weighted-average dumping margin of 1.28 percent exists for Toyo Kohan for the period May 1, 2018 through April 30, 2019.

Assessment Rates

Upon completion of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.[6]

Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[7]

Commerce's ''reseller policy'' will apply to entries of subject merchandise during the POR produced by Toyo Kohan for which Toyo Kohan did not know that the merchandise it sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[8]

We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Toyo Kohan will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 33739 (July 15, 2019).

[2] *See* Memorandum, ''Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Extension of the Deadline for Preliminary Results of the 2018–2019 Antidumping Duty Administrative Review,'' dated January 9, 2020.

[3] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2018–2019 Administrative Review of the Antidumping Duty Order on Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

[6] *See* 19 CFR 351.212(b).

[7] *See* section 751(a)(2)(C) of the Act.

[8] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

companies not participating in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, then the cash deposit rate will be the rate established for the most recent segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 45.42 percent, the all-others rate established in the LTFV investigation.[9] These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).[10] Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.[11] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.[12] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[13] Case and rebuttal briefs should be filed using ACCESS.[14] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[15]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS within 30 days after the date of publication of this notice.[16] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date of the hearing.[17]

An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time on the established deadline.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless the deadline is extended.[18]

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 14, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2020–15728 Filed 7–20–20; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Antidumping Duty Order,* 79 FR 30816 (May 29, 2014).

[10] *See* 19 CFR 351.224(b).

[11] *See* 19 CFR 351.309(c).

[12] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

[13] *See* 19 CFR 351.309(c)(2) and (d)(2).

[14] *See* 19 CFR 351.303.

[15] *See Temporary Rule.*

[16] *See* 19 CFR 351.310(c).

[17] *See* 19 CFR 351.310.

[18] *See* section 751(a)(3)(A) of the Act.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA273]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Skate Committee via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Thursday, August 6, 2020 at 9 a.m. Webinar registration URL information: *https://attendee.gotowebinar.com/register/3168737943656557323.*

ADDRESSES: The meeting will be held via webinar.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Skate Committee will continue to develop and clarify a problem statement, goals and objectives for Amendment 5 to the Northeast Skate Complex Fishery Management Plan (limited access). Other business may be discussed, as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 16, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–15757 Filed 7–20–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA290]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Northeast Trawl Advisory Panel (NTAP) will hold a meeting.

DATES: The meeting will be held on Friday, August 7, beginning at 1 p.m. and conclude by 4 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar (*http://www.mafmc.org/ntap*).

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to: (1) Discuss timing concerns due to COVID–19, (2) door testing on NOAA ship Henry B. Bigelow, (3) the 2020 research update, and (4) the swept area integration update.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 16, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–15755 Filed 7–20–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA285]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Treasure Island Ferry Dock Project, San Francisco, California

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the City and County of San Francisco, CA (San Francisco) to incidentally harass, by Level A and Level B harassment only, marine mammals during construction activities associated with the Treasure Island Ferry Dock Project in San Francisco, California.

DATES: This Authorization is effective for one year from the date of issuance.

FOR FURTHER INFORMATION CONTACT: Dwayne Meadows, Ph.D., Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On February 6, 2020, NMFS received an application from San Francisco requesting an IHA to take small numbers of seven species of marine mammals incidental to pile driving associated with the Treasure Island Ferry Dock Project. The application was deemed adequate and complete on May 13, 2020. San Francisco's request is for take of a small number of seven species of marine mammals by Level B harassment and Level A harassment. Neither San Francisco nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity

Overview

The project consists of the construction of a ferry terminal, breakwater, and removal of an old pier on Treasure Island in the middle of San Francisco Bay. San Francisco would install and then remove two temporary 36-inch-diameter steel piles for moorings and 196 temporary 14-inch by 89 foot steel H piles as templates. Final construction requires installation of eight 36-inch-diameter steel piles, five 48-inch-diameter steel piles, 52 24-inch octagonal concrete breakwater piles, and 120 14-inch by 48-inch concrete sheet piles for the breakwater. Removing the old pier requires removal of 198 12-inch diameter timber piles. The work for this project began on June 8, 2020. From that date until July 7, 2020, San Francisco completed pile driving for 38 piles (two 48-inch steel pipe piles, six 36-inch steel pipe piles, and 30 14-inch x 89-foot steel H-piles) associated with the ferry pier. San Francisco has also informed us that the fireboat access pier

will not be built at this time, so the 37 pile associated with that aspect of the project are also being removed from this authorization. The revised summary of pile driving activities covered by this IHA is in Table 1. Therefore in this final authorization we adjust our analysis and take estimates based on the work still to be completed as described below. Pile driving/removal for the remaining work is expected to take no more than 1,820 hours over 182 days. Pile driving would be by vibratory pile driving until resistance is too great and driving would switch to an impact hammer. Removal of temporary piles would use vibratory methods only. A detailed description of the planned project is provided in the **Federal Register** notice for the proposed IHA (85 FR 35271; June 9, 2020). Since that time, no other changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

TABLE 1—SUMMARY OF PILE DRIVING ACTIVITIES

Activity	Piles		
	Location	Number (maximum)	Type
Install Piles for Ferry Pier (impact and/or vibratory).	Ferry Pier	0*	36-inch steel pipe (mooring piles)/vibratory.
	Ferry Pier	0*	48-inch steel pipe vibratory & impact.
	Ferry Pier	0*	36-inch steel pipe (fender piles)/vibratory.
Install Temporary Steel Template Piles (Vibratory).	Ferry Pier	4	14-inch × 89-foot steel H-piles.
Remove Temporary Steel Template Piles (Vibratory).	Ferry Pier	12	14-inch × 89-foot steel H-piles.
Install Octagonal Piles for North Breakwater (Impact).	North Breakwater	52	24-inch octagonal concrete.
Install Sheetpiles for North Breakwater (Impact).	North Breakwater	120	14 × 48-inch concrete sheetpiles.
Install Temporary Steel Template Piles (Vibratory).	North Breakwater	105	14-inch × 89-foot steel H-piles.
Remove Temporary Steel Template Piles (Vibratory).	North Breakwater	105	14-inch × 89-foot steel H-piles.
Install Temporary Steel Template Batter Piles (Vibratory).	North Breakwater	46	14-inch × 89-foot steel H-piles.
Remove Temporary Steel Template Batter Piles (Vibratory).	North Breakwater	46	14-inch × 89-foot steel H-piles.
Install Temporary Mooring Piles (Vibratory)	Mooring	2	36-inch steel pipe.
Remove Temporary Mooring Piles (Vibratory)	Mooring	2	36-inch steel pipe.
Install Temporary Mooring Batter Piles (Vibratory).	Mooring	4	14-inch × 89-foot steel H-piles.
Remove Temporary Mooring Batter Piles (Vibratory).	Mooring	4	14-inch × 89-foot steel H-piles.
Install Crew Access Piles (Vibratory)	Mooring	2	14-inch × 89-foot steel H-piles.
Remove Crew Access Piles (Vibratory)	Mooring	2	14-inch × 89-foot steel H-piles.
Install Fireboat Access Pier (Vibratory & Impact).	North Breakwater	0**	48-inch steel pipe.
Install Fireboat Access Pier (Vibratory)	North Breakwater	0**	36-inch steel pipe.
Install Temporary Fireboat Steel Template Piles (Vibratory).	North Breakwater	0**	14-inch × 89-foot steel H-piles.
Remove Temporary Fireboat Steel Template Piles (Vibratory).	North Breakwater	0**	14-inch × 89-foot steel H-piles.
Remove Existing Pier (vibratory or crane cable).	Pier	198	12-inch timber.
Total		704	N/A.

* Work on these piles completed before issuance of IHA.
** Work on the fireboat access pier will no longer occur under this authorization.

Comments and Responses

A notice of NMFS's proposal to issue an IHA to San Francisco was published in the **Federal Register** on June 9, 2020 (85 FR 35271). That notice described, in detail, San Francisco's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received public comment from one commenter. The U.S. Geological Survey noted they have ''no comment to offer at this time''. A comment letter from the Marine Mammal Commission (Commission) was received pursuant to the Commission's authority to recommend steps it deems necessary or desirable to protect and conserve marine mammals (16 U.S. C. 1402.202(a)). We are obligated to respond to the Commission's recommendations within 120 days, and we do so below.

Comment: The Commission recommends that NMFS refrain from issuing renewals for any authorization and instead use its abbreviated **Federal Register** notice process.

Response: NMFS does not agree with the Commission and, therefore, does not adopt the Commission's recommendation. NMFS has explained the rationale for this decision in multiple **Federal Register** notices (*e.g.,* 84 FR 52464; October 02, 2019); nonetheless, NMFS will also provide a separate detailed explanation of its

decision within 120 days, as required by section 202(d) of the MMPA.

Comment: The Commission recommends that NMFS ensure that San Francisco keep a running tally of the total takes, based on observed and extrapolated takes, for Level B harassment consistent with condition 4(h) of the IHA.

Response: NMFS agrees that San Francisco must ensure they do not exceed authorized takes.

Comment: The Commission recommends that NMFS revise its standard condition for ceasing in-water heavy machinery activities to include, as examples, movement of the barge to the pile location, positioning of the pile on the substrate, use of barge-mounted excavators, and dredging in all draft and final incidental take authorizations involving pile driving and removal.

Response: NMFS appreciates the recommendation but disagrees that a comprehensive listing of potential activities for which the measure is appropriate is necessary, and does not adopt the recommendation.

Comment: The Commission recommends that NMFS (1) require San Francisco to have at least two Protected Species Observers (PSO) monitoring during all activities, with at least one PSO monitoring the shut-down zones at each pile-driving or removal site, one PSO near Pier 33 during vibratory installation of 36- and 48-inch steel piles, and one PSO stationed south toward Yerba Buena Island during all other pile-driving and removal activities and (2) specify the number and location of PSOs for each of the various activities in condition 5(iv) in the final authorization.

Response: We disagree with the Commission. For the less noisy scenarios with smaller harassment zones we believe the current provisions are sufficient to ensure we obtain adequate information on take, especially given the abundant anthropogenic effects, loud ambient noise environment in which the activities occur, and small sliver of area in which sound can propagate long distances. For the possibility of vibratory driving of 36-inch piles alone (without the second hammer operating simultaneously) we have clarified that a second PSO near Pier 33 is also required. Therefore, two PSOs are required for 36 inch piles (alone or simultaneous), and 1 PSO for all other scenarios. The second PSO will be located near Pier 33 for driving 36 inch piles and at the best vantage point practicable to monitor the shutdown zones when removing timer piles at the old pier is combined with vibratory driving of 14-inch x 89-foot steel H-pile elsewhere in the project area.

Comment: The Commission recommends that NMFS (1) have its experts in underwater acoustics and bioacoustics review and finalize as soon as possible, its recommended proxy source levels for impact pile driving of the various pile types and sizes, and (2) compile and analyze the source level data for vibratory pile driving of the various pile types and sizes in the near term.

Response: NMFS appreciates the Commission's interest in this issue and, as we have indicated previously, we are working on developing such products within the context of available resources and staff.

Comment: The Commission recommends NMFS ensure action proponents use consistent and appropriate proxy source levels in all future rulemakings and proposed IHAs.

Response: We agree with the Commission that applicants should use appropriate source levels and will continue to work to ensure that they do through our review of applications.

Comment: The Commission recommends NMFS use a source level of 166 decibels (dB) re 1 μPa2-sec (micro Pascals) at 10 meters (m) (Caltrans 2015) for impact installation of 24-inch concrete piles.

Response: We disagree. The source level used by San Francisco is based on recent nearby data. The Caltrans (2015) data the Commission cites is 16 years-old and comes from deeper locations. Caltrans (2015) provided a second source level for 24-inch concrete piles at shallow depths more similar to those of this project, and that source level is quieter than the source level we use. The Commission provides no rationale for this recommendation, and thus given the above information, we retain the original source level that is more conservative than the most comparable Caltrans (2015) source.

C*omment:* The Commission recommends NMFS (1) use 164 dB re 1 μPa2-sec at 10 m and a 250-millisecond (msec) pulse duration rather than 170 dB re 1 μPa (root mean square (rms)) at 10 m and a 100-msec pulse duration to re-estimate the Level A harassment zones during impact installation of 24-inch concrete piles, (2) revise the Level A harassment zones accordingly, (3) revise the shut-down zone to be 100 m rather than 80 m for LF cetaceans and at least 75 m rather than 40 m for phocids, and (4) ensure all tables in the notice for final authorization issuance and the final authorization include those revisions.

Response: We disagree. The Commission fails to acknowledge that the source level data is not measured perfectly and are medians. The 164 dB SEL (Sound Exposure Level)/170dB rms measurements from Illingworth and Rodkin (2019a) are medians from a small number of estimates. That means they are estimates and are not perfectly precise or accurate, and are medians, not means. In fact, from Illingworth and Rodkin (2019a) we know that the SEL measurements ranged from 146 to 171, and the rms measurements ranged from 157 to 178. Thus the Commission's unacknowledged assumption that the SEL and RMS numbers are exactly correct leads them to come to the improper conclusion that the pulse duration must be 250-msec, apparently also without error bars in the Commission's view.

Thus the disagreement stems from a debate about what is the most appropriate assumption for pulse duration and the various source levels. A 250-msec pulse duration near the source is unrealistically long based on our experience. Given the data are medians from a small number of samples with large variation, it is not surprising that they are not perfect estimators of source levels. Illingworth and Rodkin (2019a) do not provide means of their measurements, making assessment of the skewness of the data impossible. We do note that the RMS data range over 21 dB while the range for the SEL data is larger at 25dB.

The Commission failed to reference additional data on source levels for 24-inch concrete piles in Caltrans (2015), a source the Commission normally trusts (see *e.g.,* above comment). Caltrans (2015) provides two source level estimates for 24-inch concrete piles. Both of those source levels reflect a 100-msec pulse duration. Moreover, the shallow water source level estimate for 24-inch piles that is most relevant to this project has an rms source level of 170dB, exactly what we and San Francisco used. Therefore, we decline to change the source level for 24-inch concrete piles and thus there is no need to change the Level A harassment or shutdown zones or revise any other tables.

Comment: The Commission recommends that, for all incidental take authorizations involving impact pile driving, NMFS (1) use the SELs-s (single strike) source levels, when available, to estimate the Level A harassment zones consistent with NMFS (2018), (2) if an SELs-s source level is not available, use the pulse duration that accompanies the SPL(Sound Pressure Level) rms source level, and (3) if neither an SELs-s source

level nor a specified pulse duration based on the SPLrms source level is available, then and only then use the 100-msec pulse duration default. NMFS should consult with its experts in underwater acoustics and bioacoustics on this matter.

Response: We disagree with the Commission. We have consulted with our acoustics experts. As the example from the prior comment shows, the source level data we use is often imprecise and based on field estimates of a small number of piles with large variation. In some cases, as we also see in the prior comment, the variation in SEL measurements is larger and less precise than that for RMS measurements. Moreover, as the above example shows, knowledge of expected values for pulse duration and other inputs may be available from prior experience so that a strict adherence to formulas that assume the data have no variation is not wise or effective. In addition, the Commission fails to acknowledge or discuss potential challenges and pitfalls in using median values to estimate pulse duration when means are unavailable and we do not know the underlying distribution of the data points, and where that distribution might differ for RMS and SEL. Therefore, we will continue to recommend SEL as the preferred source, when data are relatively complete and robust, but allow consideration of RMS data when conditions warrant.

Changes From the Proposed IHA to Final IHA

We corrected discrepancies between the proposed table and text in pile numbers and types and we revised the number of piles to be completed based on work already completed and/or cancelled (see Table 1 above). Not all of the work planned for completion in the ''June'' work scenario was completed so we changed the name of the scenario to ''July'' as needed. We used more appropriate source levels for the 14 × 48-inch concrete sheet piles (Illingworth and Rodkin, 2019b). We revised our guidance in Table 6 for combining sound levels generated during simultaneous pile installation to require Level B zones for a combination of vibratory and impact hammering to be the largest of the zones for either source; impact pile driving can produce a louder source when the impact driven pile is much larger in diameter than the vibratory driven pile. We also clarified that sound sources from multiple simultaneous hammers are combined when their Level B harassment zones overlap. We clarified the scenario involving 12-inch timber pile removal and corrected the Level B harassment zone size for this scenario.

These changes in source levels and pile numbers alter the Level A and Level B harassment zones sizes and expected take for California sea lion, harbor seals, and harbor porpoises (see Estimated Take section below). Specifically, the Level B harassment zone for simultaneous vibratory driving of 14-inch × 89-foot steel H-piles and vibratory removal of 12-inch timber piles increased from 1585 to 2512 m and the Level A harassment zones for 14 × 48-inch concrete sheet piles increase by no more than 1 m. Total take for California sea lion, harbor seals, and harbor porpoises increases by 7, 192, and 8 individuals, respectively. The shutdown zone for 14 × 48-inch concrete sheet piles increases to 20 m (66 feet) (see Mitigation section below).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*).

Table 2 lists all species with expected potential for occurrence in the project area near Treasure Island and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2019). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Pacific SARs and draft SARs (*e.g.,* Caretta *et al.* 2019).

TABLE 2—SPECIES THAT SPATIALLY CO-OCCUR WITH THE ACTIVITY TO THE DEGREE THAT TAKE IS REASONABLY LIKELY TO OCCUR

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Eschrichtiidae: Gray Whale ..	*Eschrichtius robustus.*	Eastern North Pacific.	-, -, N	26,960 (0.05, 25,849, 2016)	801	138

TABLE 2—SPECIES THAT SPATIALLY CO-OCCUR WITH THE ACTIVITY TO THE DEGREE THAT TAKE IS REASONABLY LIKELY TO OCCUR—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Bottlenose Dolphin.	*Tursiops truncatus*.	California Coastal	-, -, N	453 (0.06, 346, 2011)	2.7	>2.0
Family Phocoenidae (porpoises):						
Harbor porpoise.	*Phocoena phocoena*.	San Francisco/ Russian River.	-, -, N	9,886 (0.51, 2019)	66	0
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California Sea Lion.	*Zalophus californianus*.	United States	-, -, N	257,606 (N/A, 233,515, 2014)	14,011	>321
Northern fur seal.	*Callorhinus ursinus*.	California	-, D, N ..	14,050 (N/A, 7,524, 2013)	451	1.8
	.....	Eastern North Pacific.	-, D, N ..	620,660 (0.2, 525,333, 2016)	11,295	399
Family Phocidae (earless seals):						
Northern elephant seal.	*Mirounga angustirostris*.	California Breeding.	-, -, N	179,000 (N/A, 81,368, 2010)	4,882	8.8
Harbor seal ..	*Phoca vitulina*	California	-, -, N	30,968 (N/A, 27,348, 2012)	1,641	43

1—Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

2—NMFS marine mammal stock assessment reports online at: *www.nmfs.noaa.gov/pr/sars/*. CV is coefficient of variation; Nmin is the minimum estimate of stock abundance.

3—These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

Harbor seal, California sea lion, bottlenose dolphin and Harbor porpoise spatially co-occur with the activity to the degree that take is reasonably likely to occur, and we are authorizing take of these species. For gray whale, northern fur seal and northern elephant seal, occurrence is such that take is possible, and we are also authorizing take of these species. All species that could potentially occur in the proposed survey areas are included in San Francisco's IHA application (see application, Table 2). Humpback whales could potentially occur in the area. However the spatial and temporal occurrence of this species is very rare, the species is readily observed, and the applicant would shut down pie driving if humpback whales enter the project area. Thus take is not expected to occur, and they are not discussed further.

A detailed description of the of the species likely to be affected by the project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (85 FR 25271; June 9, 2020); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (*https://www.fisheries.noaa.gov/find-species*) for generalized species accounts.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from San Francisco's construction activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the survey area. The notice of proposed IHA (85 FR 35271; June 9, 2020) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from San Francisco's survey activities on marine mammals and their habitat. That information and analysis is incorporated by reference into this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (85 FR 35271; June 9, 2020).

Estimated Take

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance,

which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as use of the acoustic source (*i.e.,* vibratory or impact pile driving) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result for pinnipeds and harbor porpoise because predicted auditory injury zones are larger. The mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no mortality is anticipated or authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Due to the lack of marine mammal density for some species, NMFS relied on local occurrence data and group size to estimate take. Below, we describe the factors considered here in more detail and present the take estimate.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur permanent threshold shift (PTS) of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 µPa (rms) for continuous (*e.g.,* vibratory pile-driving) and above 160 dB re 1 µPa (rms) for non-explosive impulsive (*e.g.,* impact pile driving) or intermittent (*e.g.,* scientific sonar) sources.

San Francisco's proposed activity includes the use of continuous (vibratory pile-driving) and impulsive (impact pile-driving) sources, and therefore the 120 and 160 dB re 1 µPa (rms) thresholds are applicable.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). San Francisco's activity includes the use of impulsive (impact pile-driving) and non-impulsive (vibratory pile driving/removal) sources.

These thresholds are provided in Table 3. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

PTS Onset acoustic thresholds * (received level)		
Hearing group	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 µPa, and cumulative sound exposure level (L_E) has a reference value of 1µPa^{2}s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript ''flat'' is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the proposed project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* impact pile driving, vibratory pile driving, vibratory pile removal).

Vibratory hammers produce constant sound when operating, and produce vibrations that liquefy the sediment surrounding the pile, allowing it to penetrate to the required seating depth. An impact hammer would then generally be used to place the pile at its intended depth through rock or harder substrates. The actual durations of each installation method vary depending on the type and size of the pile. An impact hammer is a steel device that works like a piston, producing a series of independent strikes to drive the pile. Impact hammering typically generates the loudest noise associated with pile installation.

In order to calculate distances to the Level A harassment and Level B harassment sound thresholds for piles of various sizes being used in this project, NMFS used acoustic monitoring data from other locations to develop source levels or the various pile types, sizes and methods (see Table 4).

TABLE 4—PROJECT SOUND SOURCE LEVELS

Pile driving activity		Estimated sound source level at 10 meters without attenuation			Data source
Hammer type	Pile type	dB RMS	dB SEL	dB peak	
Impact	36-inch steel pipe	193	183	210	Compendium pg. 131 (Buehler *et al.* 2015) Humboldt.
	24-inch octagonal concrete	170	164	189	Measurements at Pile 3B, 9/10/2019 at Alameda Seaplane Lagoon Project (Illingworth and Rodkin, Inc., 2019a).
	14-inch x 48-inch concrete sheetpile (measured at 32m).	157	147	168	Treasure Island (Illingworth and Rodkin, Inc., 2019b).
Vibratory	36-inch steel pipe	170			Compendium pg. 129 (Buehler *et al.* 2015).
	14-inch x 89-foot steel H-piles	150			Compendium pg. 129 (Buehler *et al.* 2015).
Vibratory Removal	12-inch timber piles (measured at 15.8m).	150			Port Townsend Dolphin Timber Pile Removal (WSDOT 2011).*

* Note: It is assumed that noise levels during pile installation and removal are similar. Use of an impact hammer will be limited to 5–10 minutes per pile, if necessary. SEL = single strike sound exposure level; dB peak = peak sound level; rms = root mean square.

NMFS typically uses Greenbusch Group (2018) data for source levels for timber pile removal, but the applicant chose the more conservative WSDOT (2011). The source level from Greenbush Group (2018) is 152 dB at 10m, the equivalent source level for WSDOT (2011) at 10m is 153 dB.

During pile driving installation activities, there may be times when multiple hammers are used simultaneously. For impact hammering, it is unlikely that the two hammers would strike at the same exact instant, and therefore, the sound source levels will not be adjusted regardless of the distance between the hammers. For this reason, multiple impact hammering is not discussed further. For simultaneous vibratory hammering, the likelihood of such an occurrence is anticipated to be infrequent and would be for short durations on that day. In-water pile installation is an intermittent activity, and it is common for installation to start and stop multiple times as each pile is adjusted and its progress is measured. When two continuous noise sources, such as vibratory hammers, have overlapping sound fields, there is potential for higher sound levels than for non-overlapping sources. When two or more vibratory hammers are used simultaneously, and the Level B harassment sound field of one source encompasses the Level B harassment sound field of another source, the sources are considered additive and combined using the following rules (see Table 5): For addition of two simultaneous vibratory hammers, the difference between the two sound source levels (SSLs) is calculated, and if that difference is between 0 and 1 dB, 3 dB are added to the higher SSL; if difference is between 2 or 3 dB, 2 dB are added to the highest SSL; if the difference is between 4 to 9 dB, 1 dB is added to the highest SSL; and with differences of 10 or more dB, there is no addition.

TABLE 5—RULES FOR COMBINING SOUND LEVELS GENERATED DURING PILE INSTALLATION

Hammer types	Difference in SSL	Level A zones	Level B zones
Vibratory, Impact	Any	Use impact zones	Use largest zone.
Impact, Impact	Any	Use zones for each pile size and number of strikes.	Use zone for each pile size.
Vibratory, Vibratory	0 or 1 dB	Add 3 dB to the higher source level	Add 3 dB to the higher source level.
	2 or 3 dB	Add 2 dB to the higher source level	Add 2 dB to the higher source level.
	4 to 9 dB	Add 1 dB to the higher source level	Add 1 dB to the higher source level.
	10 dB or more	Add 0 dB to the higher source level	Add 0 dB to the higher source level.

Source: Modified from USDOT 1995, WSDOT 2018, and NMFS 2018b.
Note: dB = decibels; SSL = sound source level.

For simultaneous usage of three or more continuous sound sources, such as vibratory hammers, the three overlapping sources with the highest SSLs are identified. Of the three highest SSLs, the lower two are combined using the above rules, then the combination of the lower two is combined with the highest of the three. For example, with overlapping isopleths from 24-, 36-, and 42-inch diameter steel pipe piles with SSLs of 161, 167, and 168 dB rms respectively, the 24- and 36-inch would be added together; given that 167 − 161 = 6 dB, then 1 dB is added to the highest of the two SSLs (167 dB), for a combined noise level of 168 dB. Next, the newly calculated 168 dB is added to the 42-inch steel pile with SSL of 168 dB. Since 168 − 168 = 0 dB, 3 dB is added to the highest value, or 171 dB in total for the combination of 24-, 36-, and 42-inch steel pipe piles (NMFS 2018b; WSDOT 2018). As described in Table 5, dB addition calculations were carried out for all possible combinations of vibratory installation.

When calculating Level B harassment zones for simultaneous use of an impact hammer and a vibratory hammer, the Level B zones are calculated using the largest zone for either the impact pile driving or the vibratory pile driving.

In consideration of the various pile types and sizes and the construction work plan for the different structures and components of the project, San Francisco developed a set of likely worst case scenarios for the activities that would be carried out over the course of individual days (Table 6). These scenarios encompass the worst possible combinations of simultaneous pile driving over the worst possible number of days it might take to complete those tasks. There are four basic scenarios plus the short-term addition of pile removal of the timber piles from the old pier. The course of the project is broken up into work windows for the first month of the project versus the remaining months. Within each of these temporal work windows there are some days with driving of larger and louder piles (called the maximum exposure days) and some days where driving will be of smaller piles (called average exposure days). The table shows what pile driving source is used to calculate the Level A and level B zones under each scenario.

The applicant discusses how they will follow the California Environmental Quality Act requirement that a bubble curtain be used during operation of an impact hammer if sound pressures exceeded 160 dB at 500 meters from the source. Because San Francisco will not use a bubble curtain for all impact hammering of any pile size, we do not include a source level reduction for bubble curtain use or isopleth calculation for this project.

TABLE 6—WORK SCENARIOS WITH SIMULTANEOUS PILE DRIVING SOURCES USED TO CALCULATE LEVEL A AND LEVEL B ZONES

Date	Location	Total days	Piles driven during 24 hours	Drive type	Pile type	Loudest potential sound source combination	
						Level A	Level B
Maximum exposure days							
July to January 15.	North Breakwater.	50	4	Impact ...	24-inch octagonal concrete or 14 x 48-inch concrete sheetpiles.	Impact 24-inch octagonal concrete.	2 vibratory 14-inch x 89-foot steel H-pile.
			4	Vibratory	14-inch x 89-foot steel H-piles..		
Average exposure days							
July	Ferry Pier	20	1	Vibratory	36-inch steel pipe (fender and/or mooring piles).	2 vibratory (36-inch) steel pipes.	2 vibratory (36-inch) steel pipes.
			2	Vibratory	14-inch x 89-foot steel H-piles..		
July to January 15.	North Breakwater.	112	1	Impact ...	14 x 48-inch concrete sheetpiles.	Impact 14 x 48-inch	2 vibratory 14-inch x 89-foot steel H-pile.
			2	Vibratory	14-inch x 89-foot steel H-piles.		
July to December 31.	Existing Timber Pier Removal.	*14	15	Vibratory	12-inch Timber Piles	Same as above	12-inch timber pile plus 14-inch x 89-foot steel H-pile.

*Pier removal will overlap with work days in July to December 2020, but is kept separate as it is short duration and will have different zone sizes.

Level B Harassment Zones

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

TL = B * Log10 (R1/R2),

where
TL = transmission loss in dB
B = transmission loss coefficient; for practical spreading equals 15
R1 = the distance of the modeled SPL from the driven pile, and
R2 = the distance from the driven pile of the initial measurement

The recommended TL coefficient for most nearshore environments is the practical spreading value of 15. This value results in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions, which is the most appropriate assumption for San Francisco's proposed activity.

Using the practical spreading model, San Francisco determined underwater noise would fall below the behavioral effects threshold of 120 dB rms for marine mammals at distances of 1,585 to 34,164 m depending on the pile type(s) and number of simultaneous vibratory hammers (Table 7). The distance determines the maximum Level B harassment zones for the project. Other activities have smaller Level B harassment zones. It should be noted that based on the geography of Treasure Island, sound will not reach the full distance of the largest Level B

harassment isopleth, except a potential sliver that would exit San Francisco Bay. We do not expect significant sound to exit San Francisco Bay however because the entrance to the bay is 13 kilometer (km) from the project location, there is extensive anthropogenic ambient noise from vessels and development in San Francisco that would mask the project sounds, and the geography and bathymetry of the bay is not conducive to sounds originating from Treasure Island escaping San Francisco Bay.

TABLE 7—LEVEL B ISOPLETHS FOR EACH WORK SCENARIO

	Maximum exposure day	Average exposure day		
	July–January	July	July–January	July–December
Loudest Pile Type or Combination.	2 vibratory 14-inch x 89-foot steel H-pile.	2 vibratory (36-inch) steel pipes.	2 vibratory 14-inch x 89-foot steel H-pile.	vibratory 14-inch x 89-foot steel H-pile and vibratory removal of 12-inch timber pile.
Level B Isolpleth (meters)	1585	34,164	1585	2512.

Level A Harassment Zones

When the NMFS Technical Guidance (2016) was published, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of take by Level A harassment. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources such as impact/vibratory pile driving or drilling, NMFS User Spreadsheet predicts the closest distance at which, if a marine mammal remained at that distance the whole duration of the activity, it would not incur PTS.

Inputs used in the User Spreadsheet (Table 8), and the resulting isopleths are reported below (Table 9) for each of the work scenarios. These inputs follow the rules for simultaneous pile driving as described in Table 5. The weighting factor adjustments for impact pile driving were all 2 kilohertz (kHz) and for vibratory pile driving were 2.5 kHz.

TABLE 8—NMFS TECHNICAL GUIDANCE USER SPREADSHEET INPUT TO CALCULATE LEVEL A ISOPLETHS FOR A COMBINATION OF PILE DRIVING

	High exposure day	Average exposure day		
	July–January	July	July–January	July–December
Pile Type	24-inch Octagonal Concrete Impact.	36-inch Steel Simultaneous Vibratory.	14 x 48-inch Concrete Sheet Pile Impact.	Vibratory Removal of 12-inch Timber Pile.
Source Level (RMS SPL)	170	173	157	153.
Source Level (Peak)	189		168	
Source Level (ssSEL)	164		147	
Strike Duration (sec)	0.1.			
Number of Piles per day	4	2*	1	15.
Number of Strikes per Pile/Duration to drive a single pile.	1000 strikes	45 minutes	600 strikes	5 minutes.
Distance of source level measurement (m).	10	10	33	15.8.

Note: Propagation loss coefficient is 15LogR for all cells.
*Two combined piling events, four piles total.

The above input scenarios lead to PTS isopleth distances (Level A thresholds) of 0.1 to 88 meters, depending on the marine mammal group and scenario (Table 9).

Table 9 -- Calculated Distances (meters) to Level A Harassment Isopleths (m) During Pile Installation and Removal for each Hearing Group and Work Scenario

Pile Driving Activity			Low-Frequency Cetaceans (m)	Mid-Frequency Cetaceans (m)	High-Frequency Cetaceans (m)	Phocid Pinnipeds (m)	Otariid Pinnipeds (m)
Maximum Exposure Day	July - January	24-inch Octagonal Concrete Impact	74	3	88	39	3
Average Exposure Day	July	36-inch steel simultaneous vibratory	57	5	84	34	2
	July - January	14x48-inch concrete sheet pile impact	9	0.3	11	5	0.3
	Vibratory Removal of 12-inch Timber pile		2	0.2	3	1	0.1

Note: a 10-meter shutdown zone will be implemented for all species and activity types to prevent direct injury of marine mammals.

Marine Mammal Occurrence and Take Calculation and Estimation

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations. For the three most common species (harbor seal, California sea lion, and Harbor porpoise) density data exists from the multiple years of the San Francisco-Oakland Bay Bridge (SFOBB) demolition and reconstruction project (Caltrans 2015, 2018). For other species we used more qualitative data on observations from the SFOBB project and observations from year one of this project along with local information on strandings and other biology. Take by Level A and B harassment is proposed for authorization and summarized in Table 10.

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

Bottlenose Dolphin

Density data for this species in the project vicinity do not exist. SFOBB monitoring showed two observations of this species over 6 days of monitoring in 2017 (CalTrans 2018). No common bottlenose dolphins were observed over the course of 264 monitoring hours within the 1,000 foot (305 m) monitoring zone for the Treasure Island Ferry Dock project in 2019. One common bottlenose dolphin is sighted with regularity near Alameda (GGCR 2016). Based on the regularity of the sighting in Alameda and the SFOBB observations of approximately 0.33 dolphin a day, we propose the Level B harassment take equivalent to 0.33 dolphins per day for the 182 proposed days of the project, or 61 common bottlenose dolphin. Because the Level A harassment zones are relatively small and we believe the PSO will be able to effectively monitor the Level A harassment zones, we do not anticipate or propose take by Level A harassment of bottlenose dolphins.

Harbor Porpoise

Density data for this species from SFOBB monitoring was 0.17/km^2 (CalTrans 2018). Based on the work scenarios of different pile types there are three different sized ensonified areas to be considered to estimate Level B harassment take (Table 11). Multiplication of the above density times the corresponding scenario area and duration, and summing the results for the two scenarios leads to a Level B harassment take of 563 harbor porpoise (Table 11).

Given the relatively high density and size of the Level A isopleths for two of the scenarios for Harbor porpoises (Table 9, high-frequency cetaceans) we consider Level A harassment take is a possibility. Based on density alone it is estimated only two harbor porpoises will enter a Level A harassment zone. However, we recognize that harbor porpoises travel in groups of up to 10 individuals and observers of the Treasure Island Ferry Dock project in 2019 recorded two harbor porpoises over 264 hours of observation, or 0.008 per hour. Based on this observation take equivalent to this rate (0.008 per hour) over the entire project period of 182 days (10 hours per day or 1820 hours) equals 15 animals. Because the observation area in 2019 is larger than the small Level A harassment zones for this species, we propose take at less than one-half this rate. As such, we propose Level A harassment take of 7 harbor porpoise.

Because any harbor porpoises that enter the Level A harassment zone would initially be counted as entering the Level B harassment zone, we deduct the Level A harassment take form the Level B harassment take calculation in Table 11 to avoid double-counting and arrive at the Level B harassment take in Table 10.

California Sea Lion

Density data for this species from SFOBB monitoring was 0.16/km^2

(CalTrans 2018). Based on the work scenarios of different pile types there are three different sized ensonified areas to be considered to estimate Level B harassment take (Table 11). Multiplication of the above density times the corresponding scenario area and duration, and summing the results for the two scenarios leads to a Level B harassment take of 512 California sea lions (Table 11).

Given the relatively high density for California sea lions we consider Level A harassment take a possibility. Based on density alone it is estimated only one California sea lion will enter a Level A harassment zone. However, we recognize that observers of the Treasure Island Ferry Dock project in 2019 recorded five California sea lions over 264 hours of observation, or 0.019 per hour. Because the observation area in 2019 is much larger than the small otariid Level A harassment zones we propose take at less than one-third this rate. Specifically we propose take of 10 California sea lions.

Because any California sea lions that enter the Level A harassment zone would initially be counted as entering the Level B harassment zone, we deduct the Level A harassment take form the Level B harassment take calculation in Table 11 to avoid double-counting and arrive at the Level B harassment take in Table 10.

Northern Fur Seal

Density data for this species in the project vicinity do not exit. SFOBB monitoring showed no observations of this species (CalTrans 2018). None were observed for the Treasure Island Ferry Dock project in 2019. The Marine Mammal Center rescues about five northern fur seals in a year, and they occasionally rescue them from Yerba Buena Island and Treasure Island (TMMC, 2019). To be conservative we propose Level B harassment take of five northern fur seals. Because the Level A harassment zones are relatively small and we believe the PSOs will be able to effectively monitor the Level A harassment zones, and the species is rare, we do not anticipate or propose take by Level A harassment of northern fur seals.

Northern Elephant Seal

Density data for this species in the project vicinity do not exist. SFOBB monitoring showed no observations of this species (CalTrans 2018). None were observed for the Treasure Island Ferry Dock project in 2019. Out of the approximately 100 annual northern elephant seal strandings in San Francisco Bay, approximately 10 individuals strand at Yerba Buena or Treasure Islands each year (TMMC, 2020). Therefore, we propose the Level B harassment take of 10 northern elephant seals. Because the Level A harassment zones are relatively small and we believe the PSOs will be able to effectively monitor the Level A harassment zones, and the species is rare, we do not anticipate or propose take by Level A harassment of northern elephant seals.

Harbor Seal

Density data for this species from SFOBB monitoring was 3.92/km^2 (CalTrans 2018). Based on the work scenarios of different pile types there are three different sized ensonified areas to be considered to estimate Level B harassment take (Table 11). Multiplication of the above density times the corresponding scenario area and duration leads to an estimate of 511 harbor seals per day for the pipe pile scenario. Summing the results for the two scenarios leads to an expectation of 12,701 instances of Level B harassment take of harbor seals.

The number of expected takes per day for the pipe pile scenario (511) exceeds the estimate that there is only 500 harbor seals in San Francisco Bay (NPS 2016). It is our normal practice not to issue more than one take per individual per day. Therefore, we cap the number of takes per day for this scenario at 500 per day. Thus, summing the results for the two scenarios leads to a Level B harassment take of 12,481 harbor seals (Table 11).

Given the relatively high density and size of the Level A isopleths for many of the scenarios for harbor seals (Table 9, phocid pinnipeds) we consider Level A harassment take is a possibility. Based on density alone it is estimated that 3 harbor seals will enter a Level A harassment zone. However, we recognize that harbor seals can occur in moderate and rarely large size groups and observers of the Treasure Island Ferry Dock project in 2019 recorded 324 harbor seals over 264 hours of observation, or 6.12 per km^2 per hour. Based on this observation and the size and days of activity for the two large Level A harassment zones we request take equivalent to this rate. As such, we propose Level A harassment take of 20 harbor seals.

Because any harbor seals that enter the Level A harassment zone would initially be counted as entering the Level B harassment zone, we deduct the Level A harassment take from the Level B harassment take calculation in Table 11 to avoid double-counting and arrive at the Level B harassment take in Table 10.

Gray Whale

Density data for this species in the project vicinity do not exist. SFOBB monitoring showed no observations of this species (CalTrans 2018). None were observed for the Treasure Island Ferry Dock project in 2019. Approximately 12 gray whales were stranded in San Francisco Bay from January to May of 2019 (TMMC, 2019). Because recent observations are not well understood, Treasure Island sits near the entrance to the bay, and as a conservative measure, we propose Level B harassment take of 10 gray whales. Because the Level A harassment zones are relatively small and we believe the PSOs will be able to effectively monitor the Level A harassment zones, and the species is rare, we do not anticipate or propose take by Level A harassment of gray whales.

TABLE 10—AUTHORIZED AMOUNT OF TAKING, BY LEVEL A HARASSMENT AND LEVEL B HARASSMENT, BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK

Species	Authorized take		Percent of stock
	Level B	Level A	
Harbor seal (*Phoca vitulina*) California Stock	12,461	20	1.6
Harbor porpoise (*Phocoena phocoena*) San Francisco—Russian River Stock	538	7	5.5
California sea lion (*Zalophus californianus*) U.S. Stock	502	10	0.2
Gray whale (*Eschrichtius robustus*) Eastern North Pacific Stock	10	0	<0.1
Common bottlenose dolphin (*Tursiops truncatus*) California Coastal Stock	61	0	13.5
Northern elephant seal (*Mirounga angustirostris*) California breeding Stock	10	0	<0.1
Northern fur seal (*Callorhinus ursinus*) California and Eastern North Pacific Stocks	5	0	<0.1

TABLE 11—CALCULATIONS OF LEVEL B HARASSMENT TAKE FROM DENSITY DATA BY SPECIES

		Harbor porpoise	California sea lion	Harbor seal
SFOBB density (animals/square km)		0.17	0.16	3.96
Piling Scenario/Level B isopleth Distance (m)				
Days of Pile Driving	2 vibratory 14-inch × 89-foot steel H-pile/1585 m	148	148	148
	2 vibratory (36-inch) steel pipes/34,164 m	20	20	20
	12-inch timber pile plus 14-inch × 89-foot steel H-pile/2512 m.	14	14	14
Area of Isopleth in square kilometers.	2 vibratory 14-inch × 89-foot steel H-pile/1585 m	3.42	3.42	3.42
	2 vibratory (36-inch) steel pipes/34,164 m	129	129	129
	12-inch timber pile plus 14-inch × 89-foot steel H-pile/2512 m.	8.6	8.6	8.6
Per day take Level B	2 vibratory 14-inch × 89-foot steel H-pile/1585 m	0.6	0.5	13.5
	2 vibratory (36-inch) steel pipes/34,164 m	21.9	20.6	*500
	12-inch timber pile plus 14-inch × 89-foot steel H-pile	1.5	1.4	34
Total Level B Take Calculated		545	512	12,481

*Capped at maximum population size (500) in San Francisco Bay per day (NPS 2016).

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The following mitigation measures are listed in the IHA:

- For in-water heavy machinery work other than pile driving (*e.g.,* standard barges, *etc.*), if a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions. This type of work could include the following activities: (1) Movement of the barge to the pile location; or (2) positioning of the pile on the substrate via a crane (*i.e.,* stabbing the pile);
- Conduct briefings between construction supervisors and crews and the marine mammal monitoring team prior to the start of all pile driving activity and when new personnel join the work, to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures;
- For those marine mammals for which Level B harassment take has not been requested, in-water pile installation/removal will shut down immediately if such species are observed within or entering the Level B harassment zone; and
- If take reaches the authorized limit for an authorized species, pile installation will be stopped as these species approach the Level B harassment zone to avoid additional take.

The following mitigation measures would apply to San Francisco's in-water construction activities.

- *Establishment of Shutdown Zones*—San Francisco will establish shutdown zones for all pile driving and removal activities. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Shutdown zones will vary based on the activity type and marine mammal hearing group (Table 3). The largest shutdown zones are generally for high frequency cetaceans, as shown in Table 12.
- The placement and number of PSOs during all pile driving and removal activities (described in detail in the Monitoring and Reporting section) will ensure that the entire shutdown zone is visible during pile installation. Should environmental conditions deteriorate such that marine mammals within the entire shutdown zone would not be visible (*e.g.,* fog, heavy rain), pile driving and removal must be delayed until the PSO is confident marine mammals within the shutdown zone could be detected.

Table 12 -- Shutdown Zones During Pile Installation and Removal

Pile Driving Activity			Low-Frequency Cetaceans	Mid-Frequency Cetaceans	High-Frequency Cetaceans	Phocid Pinnipeds	Otariid Pinnipeds
High Exposure Day	July - January	24-inch Octagonal Concrete Impact	80	10	100	40	10
Average Exposure Day	July	36-inch steel simultaneous vibratory	60	10	100	40	10
	July - January	14 x 48-inch concrete sheet pile impact	10	10	20	10	10
	Vibratory Removal of 12-inch Timber pile		10	10	10	10	10

• *Monitoring for Level A and Level B Harassment*—San Francisco will monitor the Level A and B harassment zones. Monitoring zones provide utility for observing by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring zones enable observers to be aware of and communicate the presence of marine mammals in the project area outside the shutdown zone and thus prepare for a potential halt of activity should the animal enter the shutdown zone. Placement of PSOs will allow PSOs to observe marine mammals within the Level A and B harassment zones. However, due to the large Level B harassment zones (Table 7), PSOs will not be able to effectively observe the entire zone. Therefore, Level B harassment exposures will be recorded and extrapolated, as necessary, based upon the number of observed takes and the percentage of the Level B harassment zone that was not visible.

• *Pre-activity Monitoring*—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal of 30 minutes or longer occurs, PSOs will observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone will be considered cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, a soft-start cannot proceed until the animal has left the zone or has not been observed for 15 minutes. When a marine mammal for which Level B harassment take is authorized is present in the Level B harassment zone, activities may begin and Level B harassment take will be recorded. If the entire Level B harassment zone is not visible at the start of construction, pile driving activities can begin. If work ceases for more than 30 minutes, the pre-activity monitoring of the shutdown zones will commence.

• *Soft Start*—Soft-start procedures are believed to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors will be required to provide an initial set of three strikes from the hammer at reduced energy, followed by a 30-second waiting period. This procedure will be conducted three times before impact pile driving begins. Soft start will be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

• Pile driving or removal must occur during daylight hours.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has determined that the mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

• Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);

• Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life

history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);

- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Visual Monitoring

Marine mammal monitoring must be conducted in accordance with the Monitoring section of the application and section 5 of the IHA. Marine mammal monitoring during pile driving and removal must be conducted by NMFS-approved PSOs in a manner consistent with the following:

- Independent PSOs (*i.e.,* not construction personnel) who have no other assigned tasks during monitoring periods must be used;
- Other PSOs may substitute education (degree in biological science or related field) or training for experience; and
- San Francisco must submit PSO Curriculum Vitae for approval by NMFS prior to the onset of pile driving.

PSOs must have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

Two PSOs will be employed. PSO locations will provide an unobstructed view of all water within the shutdown zone(s), and as much of the Level A and Level B harassment zones as possible. PSO locations are as follows:

(1) At the pile driving site(s) or best vantage point practicable to monitor the shutdown zones; and

(2) For the large Level B harassment zone associated with simultaneous driving of large pipe piles (*i.e.* 36-inch), or when vibratory driving a 36-inch pile by itself, a second PSO will be placed near Pier 33 in San Francisco.

Monitoring will be conducted 30 minutes before, during, and 30 minutes after pile driving/removal activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving or drilling equipment is no more than 30 minutes.

Reporting

A draft marine mammal monitoring report will be submitted to NMFS within 90 days after the completion of pile driving and removal activities, or 60 days prior to a requested date of issuance of any future IHAs for projects at the same location, whichever comes first. The report will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring.
- Construction activities occurring during each daily observation period, including how many and what type of piles were driven or removed and by what method (*i.e.,* impact or vibratory).
- Weather parameters and water conditions during each monitoring period (*e.g.,* wind speed, percent cover, visibility, sea state).
- The number of marine mammals observed, by species, relative to the pile location and if pile driving or removal was occurring at time of sighting.
- Age and sex class, if possible, of all marine mammals observed.
- PSO locations during marine mammal monitoring.
- Distances and bearings of each marine mammal observed to the pile being driven or removed for each sighting (if pile driving or removal was occurring at time of sighting).
- Description of any marine mammal behavior patterns during observation, including direction of travel and estimated time spent within the Level A and Level B harassment zones while the source was active.
- Number of individuals of each species (differentiated by month as appropriate) detected within the monitoring zone, and estimates of number of marine mammals taken, by species (a correction factor may be applied to total take numbers, as appropriate).
- Detailed information about any implementation of any mitigation triggered (*e.g.,* shutdowns and delays), a description of specific actions that ensued, and resulting behavior of the animal, if any.
- Description of attempts to distinguish between the number of individual animals taken and the number of incidences of take, such as ability to track groups or individuals.
- An extrapolation of the estimated takes by Level B harassment based on the number of observed exposures within the Level B harassment zone and the percentage of the Level B harassment zone that was not visible, when applicable.

If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

Reporting Injured or Dead Marine Mammals

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, San Francisco shall report the incident to the Office of Protected Resources (OPR), NMFS and to the regional stranding coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, San Francisco must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. The IHA-holder must not resume their activities until notified by NMFS. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);

- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, this introductory discussion of our analyses applies to all of the species listed in Table 10, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Additional discussion is included for harbor seals, which occur more densely in the area and may be disturbed repeatedly during the season. Pile driving activities have the potential to disturb or displace marine mammals. Specifically, the project activities may result in take, in the form of Level A harassment and Level B harassment from underwater sounds generated from pile driving and removal. Potential takes could occur if individuals are present in the ensonified zone when these activities are underway.

The takes from Level A and Level B harassment would be due to potential behavioral disturbance, temporary threshold shift (TTS), and PTS. No mortality is anticipated given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. The potential for harassment is minimized through the construction method and the implementation of the planned mitigation measures (see Mitigation section).

The Level A harassment zones identified in Table 9 are based upon an animal exposed to impact pile driving multiple piles per day. Considering duration of impact driving each pile (up to 10 minutes) and breaks between pile installations (to reset equipment and move pile into place), this means an animal would have to remain within the area estimated to be ensonified above the Level A harassment threshold for multiple hours. This is highly unlikely given marine mammal movement throughout the area. If an animal was exposed to accumulated sound energy, the resulting PTS would likely be small (*e.g.,* PTS onset) at lower frequencies where pile driving energy is concentrated, and unlikely to result in impacts to individual fitness, reproduction, or survival.

The nature of the pile driving project precludes the likelihood of serious injury or mortality. For all species and stocks, take would occur within a limited, confined area (western San Francisco Bay) of any given stock's range. Level A and Level B harassment will be reduced to the level of least practicable adverse impact through use of mitigation measures described herein. Further the amount of take authorized for any given stock is extremely small when compared to stock abundance.

Behavioral responses of marine mammals to pile driving at the project site, if any, are expected to be mild and temporary. Marine mammals within the Level B harassment zone may not show any visual cues they are disturbed by activities (as noted during modification to the Kodiak Ferry Dock) or could become alert, avoid the area, leave the area, or display other mild responses that are not observable such as changes in vocalization patterns. Given the short duration of noise-generating activities per day and that pile driving and removal would occur across six months, any harassment would be temporary. There are no other areas or times of known biological importance for any of the affected species.

We are authorizing large numbers of take of harbor seals. As discussed above, there are approximately 500 harbor seals in San Francisco Bay. Thus we expect most of the harbor seal take to consist of repeated take of a smaller number of individuals, rather than a large proportion of the stock. Most of the take is expected to occur from the 20 days of simultaneous vibratory pile driving of large piles. However, we are not concerned about fitness impacts as the daily exposure is likely to be brief and intermittent. The 20 days of simultaneous pile driving are not expected to be sequential, providing the animals recovery time. The presence of the large simultaneous level B harassment zones are also likely to be of very short duration within a day on any given day given the dynamics of operating and adjusting different pile driving rigs and thus the likelihood that both rigs will be operating simultaneously. It is also the case that some of the simultaneous pile driving will consist of one large pile and smaller, quieter H-piles (see Table 6), so that effects are likely to be less significant. In addition, this area of the bay lacks important habitat areas, including haulouts within the level B harassment zone, and the existing industrialized nature and loud ambient noise of the area minimize the degradation of habitat and effects on individual fitness, reproduction, or survival. Moreover, harbor seals resident in San Francisco Bay are likely habituated to this noise and activity as evident in the low number of observed responses, none of which seemed severe, from monitoring. Finally, the status of this stock is not of concern.

In addition, it is unlikely that minor noise effects in a small, localized area of habitat would have any effect on the stocks' ability to recover. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities will have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

• No mortality is anticipated or authorized.

• Authorized Level A harassment would be very small amounts and of low degree.

• No biologically important areas have been identified within the project area.

• For all species, San Francisco Bay is a very small and peripheral part of their range.

• For harbor seals take is concentrated in a small number of individuals with the 20 days of major activity spread out, the most severe simultaneous pile driving likely of short duration on any given day in an area of unimportant habitat with significant exiting anthropomorphic noise and disturbance and evidence the animals are habituated to these circumstances.

• San Francisco would implement mitigation measures such as vibratory driving piles to the maximum extent practicable, soft-starts, and shut downs.

• Monitoring reports from similar work in San Francisco Bay have documented little to no effect on individuals of the same species impacted by the specified activities.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The amount of take NMFS proposes to authorize of all species or stocks is below one third of the estimated stock abundance. These are all likely conservative estimates because they assume all takes are of different individual animals which is likely not the case. Some individuals may return multiple times in a day, but PSOs would count them as separate takes if they cannot be individually identified.

Based on the analysis contained herein of the proposed activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the West Coast Region Protected Resources Division Office, whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Authorization

NMFS has issued an IHA to San Francisco for the potential harassment of small numbers of seven marine mammal species incidental to the Treasure Island Ferry Dock project in San Francisco, California, provided the previously mentioned mitigation, monitoring and reporting requirements are followed.

Dated: July 16, 2020.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–15706 Filed 7–20–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA266]

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Executive Committee via webinar.

DATES: The Executive Committee meeting will be held from 9 a.m. to 12 p.m. on Friday, August 7, 2020.

ADDRESSES: *Meeting address:* The meeting will be held via webinar. Webinar registration is required. Details are included in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 302–8440 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: Meeting information, including the webinar link, agenda, and briefing book materials will be posted on the Council's website at: *http://safmc.net/safmc-meetings/council-meetings/.*

Agenda items include:

1. Fishery Management Plan (FMP) priorities and work schedule.

2. The President's Executive Order on promoting U.S. Fisheries.

3. The process for conducting the September 2020 Council meeting.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Written comments may be directed to John Carmichael, Executive Director, South Atlantic Fishery Management Council (see *Council address*) or electronically via the Council's website at *http://safmc.net/safmc-meetings/council-meetings/*. Comments received by close of business the Friday before the meeting (7/31/20) will be compiled, posted to the website as part of the meeting materials, and included in the administrative record; please use the Council's online form available from the website. After the Friday before the meeting (after 7/31/20), comments must be submitted through the Council's online form available from the website. Comments will automatically be posted to the website and available for Council consideration. Comments received prior to 9 a.m. on Friday, August 7, 2020 will be a part of the meeting administrative record.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 16, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–15758 Filed 7–20–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Findings Regarding Commercial Availability of Non-U.S. Satellite Imagery With Respect to Israel

ACTION: Notice.

SUMMARY: Section 1064, Public Law 104–201 (the 1997 Defense Authorization Act)—referred to as the Kyl-Bingaman Amendment—requires that ''[a] department or agency of the United States may issue a license for the collection or dissemination by a non-Federal entity of satellite imagery with respect to Israel only if such imagery is no more detailed or precise than satellite imagery of Israel that is available from commercial sources.'' Pursuant to this law, the Department of Commerce makes findings as to the level of detail or precision of satellite imagery of Israel available from commercial sources. The Department has found that satellite imagery of Israel is readily and consistently available from non-U.S. commercial sources at a resolution of 0.4 meters Ground Sample Distance (m GSD). The Department has therefore changed the existing resolution limit of 2.0 m GSD to 0.4 m GSD.

SUPPLEMENTARY INFORMATION: All licenses issued by the Commercial Remote Sensing Regulatory Affairs Office (CRSRA) include a standard condition implementing the requirements of the Kyl-Bingaman Amendment. This Notice formally specifies the resolution available from commercial sources of the State of Israel for that purpose, such that this license condition now prohibits the dissemination of satellite imagery over Israel at a resolution finer than 0.4 m GSD; this condition does not distinguish between new and archived data. Note that other conditions in CRSRA licenses, as well as other U.S. law and regulations, may still be applicable.

To determine what imagery is ''available from commercial sources,'' the Department looks to what ''level of imagery resolution [is] readily and consistently available in sufficient quantities from non-U.S. sources.'' Licensing of Private Land Remote-Sensing Space Systems, 71 FR 24474, 24479 (Apr. 25, 2006). A recent review found that there are an increasing number of non-U.S. space-based remote sensing systems that produce sub-2 m images. Many of these systems make such imagery over Israel available on commercial terms, and images can be purchased directly from non-U.S. operators, non-U.S. resellers, and resellers within the U.S. An analysis of imagery samples, which were provided as representative of images available over Israel, found that distributors of sub-2 m images of Israel are accurately advertising the resolutions of their products. The finest resolution product analyzed had a resolution of 0.4 m GSD. The Department concluded that images of Israel at 0.4 m GSD are readily and consistently available from multiple commercial sources.

There are currently very few non-U.S. commercial sources that are or will soon be capturing imagery at lower than the revised 0.4 m resolution limit; this imagery was not found to be readily or consistently available.

The Department of Commerce will routinely review this finding as additional information is made available and invites the public to voluntarily provide evidence of availability of commercial imagery over Israel at a finer resolution than 0.4 m GSD. Any future finding by the Department will be documented in a subsequent notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Tahara Dawkins, Commercial Remote Sensing Regulatory Affairs Office, NOAA Satellite and Information Services, 1335 East-West Highway, Suite G–101, Silver Spring, Maryland 20910; telephone (301) 713–3385, email *tahara.dawkins@noaa.gov.*

Tahara Dawkins,

Director, Commercial Remote Sensing Regulatory Affairs.

[FR Doc. 2020–15770 Filed 7–17–20; 11:15 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA281]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Southern Oregon/Northern California Coast (SONCC) coho Workgroup (Workgroup) will host an online meeting over a two-day period that is open to the public.

DATES: The online meeting will be held Thursday, August 6 and Friday, August 7, 2020, from 9 a.m., Pacific Daylight Time, until 5 p.m., or until business is complete each day.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at 503–820–2280, extension 412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Ehlke, Staff Officer, Pacific Council; telephone: (503) 820–2410.

SUPPLEMENTARY INFORMATION: The purpose of the meeting will be to discuss data, modeling and analysis that may be needed to develop potential alternatives for a harvest control rule for Council consideration. The Workgroup may also discuss and prepare for future Workgroup meetings and future meetings with the Pacific Council and its advisory bodies.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2412) at least 10 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 16, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–15756 Filed 7–20–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2020–HQ–0005]

Submission for OMB Review; Comment Request

AGENCY: Department of the Air Force, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by August 20, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Foreign Government Employment Application; OMB Control Number 0701–0134.

Type of Request: Renewal.

Number of Respondents: 20.

Responses per Respondent: 1.

Annual Responses: 20.

Average Burden per Response: 1 hour.

Annual Burden Hours: 20 hours.

Needs and Uses: The information collection requirement is to obtain the information needed by the Secretary of the Air Force and Secretary of State on which to base a decision to approve/disapprove a request to work for a foreign government. This approval is specified by Title 37, United States Code, and Section 908. This statute delegates such approval (authority of Congress to the respective service secretaries and to the Secretary of State.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: July 13, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–15748 Filed 7–20–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Education Stabilization Fund—Reimagine Workforce Preparation (ESF–RWP) Grants Program

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice; correction.

SUMMARY: On June 23, 2020, the Office of Career, Technical, and Adult Education published in the **Federal Register** a notice inviting applications (NIA) for new awards for fiscal year (FY) 2020 for the ESF–RWP Grants Program, Catalog of Federal Domestic Assistance (CFDA) number 84.425G. We are correcting the information regarding eligible entities for the ESF–RWP grant program to indicate that the applicant must be either a State Workforce Board that is a State agency or entity with the authority to apply for, receive, and administer ESF–RWP funds; or a State agency or entity that is designated by the State Workforce Board to apply for, receive, and administer ESF–RWP funds. All other information in the NIA, including the August 24, 2020, deadline for transmittal of applications, remains the same.

DATES: This correction is applicable July 21, 2020.

FOR FURTHER INFORMATION CONTACT: Erin Berg, U.S. Department of Education, 400 Maryland Avenue SW, Room 11113,

PCP, Washington, DC 20202. Telephone: (202) 245–6792. Email: *ESF-RWP@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: On June 23, 2020, we published in the **Federal Register** an NIA for new awards for FY 2020 for ESF–RWP grants (85 FR 37636). In the NIA, we indicated that State Workforce Boards were eligible entities. Under section 18001(a)(3) of Division B of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), ESF–RWP funds are awarded to States. Since publication of the NIA, some States have indicated that the State Workforce Board in their State is not a State entity with the authority to apply for, receive, and administer Federal grant funds. As a result, we are correcting the NIA to indicate that the eligible entity for this competition must be either (1) a State Workforce Board that is a State agency or entity with the authority to apply for, administer, and receive ESF–RWP funds; or (2) a State agency or entity that is designated by a State Workforce Board to apply for, administer, and receive ESF–RWP funds.

All other information in the NIA, including the August 24, 2020, deadline for transmittal of applications and the requirement that only one application may be submitted per State, remains the same. Instructions for submitting an application can be found in the NIA.

Correction

In FR Doc. 2020–13480 appearing on page 37636 in the **Federal Register** of June 23, 2020, the following correction is made:

1. On page 37643, in the last paragraph of the right column, revise the language following the heading ''1. *Eligible Applicants:*'' to read as follows:

The eligible applicant is: (1) A State Workforce Board that is a State agency or entity with the authority to apply for, administer, and receive ESF–RWP funds; or (2) a State agency or entity that is designated by a State Workforce Board to apply for, administer, and receive ESF–RWP funds.

Program Authority: Section 18001(a)(3) of title VIII of Division B of the CARES Act, Public Law 116–36 (enacted March 27, 2020).

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 this 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.

Scott Stump,

Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2020–15678 Filed 7–20–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[DOE–HQ–2020–0028]

Securing the United States Bulk-Power System

AGENCY: Office of Electricity, Department of Energy.

ACTION: Extension of public comment period.

SUMMARY: The U.S. Department of Energy (''DOE'') is extending the public comment period for its Request for Information (''RFI'') regarding Executive Order 13920 (E.O. 13920) issued May 1, 2020, titled ''Securing the United States Bulk-Power System.'' DOE published the RFI in the **Federal Register** on July 8, 2020, establishing a 30-day public comment period that will end on August 7, 2020. On July 13, 2020, DOE received a comment requesting extension of the comment period by 30 days. DOE is extending the public comment period for submitting comments on the RFI for 17 days to August 24, 2020.

DATES: The comment period for the RFI published on July 8, 2020 (85 FR 41023), is extended. DOE will accept comments regarding this RFI received no later than August 24, 2020.

ADDRESSES: Interested persons are encouraged to submit comments, identified by docket number DOE-HQ-2020-0028, by any of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov/docketBrowser?rpp=25&po=0&D=DOE-HQ-2020-0028. Follow the instructions for submitting comments.

Email: bulkpowersystemEO@hq.doe.gov. Include ''Bulk-Power System EO RFI'' in the subject line of the message.

Mail: Charles Kosak, Deputy Assistant Secretary, Transmission Permitting and Technical Assistance Division, Office of Electricity, Mailstop OE–20, Room 8G–024, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Kosak, Deputy Assistant Secretary, Transmission Permitting and Technical Assistance Division, Office of Electricity, email: *bulkpowersystemEO@hq.doe.gov* or phone: (202) 586–2036.

SUPPLEMENTARY INFORMATION: On July 8, 2020, DOE published an RFI in the **Federal Register** soliciting public comment regarding Executive Order 13920 (E.O. 13920) issued May 1, 2020, titled ''Securing the United States Bulk-Power System.'' 85 FR 41023. Comments were originally due on August 7, 2020. On July 13, 2020, DOE received a comment from the American Public Power Association (APPA), National Rural Electric Cooperative Association (NRECA), Edison Electric Institute (EEI), Large Public Power Council (LPPC), Utilities Technology Council (UTC), American Petroleum Institute (API), Electricity Consumers Resource Council (ELCON), and the Electric Power Supply Association (EPSA) requesting extension of the comment period by 30 days.[1] The commenters stated more time is needed to provide the level of research that would support fully informed responses. DOE has reviewed this request and considered the benefit to stakeholders in providing additional time to review the RFI and gather information that DOE is seeking. Accordingly, DOE has determined that extending the comment period is appropriate and will accept comments until August 24, 2020.

Signing Authority

This document of the Department of Energy was signed on July 17, 2020, by Bruce J. Walker, Assistant Secretary, Office of Electricity, pursuant to

[1] DOE has posted this comment to the docket at *https://www.regulations.gov/docketBrowser?rpp=25&po=0&D=DOE-HQ-2020-0028.*

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 July 17, 2020.

Treena V. Garrett,

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

[FR Doc. 2020–15848 Filed 7–20–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–13–000]

Equitrans, L.P.; Notice of Request for Extension of Time

Take notice that on July 10, 2020, Equitrans L.P. (Equitrans) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until December 1, 2020, to complete the abandonment of the Pratt Compressor Station facilities located in Greene County, Pennsylvania. The Pratt Compressor Station is being replaced by the Redhook Compressor Station as part of the Equitrans Expansion Project as authorized by the Commission's October 13, 2017 Order Issuing Certificates and Granting Abandonment Authority (Certificate Order).[1] Equitrans is required to abandon the Pratt Compressor Station facilities within one year of placing the Redhook Compressor Station into service.[2]

On July 31, 2019, Equitrans placed the Redhook Compressor Station into service, establishing July 31, 2020 as the abandonment deadline for the Pratt Compressor Station facilities.

On March 5, 2020, Commission staff granted Equitrans' request to proceed with abandonment activities at the Pratt Compressor Station, as well as its request for a variance to abandon-in-place several existing facilities that were approved for removal at the Pratt Compressor Station.[3] Specifically, the variance permitted Equitrans to abandon-in-place the H–117 pipeline receiver; the D–497 pipeline pig launcher and associated appurtenances; five buildings, including storage buildings, an office building, an electronics building, and the main water service building; a garage; and the foundation floor of the building housing the old Pratt compressor units.

Equitrans asserts that it has experienced delays as a result of extra safety precautions taken due to the age of the building and equipment, safeguards taken with removal of the compressor building to ensure safety in direct vicinity of remaining equipment at the station, and inefficiencies resulting from newly developed processes related to the COVID–19 pandemic. To date, the following facilities remain to be removed from the site: (a) 2,200 linear feet of piping; (b) six vessels; (c) five coolers; (d) compressor building basement; and (e) five compressors. Accordingly, Equitrans requests an extension of time until December 1, 2020, to complete abandonment of the Pratt Compressor Station facilities.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Equitrans' request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file 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 Natural Gas Act (18 CFR 157.10).[4]

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for Natural Gas Act facilities when such requests are contested before order issuance. For those extension requests that are contested,[5] the Commission will aim to issue an order acting on the request within 45 days.[6] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[7] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[8] The OEP Director, or his or her designee, will act on all of those extension requests that are uncontested.

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*) 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 Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFile 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 30, 2020.

Dated: July 15, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–15738 Filed 7–20–20; 8:45 am]

BILLING CODE 6717–01–P

[1] *Mountain Valley Pipeline, LLC,* 161 FERC 61,043 (2017).

[2] *Equitrans, L.P.,* 162 FERC 61,191, at P 5 (2018).

[3] Equitrans, L.P., Docket No. CP16–13–000 (unreported) (Letter Order under Delegated Authority) (2020) (Accession No. 20200305–3024).

[4] Only motions to intervene from entities that were party to the underlying proceeding will be accepted. *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 39 (2020).

[5] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2019).

[6] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

[7] *Id.* at P 40.

[8] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–2415–000]

Moss Landing Energy Storage 2, 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 Moss Landing Energy Storage 2, 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 August 4, 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: July 15, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–15717 Filed 7–20–20; 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: EC20–80–000.

Applicants: Peetz Logan Interconnect, LLC, Peetz Table Wind Energy, LLC, Peetz Table Wind, LLC, Northern Colorado Wind Energy, LLC, Northern Colorado Wind Energy Center, LLC, Northern Colorado Wind Energy Center II, LLC, Logan Wind Energy LLC.

Description: Amendment to July 10, 2020 Application for Authorization Under Section 203 of the Federal Power Act, et al. of Peetz Logan Interconnect, LLC, et al.

Filed Date: 7/14/20.

Accession Number: 20200714–5086.

Comments Due: 5 p.m. ET 7/31/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–1747–000.

Applicants: South Fork Wind, LLC.

Description: Report Filing: South Fork MBR Supplemental Filing to be effective N/A.

Filed Date: 7/13/20.

Accession Number: 20200713–5191.

Comments Due: 5 p.m. ET 8/3/20.

Docket Numbers: ER20–1748–000.

Applicants: Ewington Energy Systems, LLC.

Description: Report Filing: Ewington Energy Supplemental MBR Tariff Filing to be effective N/A.

Filed Date: 7/13/20.

Accession Number: 20200713–5192.

Comments Due: 5 p.m. ET 8/3/20.

Docket Numbers: ER20–1877–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Request to Defer Action: Revised ISA, SA No. 3601 and Original ICSA, SA No. 5630 to be effective 12/31/9998.

Filed Date: 7/15/20.

Accession Number: 20200715–5111.

Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2241–001.

Applicants: Indiana Michigan Power Company, AEP Indiana Michigan Transmission Company, Inc., American Electric Power Service Corporation, PJM Interconnection, L.L.C.

Description: Tariff Amendment: AEP submits Amendment to Billing Agreement SA No. 5677 to be effective 6/1/2020.

Filed Date: 7/15/20.

Accession Number: 20200715–5105.

Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2417–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Filing of Rate Schedule FERC No. 310, BDP Methodology to be effective 7/15/2020.

Filed Date: 7/14/20.

Accession Number: 20200714–5101.

Comments Due: 5 p.m. ET 8/4/20.

Docket Numbers: ER20–2418–000.

Applicants: Duke Energy Florida, LLC.

Description: Tariff Cancellation: Notice of Cancellation of Rate Schedule No. 187 (Shady Hills) to be effective 10/1/2020.

Filed Date: 7/14/20.

Accession Number: 20200714–5123.

Comments Due: 5 p.m. ET 8/4/20.

Docket Numbers: ER20–2419–000.

Applicants: Duke Energy Florida, LLC.

Description: § 205(d) Rate Filing: DEF–FPL Affected System Operating Agreements (SA Nos. 258, 269) to be effective 7/1/2020.

Filed Date: 7/14/20.

Accession Number: 20200714–5129.

Comments Due: 5 p.m. ET 8/4/20.

Docket Numbers: ER20–2420–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2020–07–14_PSCo-TSGT-Const-Midway-COM–559–0.0.0-Agrmt to be effective 7/15/2020.

Filed Date: 7/14/20.

Accession Number: 20200714–5137.

Comments Due: 5 p.m. ET 8/4/20.

Docket Numbers: ER20–2421–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing: 2020–07–15_SA 3522 OTP–NSP FSA (J290) to be effective 8/1/2020.

Filed Date: 7/15/20.
Accession Number: 20200715–5007.
Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2422–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2020–07–15_SA 3529 OTP–NSP FCA (J290R) to be effective 12/31/9998.
Filed Date: 7/15/20.
Accession Number: 20200715–5009.
Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2423–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2020–07–15_SA 2852 NSP–GRE–WMMPA–OTP–CMMPA-Red Pine Wind 1st Rev FCA (H081) to be effective 12/31/9998.
Filed Date: 7/15/20.
Accession Number: 20200715–5015.
Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2424–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2020–07–15_SA 3520 OTP-Red Pine Wind FSA (H081) to be effective 8/1/2020.
Filed Date: 7/15/20.
Accession Number: 20200715–5017.
Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2425–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2020–07–15 SA 3006 Duke-Jordan Creek 2nd Rev GIA (J515) to be effective 6/30/2020.
Filed Date: 7/15/20.
Accession Number: 20200715–5018.
Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2426–000.
Applicants: Blooming Grove Wind Energy Center LLC.
Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff Filing to be effective 9/14/2020.
Filed Date: 7/15/20.
Accession Number: 20200715–5022.
Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2427–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2020–07–15_SA 3521 NSP-Red Pine Wind FSA (H081) to be effective 6/30/2020.
Filed Date: 7/15/20.
Accession Number: 20200715–5025.
Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2428–000.
Applicants: Interstate Power and Light Company.
Description: § 205(d) Rate Filing: IPL–CIPCO–Wapello LBA Agreement to be effective 9/14/2020.
Filed Date: 7/15/20.
Accession Number: 20200715–5027.
Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2429–000.
Applicants: ISO New England Inc., Central Maine Power Company.
Description: Compliance filing: Rev to Sch 21–CMP to Comply w/Order No. 864 Accumulated Deferred Income Tax Req to be effective 6/1/2020.
Filed Date: 7/15/20.
Accession Number: 20200715–5031.
Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2430–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA SA No. 5693; Queue No. AF1–155 to be effective 6/16/2020.
Filed Date: 7/15/20.
Accession Number: 20200715–5091.
Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2431–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of DEA, SA No. 4310 to be effective 5/23/2020.
Filed Date: 7/15/20.
Accession Number: 20200715–5090.
Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2432–000.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Notice of Cancellation of ISA, SA No. 2261 re: Deactivation to be effective N/A.
Filed Date: 7/15/20.
Accession Number: 20200715–5097.
Comments Due: 5 p.m. ET 8/5/20.

Docket Numbers: ER20–2433–000.
Applicants: Duke Energy Florida, LLC.
Description: § 205(d) Rate Filing: DEF-Archer Solar E&P Agreement to be effective 7/14/2020.
Filed Date: 7/15/20.
Accession Number: 20200715–5112.
Comments Due: 5 p.m. ET 8/5/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by 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: July 15, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–15714 Filed 7–20–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC20–19–000]

Commission Information Collection Activities (FERC–561); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–561, (Annual Report of Interlocking Positions) and submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below.

DATES: Comments on the collection of information are due August 20, 2020.

ADDRESSES: Send written comments on FERC–561 to OMB through *www.reginfo.gov/public/do/PRAMain,* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB control number (1902–0099) in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register**.

Please submit copies of your comments to the Commission (identified by Docket No. IC20–19–000) 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:

www.reginfo.gov/public/do/PRAMain; Using the search function under the Currently Under Review field, select Federal Energy Regulatory Commission; click submit and select comment to the right of the subject collection.

FERC 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,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–561, Annual Report of Interlocking Positions.

OMB Control No.: 1902–0099.

Abstract: The FERC Form 561 responds to the FPA requirements for annual reporting of similar types of positions which public utility officers and directors hold with financial institutions, insurance companies, utility equipment and fuel providers, and with any of an electric utility's 20 largest purchasers of electric energy (*i.e.,* the 20 entities with high expenditures of electricity). The FPA specifically defines most of the information elements in the Form 561 including the information that must be filed, the required filers, the directive to make the information available to the public, and the filing deadline.

The Commission uses the information required by 18 CFR 131.31 and collected by the Form 561 to implement the FPA requirement that those who are authorized to hold interlocked directorates annually disclose all the interlocked positions held within the prior year. The Form 561 data identifies persons holding interlocking positions between public utilities and other entities, allows the Commission to review these interlocking positions, and allows identification of possible conflicts of interest. The Commission received no comments in response to the Notice of Information and Request for Comments published on May 13, 2020 (85 FR 28623).

Type of Respondents: Public utility officers and directors holding financial positions, insurance companies, security underwriters, electrical equipment suppliers, fuel provider, and any entity which is controlled by these.

Estimate of Annual Burden: [1] The Commission estimates the total annual burden and cost [2] for this information collection as follows:

FERC FORM 561, (ANNUAL REPORT OF INTERLOCKING POSITIONS)

Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response	Total annual burden hours & total annual cost	Cost per respondent ($)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
2,700	1	2,700	0.25 hrs.; $20.00	675.00 hrs.; $54,000	$20.00

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: July 15, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–15737 Filed 7–20–20; 8:45 am]

BILLING CODE 6717–01–P

[1] 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 Title 5 Code of Federal Regulations 1320.3.

[2] Commission staff estimates that the industry's skill set and cost (for wages and benefits) for FERC–561 are approximately the same as the Commission's average cost. The FERC 2019 average salary plus benefits for one FERC full-time equivalent (FTE) is $167,091/year (or $80.00/hour).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–2414–000]

Moss Landing Energy Storage 1, 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 Moss Landing Energy Storage 1, 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 August 4, 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: July 15, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–15716 Filed 7–20–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC20–150–000]

Pacific Gas and Electric Company; Notice of Filing

Take notice that on July 10, 2020, Pacific Gas and Electric Company submitted a request for authorization to modify the Allowance for Funds Used During Construction (AFUDC) rate in a manner that incorporates certain adjustments related to financing wildfire liability claims and contributions to California's Wildfire Fund.

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 or 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFilinglink 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://www.ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on August 5, 2020.

Dated: July 15, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–15734 Filed 7–20–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–80–000]

Columbia Gas Transmission, LLC; Notice of Request for Extension of Time

Take notice that on July 8, 2020, Columbia Gas Transmission, LLC (Columbia) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until July 18, 2023, to complete the construction of the Eastern Panhandle Expansion Project, as authorized in the July 19, 2018 Order Issuing Certificate (July 19 Order).[1] The July 19 Order required Columbia to complete construction and make the facilities available for service within two years of the Order date.

Columbia states that, due to unforeseen delays in acquiring an easement from the government of Maryland across the Western Maryland Rail Trail, additional time is now required in order to complete the construction of the authorized Project facilities.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Columbia's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file 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 Natural Gas Act (18 CFR 157.10).[2]

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for Natural Gas Act facilities when such requests are contested before order issuance. For those extension requests that are contested,[3] the Commission will aim to issue an order acting on the request within 45 days.[4] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[5] The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.[6] At the time

[1] *Columbia Gas Transmission, LLC,* 164 FERC 61,036 (2018).

[2] Only motions to intervene from entities that were party to the underlying proceeding will be accepted. *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 39 (2020).

[3] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2019).

[4] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

[5] *Id.* at P 40.

[6] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether

a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[7] The OEP Director, or his or her designee, will act on all of those extension requests that are uncontested.

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*) 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 Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the e-File link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and three copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on July 30, 2020.

Dated: July 15, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–15732 Filed 7–20–20; 8:45 am]

BILLING CODE 6717–01–P

the Commission's environmental analysis for the permit order complied with NEPA.

[7] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–493–000]

Tennessee Gas Pipeline Company, L.L.C.; Notice of Application

Take notice that on June 30, 2020, Tennessee Gas Pipeline Company, L.L.C. (Tennessee), 1001 Louisiana Street, Suite 1000, Houston, Texas 77002, filed in the above referenced docket an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting authorization to (1) install one 11,107 horsepower (HP) gas-turbine driven compressor unit at its existing Compressor Station 321 in Susquehanna County, Pennsylvania; (2) install one 20,500 HP gas-turbine driven compressor unit at its existing Compressor Station 325 in Sussex County, New Jersey; and (3) construct the new 19,000 HP electric-driven Compressor Station 327 in Passaic County, New Jersey (East 300 Upgrade Project). The East 300 Upgrade Project would create 115,000 dekatherms per day of firm transportation service. Tennessee estimates the cost of the project to be approximately $246.3 million, all as more fully described in the application which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Ben Carranza, Director, Regulatory, Tennessee Gas Pipeline Company, L.L.C., 1001 Louisiana Street, Suite 1000, Houston, Texas 77002, by telephone at (713) 420–5535, or by emailing *ben_carranza@kindermorgan.com.*

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit five copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

As of the February 27, 2018 date of the Commission's order in Docket No. CP16–4–001, the Commission will apply its revised practice concerning out-of-time motions to intervene in any new 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]

In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on August 5, 2020.

Dated: July 15, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–15735 Filed 7–20–20; 8:45 am]

BILLING CODE 6717–01–P

[1] *Tennessee Gas Pipeline Company, L.L.C.,* 162 FERC 61,167 at 50 (2018).

[2] 18 CFR 385.214(d)(1).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD20–3–000]

Billing Procedures for Annual Charges for the Costs of Other Federal Agencies for Administering Part I of the Federal Power Act; Notice Reporting Costs for Other Federal Agencies' Administrative Annual Charges for Fiscal Year 2019

1. The Federal Energy Regulatory Commission (Commission) is required to determine the reasonableness of costs incurred by other Federal agencies (OFAs) [1] in connection with their participation in the Commission's proceedings under the Federal Power Act (FPA) Part I [2] when those agencies seek to include such costs in the administrative charges licensees must pay to reimburse the United States for the cost of administering Part I.[3] The Commission's *Order on Remand and Acting on Appeals of Annual Charge Bills* [4] determined which costs are eligible to be included in the administrative annual charges. This order also established a process whereby the Commission would annually request each OFA to submit cost data, using a form [5] specifically designed for this purpose. In addition, the order established requirements for detailed cost accounting reports and other documented analyses to explain the cost assumptions contained in the OFAs' submissions.

2. The Commission has completed its review of the forms and supporting documentation submitted by the U.S. Department of the Interior (Interior), the U.S. Department of Agriculture (Agriculture), and the U.S. Department of Commerce (Commerce) for fiscal year (FY) 2019. This notice reports the costs the Commission included in its administrative annual charges for FY 2020.

[1] The OFAs include: The U.S. Department of the Interior (Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, National Park Service, U.S. Fish and Wildlife Service, Office of the Solicitor, Office of Environmental Policy & Compliance, Office of Hearings and Appeals, and Office of Policy Analysis); the U.S. Department of Agriculture (U.S. Forest Service); the U.S. Department of Commerce (National Marine Fisheries Service); and the U.S. Army Corps of Engineers.

[2] 16 U.S.C. 791a–823d (2018).

[3] *See id.* 803(e)(1) and 42 U.S.C. 7178 (2018).

[4] 107 FERC 61,277, *order on reh'g,* 109 FERC 61,040 (2004).

[5] Other Federal Agency Cost Submission Form, *available at https://www.ferc.gov/docs-filing/forms.asp#ofa.*

Scope of Eligible Costs

3. The basis for eligible costs that should be included in the OFAs' administrative annual charges is prescribed by the Office of Management and Budget's (OMB) Circular A–25—*User Charges* and the Federal Accounting Standards Advisory Board's Statement of Federal Financial Accounting Standards (SFFAS) Number 4—*Managerial Cost Accounting Concepts and Standards for the Federal Government.* Circular A–25 establishes Federal policy regarding fees assessed for government services and provides specific information on the scope and type of activities subject to user charges. SFFAS Number 4 provides a conceptual framework for federal agencies to determine the full costs of government goods and services.

4. Circular A–25 provides for user charges to be assessed against recipients of special benefits derived from federal activities beyond those received by the general public.[6] With regard to licensees, the special benefit derived from federal activities is the license to operate a hydropower project. The guidance provides for the assessment of sufficient user charges to recover the *full* costs of services associated with these special benefits.[7] SFFAS Number 4 defines full costs as the costs of resources consumed by a specific governmental unit that contribute directly or indirectly to a provided service.[8] Thus, pursuant to OMB requirements and authoritative accounting guidance, the Commission must base its OFA administrative annual charge on all direct and indirect costs incurred by agencies in administering Part I of the FPA. The special form the Commission designed for this purpose, the Other Federal Agency Cost Submission Form, captures the full range of costs recoverable under the FPA and the referenced accounting guidance.[9]

Commission Review of OFA Cost Submittals

5. The Commission received cost forms and other supporting documentation from the Departments of the Interior, Agriculture, and Commerce. The Commission completed a review of each OFA's cost submission forms and supporting reports. In its examination of the OFAs' cost data, the

[6] OMB Circular A–25 6.

[7] OMB Circular A–25 6.a.2.

[8] SFFAS Number 4 7.

[9] For the past few years, the form has excluded Other Direct Costs to avoid the possibility of confusion that occurred in earlier years as to whether costs were being entered twice as Other Direct Costs and Overhead.

Commission considered each agency's ability to demonstrate a system or process which effectively captured, isolated, and reported FPA Part I costs as required by the Other Federal Agency Cost Submission Form.

6. The Commission held a Technical Conference on March 26, 2020 to report its initial findings to licensees and OFAs. Representatives for several licensees and most of the OFAs attended the conference. Following the technical conference, a transcript was posted, and licensees had the opportunity to submit comments to the Commission regarding its initial review.

7. Idaho Falls Group (Idaho Falls) filed written comments,[10] stating its general support of the Commission's analysis but raising a question regarding U.S. Department of Commerce's National Marine Fisheries Service (NMFS) individual cost submission. The issue is addressed in the Appendix to this notice.

8. After additional review, full consideration of the comments presented, and in accordance with the previously cited guidance, the Commission accepted as reasonable any costs reported via the cost submission forms that were clearly documented in the OFAs' accompanying reports and/or analyses. These documented costs will be included in the administrative annual charges for FY 2020.

Summary of Reported & Accepted Costs for Fiscal Year 2019

	Municipal		Non-Municipal		TOTAL	
	Reported	Accepted	Reported	Accepted	Reported	Accepted
Department of the Interior						
Bureau of Indian Affairs	-	-	-	-	-	-
Bureau of Land Management	46,923	-	-	-	46,923	-
Bureau of Reclamation	7,981	7,981	17,521	17,521	25,501	25,501
National Park Service	369,921	369,920	358,370	358,370	728,290	728,290
U.S. Fish and Wildlife Service	223,053	223,053	1,006,142	1,006,142	1,229,195	1,229,195
Office of the Solicitor	-	-	-	-	-	-
Office of Environmental Policy & Compliance	41,230	41,230	70,257	70,257	111,488	111,488
Office of Hearings and Appeals	-	-	-	-	-	-
Department of Agriculture						
U.S. Forest Service	891,818	862,878	1,591,750	1,610,593	2,483,568	2,473,470
Department of Commerce						
National Marine Fisheries Service	828,574	826,549	726,588	726,588	1,555,162	1,553,137
TOTAL	**2,409,500**	**2,331,611**	**3,770,628**	**3,789,471**	**6,180,128**	**6,121,081**

Figure 1

9. Figure 1 summarizes the total reported costs incurred by Interior, Agriculture, and Commerce with respect to their participation in administering Part I of the FPA. Additionally, Figure 1 summarizes the reported costs that the Commission determined were clearly documented and accepted for inclusion in its FY 2020 administrative annual charges.

Summary Findings of Commission's Costs Review

10. As presented in Figure 1, the Commission has determined that $6,121,081 of the $6,180,128 in total reported costs were reasonable and clearly documented in the OFAs' accompanying reports and/or analyses. Based on this finding, 1% of the total reported cost was determined to be unreasonable. The Commission notes the most significant issue with the documentation provided by the OFAs was the lack of supporting documentation to substantiate costs reported on the Other Federal Agency Cost Submission Form.

11. The cost reports that the Commission determined were clearly documented and supported could be traced to detailed cost-accounting reports, which reconciled to data provided from agency financial systems or other pertinent source documentation. A further breakdown of these costs is included in the Appendix to this notice, along with an explanation of how the Commission determined their reasonableness.

Points of Contact

12. If you have any questions regarding this notice, please contact Raven Rodriguez at (202) 502–6276.

Dated: July 15, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–15733 Filed 7–20–20; 8:45 am]

BILLING CODE 6717–01–P

[10] *See* Letter from Sharon L. White, Van Ness Feldman, to the Honorable Kimberly D. Bose, FERC, Docket No. AD20–3–000 (filed May 8, 2020).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR20–63–001.

Applicants: Southwest Gas Corporation.

Description: § 284.123 Rate Filing: Florida Southeast Connection, LLC—Cost and Revenue Study—CP14–554 to be effective N/A.

Filed Date: 7/9/20.

Accession Number: 20200709–5000.

Comments/Protests Due: 5 p.m. ET 7/23/2020.

Docket Numbers: RP20–1021–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: Volume No. 2—Spotlight Energy, LLC SP359477 to be effective 7/15/2020.

Filed Date: 7/14/20.

Accession Number: 20200714–5051.

Comments Due: 5 p.m. ET 7/27/20.

Docket Numbers: RP20–1022–000.

Applicants: Florida Southeast Connection, LLC.

Description: Compliance filing Florida Southeast Connection, LLC—Cost and Revenue Study—CP14–554 to be effective N/A.

Filed Date: 7/14/20.

Accession Number: 20200714–5100.

Comments Due: 5 p.m. ET 7/27/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by 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: July 15, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–15713 Filed 7–20–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC19–42–000]

Commission Information Collection Activities (FERC–521); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–521, (Payments for Benefits from Headwater Improvements) and submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below.

DATES: Comments on the collection of information are due August 20, 2020.

ADDRESSES: Send written comments on FERC–521 to OMB through *www.reginfo.gov/public/do/PRAMain*, Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB control number (1902–0087) in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register.**

Please submit copies of your comments to the Commission (identified by Docket No. IC19–42–000) by either of the following methods:

- *eFiling at Commission's website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Express Services:* 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.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *www.reginfo.gov/public/do/PRAMain;* Using the search function under the Currently Under Review field, select Federal Energy Regulatory Commission; click submit and select comment to the right of the subject collection.

FERC 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,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–521, Payments for Benefits from Headwater Improvements.

OMB Control No.: 1902–0087.

Type of Request: Three-year extension of the FERC–521 information collection requirements with no changes to the reporting requirements.

Abstract: The information collected under the requirements of FERC–521 is used by the Commission to implement the statutory provisions of Section 10(f) of the Federal Power Act (FPA).[1] The FPA authorizes the Commission to determine headwater benefits received by downstream hydropower project owners. Headwater benefits are the additional energy production possible at a downstream hydropower project resulting from the regulation of river flows by an upstream storage reservoir.

When the Commission completes a study of a river basin, it determines headwater benefits charges that will be apportioned among the various downstream beneficiaries. A headwater benefits charge and the cost incurred by the Commission to complete an evaluation are paid by downstream hydropower project owners. In essence, the owners of non-federal hydropower projects that directly benefit from a headwater improvement must pay an equitable portion of the annual charges for interest, maintenance, and depreciation of the headwater project to the U.S. Treasury. The regulations provide for apportionment of these costs between the headwater project and downstream projects based on downstream energy gains and propose equitable apportionment methodology that can be applied to all river basins in which headwater improvements are built. The Commission requires owners of non-federal hydropower projects to file data for determining annual charges as outlined in 18 Code of Federal Regulations (CFR) Part 11. The Commission received no comments in response to the Notice of Information and Request for Comments published on May 14, 2020 (85 FR 28940).

Type of Respondents: There are two types of entities that respond, Federal and Non-Federal hydropower project owners. The Federal entities that typically respond are the U.S. Army Corps of Engineers and the U.S. Department of Interior Bureau of Reclamation. The Non-Federal entities

[1] 16 U.S.C. 803.

[1] Burden is defined as 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 Code of Federal Regulations 1320.3.

[2] The estimates for cost per response are derived using the 2019 FERC average salary plus benefits of $167,091/year (or $80.00/hour). Commission staff finds that the work done for this information collection is typically done by wage categories similar to those at FERC.

may consist of any Municipal or Non-Municipal hydropower project owner.

Estimate of Annual Burden [1] and cost [2] The Commission estimates the total Public Reporting Burden for this information collection as:

FERC–521—PAYMENTS FOR BENEFITS FROM HEADWATER IMPROVEMENTS

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response (4)	Total annual burden hours & total annual cost (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
Federal and Non-Federal hydropower project owners.	3	1	3	40 hrs.; $3,200	120 hrs.; $9,600	$3,200
Total Cost	.....	.....	.....	.....	120 hrs.; $9,600	$3,200

The total estimated annual cost burden to each respondent is $3,200 [40 hours * $80.00/hour = $3,].

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: July 15, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–15736 Filed 7–20–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2019–0675; FRL 10012–35–OW]

Extension of Public Comment Period: Draft Ambient Water Quality Criteria Recommendations for Lakes and Reservoirs of the Conterminous United States: Information Supporting the Development of Numeric Nutrient Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability; extension of comment period.

SUMMARY: The United States Environmental Protection Agency (EPA) is extending the comment period for the Draft Ambient Water Quality Criteria Recommendations for Lakes and Reservoirs of the Conterminous United States: Information Supporting the Development of Numeric Nutrient Criteria, published in the **Federal Register** on May 22, 2020. In response to stakeholder requests, the comment period will be extended for an additional 30 days, from July 21, 2020 to August 20, 2020.

DATES: The comment period for the notice of availability published May 22, 2020 (85 FR 31184), is extended. The EPA must receive comments on or before August 20, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2019–0675, to the Federal eRulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. 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. 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.*

Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room was closed to public visitors on March 31, 2020, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://regulations.gov,* as there is a temporary suspension of mail delivery to the EPA, and no hand deliveries are currently accepted. For further information on the EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lester Yuan, Health and Ecological Criteria Division, Office of Water (Mail Code 4304T), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 566–0908; email address: *yuan.lester@epa.gov.*

SUPPLEMENTARY INFORMATION: On May 22, 2020 (85 FR 31184), EPA announced the availability of the Draft Ambient Water Quality Criteria Recommendations for Lakes and Reservoirs of the Conterminous United States: Information Supporting the Development of Numeric Nutrient Criteria, and opened a 60-day public review and comment period to solicit scientific views, data, and information regarding the science and technical approach used in the derivation of these draft ambient water quality criteria recommendations for lakes and reservoirs.

The original deadline to submit comments was July 21, 2020. This

[1] Burden is defined as 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 Code of Federal Regulations 1320.3.

[2] The estimates for cost per response are derived using the 2019 FERC average salary plus benefits of $167,091/year (or $80.00/hour). Commission staff finds that the work done for this information collection is typically done by wage categories similar to those at FERC.

action extends the comment period for 30 days. Written comments must now be received by August 20, 2020. The draft methods and other supporting materials may also be viewed and downloaded from EPA's website at *https://www.epa.gov/nutrient-policy-data/draft-ambient-water-quality-criteria-recommendations-lakes-and-reservoirs.*

Deborah Nagle,

Director, Office of Science and Technology.

[FR Doc. 2020–15702 Filed 7–20–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0049; FRL–10012–29]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients (June 2020)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before August 20, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Please note that due to the public health emergency the EPA Docket Center (EPA/DC) and Reading Room was closed to public visitors on March 31, 2020. Our EPA/DC staff will continue to provide customer service via email, phone, and webform. For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Anita Pease, Antimicrobials Division (7510P), main telephone number: (703) 305–7090, email address: *ADFRNotices@epa.gov;* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (*http://www2.epa.gov/pesticide-registration/public-participation-process-registration-actions*).

New Active Ingredient

File Symbol: 1839–ELA, 1839–ELL, 1839–ELT, 1839–ELU. *Docket ID Number:* EPA–HQ–OPP–2020–04. *Applicant:* Stepan Company, 22 West Frontage Rd., Northfield IL 60093. *Product name:* BTC 1010 DDA–MS–80%; SC–1010MS 1:128HN; Petrocide QG–DMS–105; Petrocide Q–DMS–10. *Active ingredient:* 1-Decanaminium, N-Decyl-N, N-Dimethyl-, Methyl Sulfate at 80%, 12%, 10%, and 10%. *Propose use:* hospital disinfectant on non-food contact, hard surfaces; water treatment microbiocide in oil and gas systems, building and industrial cooling tower systems; and manufacturing of nonfood antimicrobial products. *Contact:* Tara Flint, AD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: July 10, 2020.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2020–15744 Filed 7–20–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0052; FRL–10012–30]

Pesticide Product Registration; Receipt of Applications for New Uses (June 2020)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered

active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before August 20, 2020.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the File Symbol of the EPA registration Number of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Please note that due to the public health emergency the EPA Docket Center (EPA/DC) and Reading Room was closed to public visitors on March 31, 2020. Our EPA/DC staff will continue to provide customer service via email, phone, and webform. For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

Notice of Receipts—New Uses

1. *EPA Registration Numbers:* 100–963 and 100–889. *Docket ID number:* EPA–HQ–OPP–2020–0054. *Applicant:* Syngenta Crop Protection, LLC. P.O. Box 18300 Greensboro, NC 27419. *Active ingredient:* Thiabendazole. *Product type:* Fungicide. *Proposed Uses:* Sweet Potato and Vegetable, tuberous and corm, subgroup 1C except sweet potato. Seed treatment for brassica, leafy greens, subgroup 4–16B and animal feed, non-grass, group 18. Conversion from Brassica, head and stem, subgroup 5A to Vegetable, Brassica, head and stem, group 5–16; Conversion from Fruit, citrus, group 10, postharvest to Fruit, citrus, group 10–10; Conversion from Fruit, pome, group 11, postharvest to Fruit, pome, group 11–10. *Contact:* RD.

2. *EPA Registration Numbers:* 279–9586, 279–9596, 279–9597 and 279–9598. *Docket ID number:* EPA–HQ–OPP–2019–0384. *Applicant:* FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104. *Active ingredient:* Indoxacarb. *Product type:* Insecticide. *Proposed use:* Tobacco. *Contact:* RD.

3. *EPA Registration Numbers:* 71512–24 and 71512–25. *Docket ID number:* EPA–HQ–OPP–2020–0335. *Applicant:* ISK BIOSCIENCES Corporation, 7470 Auburn Road, Suite A, Concord, OH, 44077. *Active ingredient:* pyriofenone. *Product type:* fungicide. *Proposed use:* grape and small fruit vine climbing subgroup 13–07E, except grape. *Contact:* RD.

4. *EPA Registration Numbers:* 71512–25 and 71512–UG. *Docket ID number:* EPA–HQ–OPP–2020–0313. *Applicant:* ISK BIOSCIENCES Corporation, 7470 Auburn Road, Suite A, Concord, OH, 44077. *Active ingredient:* pyriofenone. *Product type:* fungicide. *Proposed use:* ornamentals in greenhouses (container grown) and in outdoor nurseries (container and field grown). *Contact:* RD.

5. *EPA Registration Number:* 71512–27, 71512–UT, 71512–UI, 71512–UO. *Docket ID number:* EPA–HQ–OPP–2020–0278. *Applicant:* ISK Biosciences Corporation: 7470 Auburn Road, Suite A; Concord, OH 44077. *Active ingredient:* Cyclaniliprole. *Product type:* Insecticide. *Proposed Use:* Turf grass. *Contact:* RD.

(Authority: 7 U.S.C. 136 *et seq.*)

Dated: July 10, 2020.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2020–15694 Filed 7–20–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0978; FRL–10012–47–OECA]

Access by United States Environmental Protection Agency (EPA) Subcontractor to Information Claimed as Confidential Business Information (CBI) Submitted Under Clean Air Act (CAA), Title I, Programs and Activities Air, and Title II Emission Standards for Moving Sources, and Act To Prevent Pollution from Ships (APPS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The United States Environmental Protection Agency's (EPA's) Office of Enforcement and Compliance Assurance (OECA) plans to authorize a subcontractor to access information that will be submitted to EPA under the Clean Air Act (CAA) Titles I and II and the Act to Prevent Pollution from Ships (APPS) that may be claimed as, or may be determined to be, confidential business information (CBI).

DATES: Comments must be received on or before July 27, 2020. The subcontractor's access to information collected under the CAA Titles I and II, and the APPS, will begin on July 27, 2020.

ADDRESSES: You may send comments, identified by Docket ID No. EPA HQ–OECA–2012–0978, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Email: docket.oeca@epa.gov.* Include Docket ID No. EPA–HQ–OECA–2012–0978 in the subject line of the message.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Jeffrey Kimes, Air Enforcement Division, Office of Enforcement and Compliance Assurance (Mail Code 8MSU), Environmental Protection Agency, 1595 Wynkoop St., Denver, CO 80202; telephone number: (303) 312–6445; email address: *kimes.jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this document apply to me?

This action is directed to the general public. However, this action may be of particular interest to certain parties, including: Motor vehicle manufacturers and importers; engine manufacturers and importers; motor vehicle fuel and fuel additive producers and importers; manufacturers, importers and distributors of motor vehicle and engine emission control equipment and parts; and any other parties subject to the regulations found in 40 CFR parts 79, 80, 85, 86, 89–92, 94, 1033, 1036, 1037, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, and 1068.

This **Federal Register** document may be of particular relevance to parties that have submitted data to EPA under the above-listed regulations. Because other parties may also be interested, EPA has not attempted to describe all the specific parties that may be affected by this action. If you have further questions regarding the applicability of this action to a particular party, please contact the person listed in **FOR FURTHER INFORMATION CONTACT**.

II. How can I get copies of this document and other related information?

A. Electronically

EPA has established a public docket for this **Federal Register** document under Docket ID No. EPA–HQ–OECA–2012–0978.

All documents in the docket are identified in the docket index available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, such as CBI or other information for which disclosure is restricted by statute.

B. EPA Docket Center

The EPA is temporarily suspending its Docket Center and Reading Room for public visitors, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information and updates on EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets.*

III. Description of Programs and Potential Disclosure of Information Claimed as CBI to Contractors and Subcontractors

EPA's OECA has responsibility for protecting public health and the environment by enforcing standards for air pollution. In order to implement various Clean Air Act and APPS programs, OECA collects compliance reports and other information from the regulated industry. Occasionally, the information submitted to, or obtained by, EPA, is claimed to be CBI by persons submitting data to EPA. Information submitted under such a claim is handled in accordance with EPA's regulations at 40 CFR part 2, subpart B, and in accordance with EPA procedures that are consistent with those regulations. When EPA has determined that disclosure of information claimed as CBI to EPA contractors or subcontractors is necessary, the corresponding contract must address the appropriate use and handling of the information by the EPA contractor and subcontractor and the EPA contractor and subcontractor must require its personnel who require access to information claimed as CBI to sign written non-disclosure agreements before they are granted access to data.

On May 29, 2019 and January 15, 2020, EPA provided notice in the **Federal Register** of, and an opportunity to comment on, EPA's determination that subcontractors to EPA contractor Eastern Research Group, Incorporated, (ERG) 14555 Avion Parkway, Suite 200, Chantilly, VA, 20151, required access to CBI submitted to EPA under section 114 of the CAA, section 208 of the CAA, and the APPS for the work ERG subcontractors would be conducting under Contract Number 68HERH19C0004. *See* Access by United States Environmental Protection Agency (EPA) Subcontractors to Information Claimed as Confidential Business Information (CBI) Submitted under Clean Air Act (CAA), Title I, Programs and Activities Air, and Title II Emission Standards for Moving Sources, and Act To Prevent Pollution From Ships (APPS), May 29, 2019 (84 FR 24781); Access by United States Environmental Protection Agency (EPA) Subcontractor to Information Claimed as Confidential Business Information (CBI) Submitted Under Clean Air Act (CAA), Title I, Programs And Activities Air, and Title II Emission Standards for Moving Sources, and Act To Prevent Pollution From Ships (APPS), January 15, 2020 (85 FR 2422). In accordance with 40 CFR 2.301(h), EPA has now determined that the subcontractor HSG, LLC (DBA Herndon Solutions Group) also requires access to CBI submitted to EPA under section 114 of the CAA, section 208 of the CAA, and the APPS, and we are providing notice and an opportunity to comment on HSG, LLC's access to information claimed as CBI. We are issuing this **Federal Register** document to inform all affected submitters of information that we plan to grant access

to material that may be claimed as CBI to the subcontractor HSG, LLC on a need-to-know basis.

Under Contract Number 68HERH19C0004, ERG provides enforcement support for EPA's regulatory and enforcement activities, including field inspections, investigations, audits, and other CAA regulatory and enforcement support that involve access to information claimed as CBI. ERG also employs subcontractors, who support these activities, under the above-listed contract. The subcontractor HSG, LLC requires access to information claimed as CBI to support EPA enforcement activities described above. Access to data, including information claimed as CBI, will commence six days after the date of publication of this document in the **Federal Register**, and will continue until March 1, 2024. If the contract and associated subcontracts are extended, this access will continue for the remainder of the ERG contract without further notice. If the contract expires prior to March 1, 2024, the access will cease at that time. If ERG employs additional subcontractors to support EPA on a regular basis or on a limited or one-time basis under the above-listed contract, and those subcontractors require access to CBI, EPA will notify affected companies of the contemplated disclosure and provide them with an opportunity to comment by either sending them a letter or by publishing an additional document in the **Federal Register.**

Parties who wish to obtain further information about this **Federal Register** document, or about OECA's disclosure of information claimed as CBI to subcontractors, may contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: July 15, 2020.

Evan Belser,

Acting Director, Air Enforcement Division.

[FR Doc. 2020–15742 Filed 7–20–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1161; FRS 16926]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written comments should be submitted on or before September 21, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, and as required by the PRA of 1995 (44 U.S.C. 3501–3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1161.

Title: Construction requirements; Interim reports—Sections 27.14(g)–(l).

Form Number: N/A.

Type of Review: Extension of currently approved information collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 168 respondents; 168 responses.

Estimated Time per Response: 15 hours.

Frequency of Response: One-time reporting requirement and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for, these collections are contained in 47 U.S.C. 154, 301, 302(a), 303, 309, 332, 336, and 337 unless otherwise noted.

Total Annual Burden: 2,265 hours.

Total Annual Cost: $214,950.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information collection requirements contained in this collection are as follows: a. *700 MHz Construction Notification—47 CFR 27.14(k).* 47 CFR 27.14(k) requires certain 700 MHz licensees to file a construction notification with the Commission within 15 days of the expiration of the relevant benchmark in accordance with the provisions set forth in 47 CFR 1.946(d), demonstrating compliance with performance requirements or, if they have not met the performance requirements, a description and certification of the areas for which they are providing service. In the construction notification, a licensee must certify whether it has met the applicable performance requirement as set forth below. The licensee must file a description and certification of the areas for which it is providing service, using electronic coverage maps, supporting technical documentation and other information as the Wireless Telecommunications Bureau may prescribe by Public Notice.

47 CFR 27.14(g). 47 CFR 27.14(g) requires 700 MHz licensees holding EA authorizations for Block A in the 698–704/728–734 MHz bands (''Block A''),

CMA authorizations for Block B in the 704–710/734–740 MHz bands (''Block B''), and EA authorizations for Block E in the 722–728 MHz band (''Block E''), where the results of the first auction in which licenses for such authorizations were offered satisfy the reserve price for the applicable block, to file construction notifications with the Commission within 15 days after:

(1) *June 12, 2013, or the fourth anniversary of initial license grant if the initial authorization in a market is granted after June 12, 2009.* In the construction notification, licensees must certify and demonstrate that they are providing signal coverage and offering service over at least 35 percent of the geographic area of each of their license authorizations.

(2) *The end of the applicable license term.* In the construction notification, licensees must certify and demonstrate that they are providing such service over at least 70 percent of the geographic area of each of these authorizations.

47 CFR 27.14(h). 700 MHz licensees holding REAG authorizations for Block C in the 746–757/776–787 MHz bands (''Block C''), as well as 700 MHz licensees holding REAG authorizations for Block C2 in the 752–757/782–787 MHz bands (C2), must file construction notifications with the Commission within 15 days after:

(1) *June 12, 2013, or the fourth anniversary of initial license grant if the initial authorization in a market is granted after June 12, 2009.* In the construction notification, licensees must certify and demonstrate that they are providing signal coverage and offering service over at least *40 percent of the population in each EA comprising the REAG license area.*

(2) *The end of the applicable license term.* In the construction notification, licensees must certify and demonstrate that they are providing such service over at least 75 percent of the population of each of these EAs.

47 CFR 27.14(i). 700 MHz licensees holding EA authorizations for Block A, CMA authorizations for Block B, and EA authorizations for Block E where the results of the first auction in which licenses for such authorizations in Blocks A, B, and E were offered did not satisfy the reserve price for the applicable block, as well as EA authorizations for Block C1 in the 746–752/776–782 MHz bands (''Block C1'') must file construction notifications with the Commission within 15 days after:

(1) *June 12, 2013, or the fourth anniversary of initial license grant if the initial authorization in a market is granted after June 12, 2009.* In the construction notification, licensees must certify and demonstrate that they are providing signal coverage and offering service over at least 40 percent of the population in each license area.

(2) *The end of the applicable license term.* In the construction notification, licensees must certify and demonstrate that they are providing such service over at least 75 percent of the population of the areas.

47 CFR 27.14(j). 47 CFR 27.14(j) provides that, in the event that a licensee's authority to operate in an area terminates automatically for failure to comply with the applicable construction requirements identified in 47 CFR 27.14(g), (h), or (i), the unserved area will become available for relicensing to third parties. A 700 MHz licensee holding an authorization granted pursuant to the unserved area licensing procedures set forth in 47 CFR 27.14(j) must file a construction notification with the Commission within 15 days after the *one-year anniversary of initial license grant.* In the construction notification, a licensee must certify and demonstrate that it is providing signal coverage and offering service over 100 percent of the geographic area of the new license area.

700 MHz Interoperability Order. Pursuant to the 700 MHz Interoperability Order, the interim construction deadline for Block A and Block B licensees was extended to December 13, 2016. The 700 MHz Interoperability Order waived the interim construction requirement for certain Block A licensees due to technical issues arising from their proximity to Television Channel 51 stations. Further, the interim construction deadline for Block E was extended to March 7, 2017, and the final Block E construction deadline was moved to March 7, 2021.

b. *700 MHz Interim Reporting Requirement—47 CFR 27.14(l).* Pursuant to 47 CFR 27.14(l), 700 MHz licensees with authorizations in the spectrum blocks identified above (Blocks A, B, E, C, C1 and C2), excluding any licensee that obtained its license pursuant to the procedures set forth in 47 CFR 27.14(j), must file interim reports with the Commission that provide the Commission, at a minimum, with information concerning the status of their efforts to meet the performance requirements applicable to their authorizations in such spectrum blocks and the manner in which that spectrum is being utilized.

Required Information. Licensees must identify the date the license term commenced, and provide a description of the steps the licensee has taken toward meeting its construction obligations in a timely manner, including the technology or technologies and service(s) being provided, as well as the areas within their license areas in which those services are available.

Deadlines. Pursuant to 47 CFR 27.14(l), licensees were required to file their first interim report with the Commission *no later than June 12, 2011 and no sooner than 30 days prior to this date.* Licensees that meet their interim construction benchmarks must file a second interim report with the Commission *no later than June 12, 2016, and no sooner than 30 days prior to this date.* Licensees that do not meet their interim construction benchmarks must file their second interim report *no later than on June 12, 2015, and no sooner than 30 days prior to this date.*

However, the 700 MHz Interoperability Order waived the second interim report requirement for Lower 700 MHz band A and B Block licensees subject to the extended interim construction benchmark deadline. The 700 MHz Interoperability Order did not waive the reporting requirement for Lower 700 MHz band A Block licensees subject to a waiver of the interim construction benchmark deadline because of Channel 51 interference protection requirements. That order also extended the deadline until March 7, 2019, for Lower 700 MHz band E Block licensees to file a second status report regarding the licensees' efforts to meet their performance requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–15704 Filed 7–20–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1239; FRS 16930]

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 September 21, 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 No.: 3060–1239.

Title: Section 97.303(g)(2), Notification Requirement.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or Households.

Number of Respondents and Responses: 1,000 respondents; 1,000 responses.

Estimated Time per Response: 10 minutes (0.167 hours).

Frequency of Response: 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(i), 161, 301, 302, 303(e), 303(f), 303(r), 304, 307 and 332(b).

Total Annual Burden: 167 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact.

Nature and Extent of Confidentiality: No information is requested that would require assurance of confidentiality.

Needs and Uses: The Commission will submit this information collection to OMB as an extension of a currently approved collection after this 60-day comment period to obtain the full three-year clearance from them.

The Commission will ensure the compatibility of amateur radio operations and Power Line Carrier (PLC) systems that operate in these bands, and will promote the shared use of these bands. As background, in the larger 9–490 kHz band, electric utilities operate Power Line Carrier (PLC) systems on power transmission lines for communications important to the reliability and security of electric service to the public. The Commission found that the identification of transmission lines are not always readily identifiable and that amateur operators may not be able to determine whether PLC systems operate in the relevant bands on the subject transmission lines. For these reasons, the Commission adopted a notification process to ensure that amateur stations seeking to operate in these bands are located outside of a minimum separation distance.

Specifically, paragraph (g)(1) of Section 97.303 states that amateur stations may operate in the 135.7–137.8 kHz band or in the 472–479 kHz band only at fixed locations that are not within a horizontal distance of one kilometer from a transmission line that conducts a power line carrier (PLC) signal within these bands. Horizontal distance is measured from the station's antenna to the closest point on the transmission line. In paragraph (g)(2) of Section 97.303 states that, prior to commencement of operations in these bands, amateur operators must notify the Utilities Telecom Council (UTC) of their intent by submitting their call signs, intended band or bands of operation, and the coordinates of their antenna's fixed location. Amateur stations will be permitted to commence operations after a 30-day period unless UTC notifies the applicant that its requested location is located within one kilometer of PLC systems operating in the same or overlapping frequencies.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–15686 Filed 7–20–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 18–122; DA 20–720; FRS 16934]

Wireless Telecommunications Bureau Denies PSSI Global Services, LLC Request for Stay of 3.7 GHz Report and Order

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Federal Communications Commission (Commission) denies the Petition for Stay of Report and Order and Order of Proposed Modification Pending Judicial Review of PSSI Global Services, LLC.

DATES: The Order Denying Stay Petition (DA 20–720) was released on July 8, 2020.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Anna Gentry of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418–7769 or *Anna.Gentry@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Order Denying Stay Petition (DA 20–720) released on July, 2020. The complete text of the Order is available for viewing via the Commission's ECFS website by entering the docket number, GN Docket No. 18–122. The complete text of the Order is also available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW, Room CY–B402, Washington, DC 20554, telephone 202–488–5300, fax 202–488–5563, or you may contact BCPI at its website: *http://www.BCPIWEB.com.* When ordering documents from BCPI, please provide the appropriate FCC document number, for example, DA 20–720.

Synopsis

On June 17, 2020, PSSI Global Services, LLC (PSSI) filed a Request for Stay Pending Judicial Review of the Commission's Report and Order and Order of Proposed Modification in the above-captioned proceeding. PSSI asked the Commission to stay the C-band auction and transition process while its challenges to the *3.7 GHz Report and Order* are pending before the United States Court of Appeals for the District of Columbia. In its Stay Request, PSSI argues that the *3.7 GHz Report and*

Order will result in two types of harm: (1) Scarcity of satellite capacity for PSSI's occasional use due to the repurposing of the lower portion of the C-band; and (2) potential interference and equipment damage from wireless broadband service in the repurposed spectrum. They argue that the Commission violated a statutory prohibition against auctioning spectrum ''used for the provision of international or global satellite communications services,'' exceeded its license modification authority under section 316 of the Communications Act, and did not provide notice that it would modify PSSI's right to transmit radio communications in the 5.925–6.425 GHz band.

The Commission denies the Stay Request. First, PSSI has not shown that it will suffer irreparable harm. The harm that PSSI alleges is not imminent, is conjectural, and consists of economic injuries that are not severe enough to be cognizable as irreparable harm. Second, PSSI has not shown a likelihood of success on the merits. The Commission addressed PSSI's principal arguments at length in the *3.7 GHz Report and Order.* The Stay Request does not persuade the Commission that the PSSI's arguments are likely to succeed in court any more than they did before the agency. Third, PSSI has not shown that the equities favor a stay. PSSI has not met its burden of showing that the public interest militates in favor of a stay and that others would not be harmed by a stay. Moreover, PSSI has not shown that the public interest would favor grant of the stay. The Commission's actions to repurpose the C-band are an indispensable element of its overall strategy of promoting the deployment of fifth generation (5G) wireless services, with millions of jobs, and billions of dollars in economic growth and other public benefits, at stake. Grant of a stay pending judicial review would significantly delay the auction and transition process and harm multiple stakeholders, including prospective bidders and the diverse incumbents involved in the transition process. The cost of such delay and disruption could be enormous. In addition to the public interest harms, grant of a stay would undercut the specific goal of U.S. leadership in 5G and the general goals of the auction program. Accordingly, we conclude that a stay of the Order and Order and Proposed Modification Pending Judicial Review is not warranted.

Federal Communications Commission.

Amy Brett,

Associate Division Chief, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau.

[FR Doc. 2020–15676 Filed 7–20–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Consumer and Stakeholder Surveys (FR 3073; OMB No. 7100–0359).

DATES: Comments must be submitted on or before September 21, 2020.

ADDRESSES: You may submit comments, identified by FR 3073, by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears in **FOR FURTHER INFORMATION CONTACT**.

On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Consumer and Stakeholder Surveys.

Agency form number: FR 3073.

OMB control number: 7100–0359.

Frequency: As needed.

Respondents: Consumers and other stakeholders.

Estimated number of respondents: Consumer quantitative surveys (medium): 3,000; consumer quantitative surveys (large): 6,000; consumer qualitative surveys: 50; stakeholder quantitative surveys: 1,500; stakeholder qualitative surveys: 50.

Estimated average hours per response: Consumer quantitative surveys (medium): 0.25; consumer quantitative surveys (large): 0.4; consumer qualitative surveys: 1.5; stakeholder quantitative surveys: 0.25; stakeholder qualitative surveys: 1.5.

Estimated annual burden hours: Consumer quantitative surveys (medium): 3,000; consumer quantitative surveys (large): 4,800; consumer qualitative surveys: 600; stakeholder quantitative surveys: 3,000; stakeholder qualitative surveys: 600; total: 12,000.

General description of report: The surveys in this collection gather quantitative and qualitative information directly from individual consumers or households (consumer surveys) on consumer finance topics. This collection also gathers quantitative and qualitative information on current and emerging community economic issues from stakeholders (stakeholder surveys). Examples of stakeholders include community groups, community development organizations, nonprofit service providers, faith-based service organizations, public sector agencies, small business owners, health care organizations, food banks, K–12 public and private schools, community colleges, community development financial institutions, credit unions, banks, and other financial institutions and companies offering financial products and services. While these surveys are ongoing, the frequency and content of the questions may change depending on economic conditions, regulatory or legislative developments, as well as changes in technology, business practices, and other factors affecting consumers, stakeholders, and communities.

Legal authorization and confidentiality: The FR 3073 is authorized by sections 2A and 12A of the Federal Reserve Act (FRA). Section 2A of the FRA requires that the Board and the Federal Open Market Committee (FOMC) ''maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of the maximum employment, stable prices, and moderate long-term interest rates.'' Under section 12A of the FRA, the FOMC is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks ''with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country.'' The information collection under the FR 3073 is used to fulfill these obligations.

In addition, the Board is responsible for implementing and drafting regulations and interpretations for various consumer protection laws. The information obtained from the FR 3073 may be used in support of the Board's development and implementation of regulatory provisions for these laws. Therefore, depending on the survey questions asked, the FR 3073 may be authorized pursuant to the Board's authority under one or more of those consumer protection statutes.

The ability of the Board to maintain the confidentiality of information provided by respondents to the FR 3073 surveys will have to be determined on a case-by-case basis depending on the type of information provided for a particular survey. Some of the information collected on the surveys may be protected from Freedom of Information Act (FOIA) disclosure by FOIA exemptions 4 and 6. Exemption 4 protects from disclosure trade secrets and commercial or financial information, while Exemption 6 protects information ''the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.''

Board of Governors of the Federal Reserve System, July 13, 2020.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2020–15402 Filed 7–20–20; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Survey of Small Business and Farm Lending (FR 2028; OMB No. 7100–0061). The revisions are effective for the December 31, 2020, as-of date with the transmission period beginning on January 18, 2021, based on loan activity over the fourth quarter 2020.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files. These documents also are available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are placed into OMB's public docket files.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Information Collection

Report title: Survey of Small Business and Farm Lending.

Agency form number: FR 2028.

OMB control number: 7100–0061.

Effective Date: The revisions are effective for the December 31, 2020, as-of date with the transmission period beginning on January 18, 2021, based on loan activity over the fourth quarter 2020.

Frequency: Quarterly.

Respondents: Domestically chartered commercial banks.

Estimated number of respondents: FR 2028B: 250; FR 2028S: 250; FR 2028D: 398.

Estimated average hours per response: FR 2028B: 1.4; FR 2028S: 0.1; FR 2028D: 3.

Estimated annual burden hours: FR 2028B: 1,400; FR 2028S: 100; FR 2028D: 4,776.

General description of report: The Survey of Small Business and Farm Lending (previously the Survey of Terms of Lending) collects unique information concerning price and certain nonprice terms of loans made to businesses and farmers each quarter (February, May, August, and November). The FR 2028B collects detailed data on individual loans funded during the first full business week of the mid-month of each quarter and the FR 2028S collects the prime interest rate for each day of the survey week from FR 2028B respondents. The FR 2028D provides focused and enhanced information on small business lending including rates, terms, credit availability, and reasons for their changes. The FR 2028D collects quarterly average quantitative data on terms of small business loans and qualitative information on changes and the reasons for changes in the terms of lending. From these sample data, estimates of the terms of business loans and farm loans extended are constructed. The aggregate estimates for business loans are published in the Federal Reserve Bank of Kansas City's quarterly release, *Small Business Lending Survey,* and aggregate estimates for farm loans are published in the statistical release, *Agricultural Finance Databook.*

Legal authorization and confidentiality: The FR 2028 is authorized by section 11(a)(2) of the Federal Reserve Act (12 U.S.C. 248(a)(2)), which authorizes the Board to require any depository institution to make such reports of its assets and liabilities as the Board may determine to be necessary or desirable to enable the Board to discharge its responsibilities to monitor and control monetary and credit aggregates. The FR 2028 survey submissions are voluntary.

Individual respondents may request that information submitted to the Board through a survey under FR 2028 be kept confidential. If a respondent requests confidential treatment, the Board will determine whether the information is entitled to confidential treatment on a case-by-case basis. The Board will consider whether information collected through these surveys may be kept confidential under exemption 4 for the Freedom of Information Act (FOIA), which protects privileged or confidential commercial or financial information (5 U.S.C. 552(b)(4)), or any other applicable FOIA exemption.

Current actions: On March 2, 2020, the Board published a notice in the **Federal Register** (85 FR 12298) requesting public comment for 60 days on the extension, with revision, of the FR 2028. The Federal Reserve proposed to implement changes to the form and instructions of the FR 2028D. The revisions consist of deleting and adding items, and modifying or clarifying instructions of existing data items. The Federal Reserve is making most of these changes in an effort to reduce reporting burden for firms, clarify the expectations around and the intent of reporting instructions and requirements, and to improve data quality. A limited number of revisions would add items to increase clarity in quantitative loan data. No changes are being made to the FR 2028B and FR 2028S. The comment period for this notice expired on May 1, 2020. The Board received two comment letters from two banks.

One commenter stated that the survey is burdensome and made a suggestion on how to reduce burden by formatting the requested data in a form that can be more easily automated and uploaded. Most of the revisions to the survey are intended to reduce respondent burden while still maintaining the survey's core purpose, which is to provide economists, policymakers, and the general public with crucial small business lending data. These revisions include the removal of over 35% of the survey line items and further clarification to the definition of a small business loan. These revisions should alleviate some of the burden incurred while gathering survey data. The current format of the data is used to collect the valuable qualitative data as well as the quantitative data. However, the Federal Reserve is exploring opportunities to move the survey to an automated platform that increases standardization of the data collection with other series collected by the Federal Reserve's Statistics business line. Another commenter supported the proposed revisions.

The Board adopted the extension, with revision, of the FR 2028 as originally proposed effective for the December 31, 2020, as-of date.

Board of Governors of the Federal Reserve System, July 13, 2020.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2020–15405 Filed 7–20–20; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 191 0198]

Elanco Animal Health and Bayer Animal Health; Analysis of Agreement Containing Consent Orders To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before August 20, 2020.

ADDRESSES: Interested parties may file comments online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write: ''Elanco and Bayer; File No. 191 0198'' on your comment, and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Joseph Lipinsky (206–220–4473), Bureau of Competition, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned

consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis of Agreement Containing Consent Orders to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC website (for July 15, 2020), at this web address: *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before August 20, 2020. Write ''Elanco and Bayer; File No. 191 0198'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

Due to the public health emergency in response to the COVID–19 outbreak and the agency's heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website.

If you prefer to file your comment on paper, write ''Elanco and Bayer; File No. 191 0198'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *http://www.ftc.gov* to read this Notice and the news release describing this matter. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before August 20, 2020. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Agreement Containing Consent Orders To Aid Public Comment

I. Introduction

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') with Elanco Animal Health, Inc. (''Elanco''), and Bayer Animal Health, GmbH (''Bayer''). The proposed Consent Agreement is intended to remedy the anticompetitive effects that likely would result from Elanco's proposed acquisition of Bayer (the ''Proposed Acquisition'').

Pursuant to a Share and Asset Purchase Agreement dated August 20, 2019, Elanco proposes to acquire all of the Bayer Animal Health assets for approximately $7.6 billion. Both parties sell low-dose prescription treatments for canine otitis externa, fast-acting oral treatments that kill adult fleas on canines, and brand name cattle pour-on insecticides. The Commission alleges in its Complaint that the Proposed Acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by lessening competition in the U.S. market for these three product categories.

The proposed Consent Agreement will remedy the alleged violations by preserving the competition that would otherwise be eliminated by the Proposed Acquisition. Specifically, under the terms of the proposed Consent Agreement, Elanco is required to divest its canine otitis externa treatment product, Osurnia, to Dechra Pharmaceuticals PLC (''Dechra''), its fast-acting oral treatment that kills adult fleas on canines, Capstar, to PetIQ, Inc. (''PetIQ''), and its brand name cattle pour-on product, StandGuard, to Neogen Corporation (''Neogen'').

II. The Relevant Products and Competitive Effects

The Commission's Complaint alleges three relevant product markets within which to analyze the Proposed Acquisition. The first relevant product market is low-dose prescription treatments for canine otitis externa. Canine otitis externa is an inflammation of the outer ear caused by bacteria and/or yeast. Common symptoms of otitis externa include pain, itching, redness, scaling, and swelling of the ear canal, and may result in serious complications if left untreated. Numerous prescription products treat canine otitis externa, but only the parties' products—Elanco's Osurnia and Bayer's Claro—require only one or two doses to treat the condition. Bayer's prescription otitis externa treatment product, Claro, is a single-dose otic solution, while Elanco's product, Osurnia, is an otic gel given in two doses seven days apart. While other prescription products can be used to treat canine otitis externa, these other products require numerous applications to the ear canal, up to twice daily for 14 consecutive days, and are thus not reasonable substitutes for the parties' products, which are considerably more convenient to use. As such, the

Proposed Acquisition would create a monopoly by combining the only two low-dose prescription products that treat canine otitis externa.

A second relevant product market is fast-acting oral treatments that kill adult fleas on canines. While there are numerous products that kill and prevent fleas on dogs, most are slower-acting or preventative, targeting flea larvae. In contrast, Elanco's Capstar and Bayer's Advantus start killing adult fleas quickly (within 30 minutes for Capstar, and within 60 minutes for Advantus), and eliminate all adult fleas within four hours. Medicated shampoos and sprays that can be used to kill adult fleas are much less convenient to administer and are slower-acting. As Elanco's Capstar and Bayer's Advantus are the only fast-acting oral treatments that kill adult fleas on canines, the Proposed Acquisition would also create a monopoly for fast-acting oral treatments that kill adult fleas on canines.

A third relevant product market is brand name cattle pour-on insecticides. Cattle pour-on insecticides are liquid parasiticides administered directly to cattle's skin that kill and deter biting flies, lice, and mites. Many customers trust and rely on brand name cattle pour-on insecticides rather than generic products. As a result, generic cattle pour-on insecticides are not a reasonable substitute for the parties' brand-name cattle pour-on insecticides. The market for brand name cattle pour-on insecticides is highly concentrated. Bayer is the market leader, selling three cattle pour-on insecticide products (Clean-Up II, Cylence, and Permectrin). The only other competitors with meaningful sales in the market are Merck & Co., Inc., which sells four products, and Elanco, which sells StandGuard. Thus, the Proposed Acquisition would allow the third largest competitor, Elanco, to acquire the market leader, Bayer, significantly increasing concentration in brand name cattle pour-on insecticides. Moreover, to avoid insects becoming resistant to the active ingredients in insecticides, cattle producers typically cycle through different pour-on insecticides. Elanco's StandGuard and Bayer's Cylence have similar chemical structures and may compete for and occupy the same slot in cattle producers' pour-on insecticide rotation.

The United States is the relevant geographic market in which to assess the competitive effects of the Proposed Acquisition. Each of these products must be approved by the FDA and/or EPA before being sold in the United States. Thus, products sold outside the United States, but not approved for sale in the United States, are not alternatives for U.S. consumers.

III. Entry

Entry into the U.S. market for low-dose prescription treatments for canine otitis externa, fast-acting oral treatments that kill adult fleas on canines, and brand name cattle pour-on insecticides would not be timely, likely, or sufficient in magnitude, character, and scope to deter or counteract the anticompetitive effects of the Proposed Acquisition. Several major obstacles stand in the way of a prospective entrant. *De novo* entry would require significant investment to, among other things, develop products, obtain regulatory approval, where needed, and establish recognized brand names. Moreover, entry would be unlikely because the required investment would be difficult to justify given the sales opportunities in the affected markets.

IV. The Proposed Consent Agreement

The proposed Consent Agreement effectively remedies the Proposed Acquisition's anticompetitive effects in the three relevant product markets by requiring the parties to divest the rights and assets related to Elanco's products in each of the markets. The proposed Consent Agreement requires Elanco to divest Osurnia to Dechra, Capstar to PetIQ, and StandGuard to Neogen. The Order requires Elanco to divest the relevant rights and interests in these products no later than ten days after the consummation of the Proposed Acquisition.

Dechra, headquartered in Northwich, England, is a global animal health company and is publicly traded on the London Stock Exchange. Dechra has significant presence and experience in the United States, operating in the United States for over 15 years and offering more than 80 U.S. products, including both prescription and non-prescription companion animal products. Osurnia will complement Dechra's broad dermatology portfolio, which includes Animax Ointment, an antibacterial, antifungal, and anti-inflammatory skin application that is a daily-dose treatment and is indicated for multiple skin conditions, anal gland infections in dogs, as well as canine otitis externa. Although Animax can treat canine otitis externa, it is not a direct competitor to Osurnia given it is an older generation product requiring daily application to treat the condition.

PetIQ, headquartered in Boise, Idaho, is a rapidly growing pet health and wellness company. It has served as Elanco's exclusive distributor of Capstar to retailers since 2018. Capstar aligns well with the other products for dogs in PetIQ's portfolio. PetIQ's products include complementary flea and tick products for dogs that offer longer lasting treatments to kill eggs and larvae and are sold under the Sergeant's, Advecta, and Sentry brand names. PetIQ sells products through all the companion animal retail channels through which Elanco currently sells Capstar and also sells its current product lines to pet specialty retailers, mass merchandisers/grocers, club stores, and e-commerce sites.

Neogen, headquartered in Lansing, Michigan, is a global animal and food safety company offering a wide portfolio of solutions, including insecticides, diagnostic test kits to detect contamination in animal feed, animal pharmaceuticals, vaccines, and diagnostics for production animals. Neogen currently markets and sells its products through the same distribution channels Elanco uses for StandGuard. In addition, Neogen manufactures and sells liquid insecticides and aerosol products used both on livestock and for in-premise insect control, and it has the capability to manufacture StandGuard in-house.

Each of the divestitures requires Elanco to transfer all supply input and other manufacturing contracts, business information, product approvals (including relevant FDA marketing authorizations), intellectual property, and other related assets to the relevant divestiture buyer. The proposed Consent Agreement also contains provisions to ensure that the divestitures are successful and timely, including provisions that require Elanco to provide the purchasers the opportunity to review product contracts and to designate knowledgeable employees to assist each divestiture buyer in transferring and integrating the relevant divested product into its business.

The Commission will appoint an Interim Monitor to ensure that the parties comply with all of their obligations pursuant to the Consent Agreement and to keep the Commission informed about the status of the transfer of the rights and assets to Dechra, PetIQ, and Neogen. The Commission's goal in evaluating possible purchasers of divested rights and assets is to maintain the competitive environment that existed prior to the Proposed Acquisition.

The Commission does not intend this analysis to constitute an official interpretation of the proposed Order or to modify its terms in any way.

By direction of the Commission, Commissioner Slaughter not participating.

April J. Tabor,

Secretary.

[FR Doc. 2020–15724 Filed 7–20–20; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meeting

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) announces a Special Emphasis Panel (SEP) meeting on ''AHRQ–HEOR COVID19 Revision.'' This SEP meeting will be closed to the public.

DATES: August 7, 2020.

ADDRESSES: Agency for Healthcare Research and Quality (Video Assisted Review), 5600 Fishers Lane, Rockville, Maryland 20850.

FOR FURTHER INFORMATION CONTACT: Jenny Griffith, Committee Management Officer, Office of Extramural Research, Education and Priority Populations, Agency for Healthcare Research and Quality, (AHRQ), 5600 Fishers Lane, Rockville, Maryland 20850, Telephone: (301) 427–1557.

SUPPLEMENTARY INFORMATION: A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by AHRQ, and agree to be available, to conduct on an as-needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

The SEP meeting referenced above will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2, section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). Grant applications for the ''AHRQ–HEOR COVID19 Revision'' is to be reviewed and discussed at this meeting. 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.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: July 15, 2020.

Virginia L. Mackay-Smith,

Associate Director.

[FR Doc. 2020–15684 Filed 7–20–20; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2020–0087]

Request for Information Related to Cruise Ship Planning and Infrastructure, Resumption of Passenger Operations, and Summary Questions

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), a component of the U.S. Department of Health and Human Services (HHS), announces a Request for Information related to cruise ship planning and infrastructure, resumption of passenger operations, and additional summary questions. This information may be used to inform future public health guidance and preventative measures relating to travel on cruise ships.

DATES: Written comments must be received on or before September 21, 2020.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2020–0087 by any of the following methods listed below. CDC does not accept comment by email.

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Maritime Unit, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS V18–2, Atlanta, GA 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Buigut, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS V18–2, Atlanta, GA 30329. Phone: 404–498–1600. Email: *dgmqpolicyoffice@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background

In response to the COVID–19 pandemic and the increased risk of spread of COVID–19 on cruise ships, HHS/CDC published an industry-wide No Sail Order on March 14, 2020, to, among other things, restrict the embarkation of cruise ships. CDC extended its No Sail Order, effective April 15, 2020, to require cruise lines, as a condition of obtaining controlled free pratique to operate in international, interstate, or intrastate waterways subject to the jurisdiction of the United States,[1] to develop appropriate plans to prevent, mitigate, and respond to the spread of COVID–19 on their cruise ships. Elsewhere in this issue of the **Federal Register**, CDC is publishing a companion notice announcing a further extension of the ''No Sail Order and Suspension of Further Embarkation; Second Modification and Extension of No Sail Order and Other Measures Related to Operations.'' This Request for Information requests comments from the public that will be used to inform future public health guidance and preventative measures relating to travel on cruise ships.

Public Participation

Interested persons or organizations are invited to participate by submitting comments specifically on the following questions related to planning and infrastructure, resumption of passenger operations, and summary questions raised in this document:

Planning and Infrastructure

1. Given the challenges of eliminating COVID–19 on board cruise ships while operating with reduced crew on board during the period of the April 15, 2020 No Sail Order Extension, what methods, strategies, and practices should cruise ship operators implement to prevent COVID–19 transmission when operating with passengers?

2. How should cruise ship operators bolster their internal public health programs with public health experts and invest in a robust public health infrastructure to ensure compliance with measures to detect, prevent, and control the spread of COVID–19?

3. How should cruise ship operators ensure internal public health programs

[1] *https://www.federalregister.gov/documents/2020/04/15/2020-07930/no-sail-order-and-suspension-of-further-embarkation-notice-of-modification-and-extension-and-other.*

are involved in all levels of decision-making processes relating to passenger and crew operations, crew welfare and mental health, occupational health, food safety, potable and recreational water safety, outbreak prevention and management response, and illness surveillance?

4. What is the feasibility of conducting COVID–19 diagnostic testing using FDA-approved or authorized laboratory tests on board a cruise ship?

a. Should specimens be tested on board or should specimens be collected on board for commercial testing onshore?

b. How frequently should cruise ship operators test all passengers and crew?

c. What would be the anticipated financial cost of testing all passengers and crew?

5. Because reports of illness may lead to restrictions on crew activities, how should cruise ship operators encourage crew members to report mild symptoms of COVID-like illness to medical personnel?

a. How should cruise ship operators encourage medical personnel to report these cases to CDC?

6. What should be the medical capacity to manage an outbreak or a severe case of COVID–19 on board the ship?

a. What arrangements should cruise ship operators have with private companies to transport and obtain medical care shoreside for passengers and crew with severe COVID–19?

7. What pre-arrangements should be made to ensure that all U.S. seaport communities will accept a returning ship after a COVID–19 outbreak is identified?

8. What plans should cruise ship operators have for operationalizing shoreside quarantine facilities in the event of a COVID–19 outbreak on board a ship, without exposing the public and without relying on Federal, State, or local resources?

9. Due to obstacles with commercial travel thus far, what pre-arrangements should cruise ship operators make with the airline industry to accept crew and passengers from ships not affected by COVID–19?

10. How should cruise ship operators address specific country travel restrictions that emerge as COVID–19 activity increases in geographical areas, such as

a. border closures preventing passengers and crew from repatriating?

b. seaport closures preventing porting of ships?

c. embarking passengers originating from countries with heightened COVID–19 activity?

11. What measures should cruise ship operators be required to take to reduce the burden on U.S. government resources if foreign seaports deny cruise ships the ability to come into port during a voyage?

12. Given difficulties cruise ship operators have experienced when repatriating crew via non-commercial transportation, what preparations should the industry make to repatriate passengers or crew via non-commercial transportation after COVID–19 is identified on board?

13. What innovations should cruise ship operators develop to reduce transmission of COVID–19 on board ships and how would these innovations be effective?

14. Should cruise ship operators implement other interventions to decrease or prevent the spread of COVID–19 on board ships?

15. What evidence of efficacy or other rationale exists for any public health interventions that cruise ship operators propose to take on board ships?

Resumption of Passenger Operations

16. What steps should cruise ship operators take to prevent the introduction of COVID–19 onto ships after resuming passenger operations?

a. Should cruise ship operators deny boarding to passengers with COVID-like illness or confirmed infection with COVID–19?

b. Should cruise ship operators deny boarding to passengers with known exposure to a person with COVID–19 during the previous 14 days?

c. What methods should cruise ship operators use to screen for exposures and detect COVID-like illness in passengers seeking to board the ship?

d. Should cruise ship operators deny boarding to passengers coming from COVID–19 high-incidence geographic areas?

e. How should cruise ship operators manage embarking crew with COVID-like illness, known exposure, or coming from high-incidence geographic areas after resuming passenger operations?

f. Should cruise ship operators test passengers and crew pre-boarding? If yes, what should the testing protocol be?

g. Should cruise ship operators transport and house passengers and crew denied boarding at the seaport to avoid exposing the public?

17. Should cruise ship operators plan to reduce passenger and crew loads to decrease the risk of transmission on board the ship?

a. To what extent and for how long should cruise ship operators reduce passenger capacity?

b. To what extent might reducing passenger capacity affect the economic viability of cruise lines?

c. Should cruise ship operators be required to provide scientific evidence that reducing passenger capacity will prevent transmission on board?

18. Should cruise ship operators decrease the length of voyages and, if so, by how much?

a. How would decreasing the length of voyages affect the transmission of COVID–19 on board the ship and in U.S. communities?

b. Should cruise ship operators be required to provide scientific evidence that reducing length of voyages would decrease the risk of further introduction of COVID–19 to U.S. communities?

19. Should cruise ship operators limit shore excursions?

a. What precautions should cruise ship operators take during shore excursions to prevent passengers and crew from being exposed to COVID–19?

b. During shore excursions, how should cruise ship operators prevent transmission of COVID–19 into land-based communities?

20. Should cruise ship operators restrict the number of persons per room (*e.g.,* maximum capacity of 2 adults per cabin)?

a. Should cruise ship operators be required to provide single-occupancy rooms with private bathrooms for crew after resuming passenger operations?

21. What mental health services should cruise ship operators provide to crew and passengers during quarantine or isolation?

22. What precautions should the cruise line industry take to safely disembark passengers and crew without transmitting COVID–19 into local seaport communities?

23. Should the cruise line industry immediately cancel cruise voyages if COVID–19 cases are identified on board or after disembarkation?

24. Because of the economic costs associated with cruising, some cruise ship passengers may be reluctant to cancel travel plans if they become ill or are exposed to COVID–19 or may try to hide symptoms of illness. Should cruise ship operators fully refund or provide incentives to passengers that:

a. Are denied boarding due to COVID-like illness symptoms, confirmed infection, or known exposure?

b. are denied boarding due to coming from high-incidence geographic areas?

c. request last-minute cancellations due to COVID–19 concerns?

25. Due to the costs associated with seeking medical care on board, and the likelihood that sick passengers will be isolated and their travel companions

quarantined for the remainder of their voyage, how should cruise ship operators encourage passengers to notify the medical center when they experience COVID–19 symptoms?

26. How should cruise ship operators decrease or eliminate the risk for COVID–19 transmission for both passengers and crew in the following group settings?

a. Embarkation and disembarkation?

b. Safety drills and trainings?

c. Dining?

d. Onboard entertainment events?

e. Shore excursions?

Summary Questions

27. What benefits can be expected in terms of averted deaths and illnesses and how does this compare to the expected financial costs of the above measures?

28. Should cruise ship operators be required to designate a responsible company official who will accept legal responsibility for failure to implement measures to protect public health?

Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted to this docket. CDC does not accept public comment by email.

Dated: July 16, 2020.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2020–15812 Filed 7–17–20; 11:15 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

No Sail Order and Suspension of Further Embarkation; Second Modification and Extension of No Sail Order and Other Measures Related to Operations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), a component of the U.S. Department of Health and Human Services (HHS), announces a second modification and extension of the No Sail Order and Other Measures Related to Operations that was issued on April 15, 2020. This Order applies to cruise ships defined as commercial, non-cargo, passenger-carrying vessels with the capacity to carry 250 or more individuals (passengers and crew) and with an itinerary anticipating an overnight stay onboard or a 24-hour stay onboard for either passengers or crew, that are operating in international, interstate, or intrastate waterways, subject to the jurisdiction of the United States. This Order shall additionally apply to cruise ships operating outside of U.S. waters if the cruise ship operator intends for the ship to return to operating in international, interstate, or intrastate waterways, subject to the jurisdiction of the United States during the period that this Order is in effect.

DATES: This action was effective July 16, 2020.

FOR FURTHER INFORMATION CONTACT: Jennifer Buigut, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS V18–2, Atlanta, GA 30329. Phone: 404–498–1600. Email: *dgmqpolicyoffice@cdc.gov.*

SUPPLEMENTARY INFORMATION: This Order renews the No Sail Order and Other Measures Related to Operations signed by the CDC Director on March 14, 2020, as further modified and extended effective April 15, 2020, subject to the modifications and additional stipulated conditions as set forth in this Order.

This Order shall remain in effect until the earliest of (1) the expiration of the Secretary of Health and Human Services' declaration that COVID–19 constitutes a public health emergency; (2) the CDC Director rescinds or modifies the order based on specific public health or other considerations; or (3) September 30, 2020.

A copy of the order is provided below and a copy of the signed order can be found at *https://www.cdc.gov/quarantine/cruise/index.html.*

U.S. Department of Health and Human Services (HHS)

Centers for Disease Control and Prevention (CDC)

Order Under Sections 361 & 365 of the Public Health Service Act (42 U.S.C. 264, 268) and 42 Code of Federal Regulations Part 70 (Interstate) and Part 71 (Foreign)

Second Modification and Extension of No Sail Order and Other Measures Related to Operations

Executive Summary

The coronavirus disease 2019 (COVID–19) pandemic continues to spread rapidly around the world with no treatment or vaccine, with over 12.5 million confirmed cases and over 560,000 confirmed deaths worldwide as of July 12, 2020. On July 12, 2020, 230,000 new COVID–19 cases were reported, the largest single-day tally worldwide since the epidemic began. It took 3 months to reach the first million cases of COVID–19, but during one week in June 2020, 1 million new cases were reported worldwide.

Since HHS/CDC's original No Sail Order, signed on March 14, 2020, which restricted the embarkation of passengers, CDC has worked to control COVID–19 on cruise ships that remained at sea, while protecting against further introduction and spread of COVID–19 into U.S. communities. As of July 10, 2020, CDC has expended an estimated 38,000 person-hours on the cruise ship COVID–19 response since March 14, 2020—in addition to the thousands of hours invested by other HHS components, other U.S. government agencies, and state and local authorities. CDC continues to have regular conversations by phone and email with cruise lines, often daily.

Cumulative CDC data from the period of March 1 to July 10, 2020 reveal a total of 2,973 COVID–19 or COVID-like illness cases on cruise ships, in addition to 34 deaths. These data have also revealed a total of 99 outbreaks on 123 different cruise ships, meaning that 80% of ships within U.S. jurisdiction were affected by COVID–19 during this time frame. In addition, 9 ships still have ongoing or resolving COVID–19 outbreaks on board.

The challenges described in this document highlight the need for further action prior to cruise ships' resuming

passenger operations. CDC supports the decision by the Cruise Line International Association (CLIA) and its members to voluntarily extend the suspension of operations for passenger cruise ship travel. However, because not all cruise ship operators subject to the No Sail Order are members of CLIA or have made similar commitments, CDC is extending its No Sail Order to ensure that passenger operations do not resume prematurely.

Previous Orders and Incorporation by Reference

This Order renews the No Sail Order and Other Measures Related to Operations signed by the CDC Director on March 14, 2020,[1] as further modified and extended effective April 15, 2020 [2]—subject to the modifications and additional stipulated conditions as set forth in this Order.

This Order shall remain in effect until the earliest of (1) the expiration of the Secretary of Health and Human Services' declaration that COVID–19 constitutes a public health emergency; (2) the CDC Director rescinds or modifies the Order based on specific public health or other considerations; or (3) September 30, 2020.

The findings and other evidence relied upon in issuing the March 14 and April 15, 2020 Orders are incorporated herein by reference. Any ambiguity between the March 14, and April 15, 2020 Orders, as modified by the current Order, shall be resolved in favor of the current Order.

Statement of Intent

This Order shall be interpreted and implemented in a manner as to achieve the following paramount objectives:

- Preserving human life;
- Preserving the health and safety of cruise ship crew members, port personnel, and communities;
- Preventing the further introduction, transmission, and spread of COVID–19 into and throughout the United States;
- Preserving the public health and other critical resources of Federal, State, and local governments;
- Preserving hospital, healthcare, and emergency response resources within the United States; and
- Maintaining the safety of shipping and harbor conditions.

Applicability

This Modification and Extension of No Sail Order and Other Measures Related to Operations shall apply only to the subset of carriers [3] described below and hereinafter referred to as ''cruise ships'':

All commercial, non-cargo,[4] passenger-carrying vessels with the capacity [5] to carry 250 [6] or more individuals (passengers and crew) and with an itinerary anticipating an overnight stay onboard or a twenty-four (24) hour stay onboard for either passengers or crew that are operating in international, interstate, or intrastate waterways, subject to the jurisdiction of the United States.[7]

This Order shall additionally apply to cruise ships operating outside of U.S. waters if the cruise ship operator intends for the ship to return to operating in international, interstate, or intrastate waterways, subject to the jurisdiction of the United States during the period that this Order is in effect.

Definitions

The following definitions shall apply for the purposes of this Order:

COVID–19 means the disease caused by the coronavirus SARS-CoV–2.

''Operations,'' ''Operate,'' and ''Operating'' means any action by a cruise ship operator (*e.g.,* shifting berths, moving to anchor, discharging waste, making port, or embarking or disembarking passengers or crew) to bring or cause a cruise ship to be brought into or transit in or between any international, interstate, or intrastate waterways, or maintaining a ship in layup status,[8] subject to the jurisdiction of the United States.

''Operator'' means the Master of the vessel (cruise ship) and any other crew member responsible for cruise ship operations and navigation, as well as any person or entity (including a corporate entity) that authorizes or directs the use of a cruise ship (*e.g.,* as owner, lessee, or otherwise). A cruise ship operator may be either the cruise ship captain or the cruise line to which the cruise ship belongs, or both. The term ''Operator'' as used in this Order further incorporates the terms ''company,'' ''designated person,'' and ''responsible person'' as defined in 33 CFR § 96.120.

Events Necessitating the March 14 and April 15, 2020 Orders

On January 20, 2020, the *Diamond Princess* cruise ship departed Yokohama, Japan. On January 25, 2020, a symptomatic passenger departed the ship in Hong Kong, where he was later confirmed to have COVID–19. Upon the ship's return to Yokohama, Japanese authorities quarantined all passengers and crew on board the ship. Among the 3,711 *Diamond Princess* passengers and crew, 712 (19.2%) were subsequently confirmed to have COVID–19, 37 required intensive care, and nine died. Following this outbreak, two voyages of the *Grand Princess* cruise ship were ultimately associated with 159 confirmed COVID–19 cases, including eight deaths.[9]

Because of these events, and the increased risk of transmission on cruise ships, on March 14, 2020, the CDC Director issued a No Sail Order and Other Measures Related to Operations directing cruise ships not voluntarily suspending operations to comply with certain measures. This followed a March 13, 2020, announcement by CLIA, the leading industry trade group, that its members would voluntarily suspend cruise ship operations. On March 17, 2020, CDC issued a Level 3 Travel

[1] No Sail Order and Suspension of Further Embarkation. *www.federalregister.gov/documents/2020/03/24/2020-06166/no-sail-order-and-suspension-of-further-embarkation.* Last accessed June 24, 2020.

[2] No Sail Order and Suspension of Further Embarkation; Notice of Modification and Extension and Other Measures Related to Operations. *www.federalregister.gov/documents/2020/04/15/2020-07930/no-sail-order-and-suspension-of-further-embarkation-notice-of-modification-and-extension-and-other.* Last accessed June 24, 2020.

[3] Carrier is defined by 42 CFR 71.1 to mean, ''a ship, aircraft, train, road vehicle, or other means of transport, including military.''

[4] Given the substantial risk of person-to-person transmission of COVID–19, as opposed to transmission via indirect contact, this Order is currently limited to passenger, non-cargo vessels.

[5] A ship's capacity shall be determined based on the number of persons listed in the U.S. Coast Guard Certificate of Inspection issued in accordance with 46 CFR 2.01–5 and that was in effect on the date of the signing of this current Order.

[6] Based on substantial epidemiologic evidence related to congregate settings and mass gatherings, this Order suspends operation of vessels with the capacity to carry 250 individuals or more. Evidence shows that settings as small as nursing homes or movie theaters can proliferate the spread of a communicable disease. As the numbers of passengers and crew on board a ship increase, certain recommended mitigation efforts such as social distancing become more difficult to implement. In light of the demonstrated rapid spread of COVID–19 in cruise ship settings, application of this Order to vessels carrying 250 or more individuals is a prudent and warranted public health measure. Moreover, during the early part of 2020, management of COVID–19 cases in addition to care needs resulting from the seasonal influenza epidemic placed an extreme burden on public health and healthcare systems and this Order will help avoid further stressing those systems.

[7] This order shall not apply to vessels operated by a U.S. Federal or State government agency. Nor shall it apply to vessels being operated solely for purposes of the provision of essential services, such as the provision of medical care, emergency response, activities related to public health and welfare, or government services, such as food, water, and electricity.

[8] Layup means reducing cruise ship operations to those levels needed to maintain essential machinery and equipment so that the ship may be returned to service.

[9] Moriarty LF, Plucinski MM, Marston BJ, et al. Public Health Responses to COVID–19 Outbreaks on Cruise Ships—Worldwide, February–March 2020. MMWR Morb Mortal Wkly Rep 2020;69:347–352. *https://www.cdc.gov/mmwr/volumes/69/wr/mm6912e3.htm.* Last accessed June 25, 2020.

Health Notice warning all travelers to defer cruise travel worldwide based on widespread ongoing transmission of COVID–19.[10] Despite the announcement by CLIA, the application of the March 14, 2020 Order, and the Level 3 Travel Health Notice, cruise ships continued to be associated with COVID–19 outbreaks. Between March 14 and April 15, 2020, COVID–19 outbreaks were reported on several additional cruise ships. These included the Costa Cruises ships *Costa Magica* and *Costa Favolosa;* Holland America Line's *Zaandam;* the *Celebrity Eclipse;* the *Disney Wonder;* and Princess Cruises' *Coral Princess.*

COVID–19 outbreaks on cruise ships required 27 notifications by CDC to international, state, and local health departments for over 11,000 cruise ship passengers requiring contact tracing, which resulted in countless hours of work for numerous already-burdened public health officials. This number exceeded that of the number of contacts identified from flight investigations since the beginning of the pandemic. Medical evacuation efforts necessitated by these outbreaks required resource intensive operations that involved multiple small boats to ferry contagious crew to shore and high levels of coordination between Federal, State, and local public health, maritime, and other governmental authorities. Response efforts drew valuable resources away from the immense Federal, State, and local efforts to contain and mitigate the spread of COVID–19. State and local public health officials further stated that they faced an increasing burden supporting cruise ships attempting to make port with ill passengers or crew and struggled to repatriate passengers and crew while also protecting the limited medical assets available to their communities. The intensive care requirements for infected passengers and crew in need of life-saving critical care also greatly stressed an already overtaxed healthcare system that at the time was facing shortages of masks, test kits, beds, and ventilators needed to respond to COVID–19.

Accordingly, to protect public health and safety and prevent the further introduction, transmission, and spread of COVID–19 into and throughout the United States, the CDC Director issued an Order modifying and extending the previous March 14, 2020 Order, which became effective on April 15, 2020.

[10] CDC Travel Health Notice, *COVID–19 and Cruise Ship Travel,* at: *https://wwwnc.cdc.gov/travel/notices/warning/coronavirus-cruise-ship* (originally posted, March 17, 2020). Last accessed June 25, 2020.

Events Since the Issuance of the April 15, 2020 Extension

Under the April 15, 2020 Extension, as a condition of obtaining controlled free pratique to continue to engage in cruise ship operations in any international, interstate, or intrastate waterways subject to the jurisdiction of the United States, cruise ship operations were limited, and cruise lines were required to submit plans to prevent, mitigate, and respond to the spread of COVID–19 on board to ensure a safe work environment and disembarkation for crew members. The No Sail Order (NSO) response plans had to minimize to the greatest extent possible any impact on U.S. government operations or the operations of any State or local government, or the U.S. healthcare system. While working with cruise ship operators to ensure the completeness and accuracy of these response plans, CDC allowed crew members to disembark from cruise ships in U.S. waters and return home if cruise ship operators attested to complying with requirements to disembark crew members in such a manner as to minimize the risk to other travelers and communities. Among other requirements, safe disembarkation meant not using commercial transport for disembarking crew, screening disembarking crew members for illness, ensuring that crew members with known exposure to COVID–19 traveled separately from those with no known exposure, providing face masks or cloth face coverings to disembarking crew members or confirming that they had their own face coverings, and instructing disembarking crew members to stay home for 14 days and continue to practice social distancing after reaching their final destination. This disembarkation process proved cumbersome and labor intensive; it is still ongoing even now with over 14,000 crew remaining onboard, due in part to limited charter flight availability, cruise lines' cost burdens, and some destination countries' refusing to accept returning crew.

Following the April 15, 2020 Extension, CDC published its *Interim Guidance for Mitigation of COVID–19 Among Cruise Ship Crew During the Period of the No Sail Order* to assist cruise ship operators in preventing, detecting, and medically managing confirmed and suspected SARS-CoV–2 infections and exposures among crew members.[11] During this period, CDC also further assisted cruise ship operators with humanitarian medical evacuations for people in need of lifesaving support. As of July 10, 2020, CDC has worked with cruise ship operators to assist in the disembarkation and safe return home of approximately 8,825 crew members, including 314 U.S. citizens and residents.

Under the April 15, 2020 Extension, CDC established an enhanced surveillance process to provide a more complete picture of COVID–19 activity on cruise ships. CDC required weekly submission of the ''Enhanced Data Collection (EDC) During COVID–19 Pandemic Form.'' The EDC form was used to conduct surveillance for COVID–19 among crew who remained on board cruise ships based on cumulative reports of acute respiratory illness (ARI),[12] influenza-like illness (ILI),[13] pneumonia, and other clinical indicators. As of July 10, 2020, EDC reports have shown a total of 4,590 polymerase chain reaction (PCR) tests performed, 281 (6%) of which were positive, 18 hospitalizations, 2 instances of mechanical ventilation, and 9 medical evacuations for crew on ships within U.S. jurisdiction since April 15, 2020. CDC recommended that ships' surveillance include routine testing for SARS-CoV–2 infection, including intermittent testing of a random sample of symptomatic and asymptomatic crew members.

In addition to reviewing the NSO response plans, CDC continued to update its *Interim Guidance* as new information became available; provided technical expertise to ships with ongoing outbreaks; created cruise ship-specific websites to inform crew members, the public, and partners; and reviewed hundreds of attestations for safe disembarkation and transfer of crew members.

CDC also established a ''COVID–19 Color Coding System'' for ships applicable to cruise ship operators with an appropriate NSO response plan for crew management. Classification of ships under this system requires cruise company officials to sign an acknowledgment of the completeness and accuracy of their NSO response plans upon completion of CDC review of the plan. CDC additionally provides a provisional color status for ships belonging to cruise lines that do not yet

[11] CDC, *Interim Guidance for Mitigation of COVID–19 Among Cruise Ship Crew During the Period of the No Sail Order* at: *https://www.cdc.gov/quarantine/cruise/management/interim-guidance-no-sail-order.html*

[12] Acute Respiratory Illness (ARI) is defined as the presence of cough, sore throat, or rhinorrhea in the absence of fever.

[13] Influenza-like Illness (ILI) is defined as fever (100.4 °F [38 °C]) plus either cough or sore throat in the absence of another diagnosis.

have a complete and accurate plan. CDC assesses the status of a ship by reviewing surveillance data from the weekly EDC form.

• ''Green'' ship status means that a ship has no confirmed cases of COVID–19 or COVID-like illness for 28 [14] consecutive days among crew members onboard. In addition, cruise ship operators must sign an attestation that if the ship received ship-to-ship transfers, the crew members came from a ship with no cases of COVID–19 or COVID-like illness within the 28 days before the transfer occurred and that land-based crew embarking the ship were immediately quarantined for 14 days. Ships achieving ''Green'' status may use commercial travel to disembark crew members and may lessen onboard restrictions to allow crew to resume some daily interactions with fellow crew members, including social gatherings, group meetings, and use of group settings such as crew bars and gyms.

• ''Yellow'' ship status means that a previously designated ''Green'' ship reported one or more COVID-like illness cases onboard and that testing for COVID–19 is pending. If crew with COVID-like illness are not tested by PCR or if results are not available within 1 week of the case being reported, then the ship's status changes to ''Red.'' Ships with a ''Yellow'' status are required to resume all preventive measures, with the exception of requiring crew members to remain in cabins as much as possible during non-working hours, and are no longer eligible for commercial travel of disembarking crew.

• ''Red'' ship status means that one or more cases of laboratory-confirmed COVID–19 or COVID-like illness have occurred onboard within the past 28 days, that ship-to-ship transfers occurred from a ship that was not ''Green,'' that embarking crew were not immediately quarantined for 14 days, or that the ship failed to submit one or more weekly EDC forms during the past 28 days. Ships with a ''Red'' status must follow all preventive measures, including requiring crew members to remain in cabins as much as possible during non-working hours, until the ship's status changes to ''Green.''

The status of the cruise ship operator NSO response plans and the color-coding status for individual ships are updated weekly at *https://www.cdc.gov/coronavirus/2019-ncov/travelers/crew-disembarkations-commercial-travel.html.*

Difficulty of Cruise Ship Operators in Submitting Appropriate Response Plans

As of April 29, 2020, CDC had received NSO response plans from seven cruise ship operators representing approximately 110 cruise ships or about 95% of cruise ships subject to the April 15, 2020 Extension. These operators included Carnival Corporation,[15] Royal Caribbean Cruise Line, Norwegian Cruise Lines, Disney Cruise Lines, Virgin Voyages, Windstar Cruises,[16] and Bahamas Paradise Cruise Lines. MSC Cruises submitted an NSO response plan on May 7, 2020, covering three of its ships.

In order to manage the public health crisis occurring at sea, including analyzing epidemiologic data, reviewing and responding to NSO response plan submissions, and managing the safe disembarkation of crew, CDC created a Maritime Unit (MU) staffed with 30 subject matter experts. The MU developed an email box staffed 7 days a week to handle the volume of cruise-related inquires received by CDC during the pandemic and established daily communications with cruise lines. For the plan review process, two MU team members were assigned to review each plan and communicate with the submitting cruise line. The work-intensive plan review process has involved assessing hundreds of documents from each cruise line to determine if they completely and adequately addressed the elements of an appropriate plan described in the April 15, 2020 Extension. Most plans needed two complete reviews and revisions, with one plan requiring seven rounds of revisions.

The plans as initially submitted by the cruise lines were incomplete and did not fully meet all the requirements of the April 15, 2020 Extension. Areas of major concern included insufficient details for monitoring crew onboard; unspecified quantities of personal protective equipment, medical and laboratory supplies, and fever-reducing medications; incomplete plans to disembark asymptomatic crew safely; missing shoreside and onboard testing agreements, supplies, and protocols; not isolating symptomatic crew; failing to close self-service buffets, salons, gyms, and recreational water facilities; lack of ability to provide the required level of medical care; and implementing social distancing and other restrictions only when physically present in U.S. waters. CDC has provided feedback to assist cruise lines in determining how best to address these concerns.

By July 10, 2020, cruise ship operators had reduced the number of cruise ships they proposed to operate in U.S. waters to approximately 49 ships, with some operators choosing to temporarily withdraw all ships remaining in U.S. waters. As of July 10, 2020, one cruise ship operator representing only one cruise ship operating in U.S. waters had an NSO response plan meeting all the elements described in the April 15, 2020 Extension: Bahamas Paradise Cruise Line.

Examples of Potential Non-Compliance With the Extended No Sail Order

The difficulty of cruise ship operators in submitting appropriate NSO response plans was compounded by several instances of potential non-compliance with the requirements of the April 15, 2020 Extension. On April 29, 2020, CDC sent a Notice of Potential Non-Compliance with the No Sail Order to Holland America Line in response to attempts by a crew member to disembark from the *Oosterdam* without cruise line officials' attesting that precautions to protect public health had been taken. This attempted disembarkation without appropriate precautions required CDC, U.S. Coast Guard, U.S. Customs and Border Protection, California Department of Public Health, Los Angeles County Health Department, and Los Angeles Police Department to leverage valuable resources and work together to enforce the NSO. In response, Holland America Line stated that the incident was the result of confusion between *Oosterdam* administrative personnel and local port agents. As a corrective measure, Holland America Line spoke to the local agents at the Port of Los Angeles and instructed them not to approve further disembarkations unless specifically instructed by shoreside management.

On May 11, 2020, CDC sent a ''Dear Colleague'' letter to cruise ship operators. The letter stated that CDC was aware of allegations of cruise ship non-compliance with the April 15, 2020 Extension through social media and other sources. Alleged instances of non-compliance included not adhering to

[14] The 28-day period for COVID–19 is based on the public health standard of 2 incubation periods, which is commonly used to determine that a communicable disease of public health concern is no longer circulating in a location.

[15] On May 24 and again on June 3, 2020, Carnival Corporation communicated to CDC that none of its operating companies had any ships in U.S. waters, nor did they expect to have any ships returning to U.S. waters before the end of the NSO period. Accordingly, CDC has held its review of the Carnival response plan in abeyance.

[16] While Windstar Cruises initially submitted an NSO response plan for one of its ships, it later withdrew its ships from U.S. waters and stated it had no intention of returning those ships to U.S. waters during the period of the NSO. Accordingly, CDC has held its review of the Windstar response plan in abeyance.

social distancing protocols; unauthorized crew transfers while outside of U.S. waters; not submitting weekly surveillance data (through the EDC form); not relocating all crew to single-occupancy cabins with private bathrooms; not cancelling all social gatherings; and not closing all crew bars, gyms, or other group settings. The letter requested that cruise ship operators investigate and report instances of non-compliance to CDC and explain in writing what corrective actions had been taken to ensure future compliance. Only two cruise ship operators, Virgin Voyages [17] and Royal Caribbean Cruise Ltd (RCL), and CLIA [18] responded in writing.

On May 13, 2020, RCL responded to the May 11 ''Dear Colleague'' letter stating that it had investigated the allegations in the six areas described in the letter and believed that it was in full compliance. On June 9, 2020, CDC sent a letter to RCL stating that on May 20, 2020, CDC had received attestations for 64 ship-to-ship transfers occurring from May 12 to May 20 for 21 ships in both the Royal Caribbean International and Celebrity Cruises, Inc. brands. While RCL had originally represented that these transfers were for crew who met CDC's criteria for ''recovered'' from COVID–19, RCL in later communications acknowledged that transferred crew had not met these criteria. Furthermore, while RCL officials did submit multiple attestations for these transfers, the attestations were submitted belatedly after the transfers were complete. The submitted attestations were also per ship, not per disembarkation, and lacked a required disembarkation date. For these reasons, the attestations were inconsistent with CDC's *Interim Guidance.* On June 15, 2020, RCL responded stating that these incidents were due to a misinterpretation of the *Interim Guidance* and that it would adjust its practices in the future.

On May 22, 2020, CDC sent a Notice of Potential Non-Compliance with the No Sail Order to Norwegian Cruise Line Holdings Ltd (NCLH). The notice stated that CDC had become aware of reports of alleged non-compliance on several NCLH cruise ships including the *Norwegian Escape, Norwegian Epic, Norwegian Joy, Oceania Marina,* and *Seven Seas Navigator.* These allegations included not adhering to social distancing protocols, not cancelling all social gatherings, not relocating all crew to single-occupancy cabins with private bathrooms, not suspending self-service buffets, and crew not wearing cloth face coverings when outside individual cabins. CDC further requested that NCLH address the veracity of these allegations and outline what corrective steps it would take to prevent reoccurrences.

On May 29, 2020, NCLH sent a response to CDC's May 22 letter. It cited the difficulty in achieving and mandating social distancing among crew members at all times. NCLH had modified dining venues, seating, and meal service to facilitate social distancing, but allowed a ''maximum of 4 persons at a table'' onboard all ships. It had also ''designated large open-air area spaces to be utilized by crew at their leisure, limiting the amount of people and encouraging social distancing.'' NCLH stated that ships operating with reduced manning limited its ability to operate without self-service buffets. Lastly, NCLH stated that it believed it had exceeded CDC's guidance ''by not just asking but encouraging our crew to wear face coverings.'' NCLH's response did not specifically address what corrective actions it would take to align its practices with CDC's *Interim Guidance* and did not address the issue of not relocating crew to single-occupancy cabins with private bathrooms.

On July 2, 2020, CDC sent NCLH an additional notice requesting that it take immediate corrective action to align its practices with the April 15, 2020 Extension and CDC's *Interim Guidance.* CDC asked NCLH to explain with greater specificity what steps it had taken to instruct crew across its fleet to wear cloth face coverings when outside of individual cabins (*e.g.,* through posted signage or verbal reminders). CDC further noted that depending on table size, allowing a maximum of 4 persons at a table did not ensure maintaining a minimum distance of 2 meters (6 feet) from one another during meal service. Furthermore, to the extent that NCLH had allowed crew to gather in any group setting, it was advised to discontinue this practice until ''Green'' status onboard the ship had been achieved. Moreover, CDC advised NCLH that operating a self-service meal operation was considered a high-risk practice because of the role of fomites in transmission of COVID–19 and advised it to discontinue this practice on all ships across its fleet. Lastly, CDC requested NCLH explain whether it had at any time not relocated all crew to single-occupancy cabins with private bathrooms.

On July 9, 2020, CDC received NCLH's response to its July 2 letter. NCLH stated that it had implemented new procedures to mandate the wearing of face coverings by crew members when outside of individual cabins. To reinforce this mandate, it had instituted ''mask patrols'' comprised of security team members who were authorized to order crew members back to their cabins if seen not properly masked in public areas. NCLH also confirmed that it had discontinued its previous practice of allowing up to four crewmembers to dine together at the same table. It further confirmed that it understood CDC's color-coding system and noted that all gyms, bars, and lounges fleetwide were closed and remained closed since the inception of the NSO. NCLH had also disseminated CDC materials in written form fleetwide to all crew members, instead of conducting in person meetings or trainings on COVID–19. NCLH further confirmed that it had discontinued self-service meal operations and in lieu of such self-service operations had designated crew members to assist other crew members during meal service. Lastly, while it had initially found housing of all crew members in single-occupancy cabins to be infeasible based on the number of crew members on board, it confirmed that all remaining crew members who had not repatriated were currently housed in single occupancy cabins with private bathrooms.

On June 10, 2020, CDC sent a Notice of Potential Non-Compliance with the No Sail Order to Disney Cruise Lines (DCL) relating to inadequate spacing and mixing of staterooms intended for ''well'' and ''sick'' crew and potential failure to discontinue buffet meal service during an ongoing COVID–19 outbreak. These concerns were based on records and photographs received by CDC from the *Disney Wonder* to document compliance with elements outlined in the April 15, 2020 Extension. CDC also sent DCL a separate letter documenting its concerns regarding a sustained outbreak of COVID–19 or COVID-like illness among crew onboard the *Disney Wonder* during the period of the April 15, 2020 Extension. Since April 15, 2020, CDC had received reports of 181 cases of confirmed COVID–19 and 19 case of COVID-like illness associated with this

[17] On May 13, 2020, Virgin Voyages submitted a report listing non-conformities with the NSO. As a corrective measure, it added its NSO response plan in its entirety to its company Safety Management System and further advised its ships that any proposed deviations required advance approval.

[18] On May 14, 2020, CLIA responded to the letter requesting a meeting with the CDC Director to further engage with CDC. Subsequently, on June 11, the CDC Director hosted a teleconference with CLIA and other members of the cruise line industry during which CDC responded to questions submitted by CLIA relating to procedures, clarifications, and crew transfers and repatriations under the NSO.

ship. Of particular concern was the fact that this outbreak had continued over a ten-week time frame, including before the April 15, 2020 Extension, with the last date of COVID-like illness reported to CDC on May 25, 2020.

On June 24, 2020, DCL responded that inadequate spacing and mixing of staterooms intended for ''well'' and ''sick'' crew occurred because of the challenges of transferring asymptomatic, symptomatic, and COVID–19-positive crew members between rooms and limited availability of vacant staterooms with balconies. DCL also denied that an ''active'' buffet meal service was in place and affirmed that crew members would point out desired meal items and then have other crew members serve those items to them on a plate. In regard to the outbreak onboard the *Disney Wonder,* DCL asserted that any discrepancies in reporting positive test results to the CDC were due to inadvertent error. As a corrective action, DCL stated that it had reviewed and reinforced the proper procedures for reporting of illness to the CDC. In describing what factors may have led to the magnitude and duration of this outbreak, DCL noted that numerous crew members who subsequently tested positive for COVID–19 were asymptomatic and that some of these crew members served as essential crew and were not quarantined in their rooms until the results of ship-wide testing were received.

Actions Taken by Other Countries in Regard to Cruise Ship Travel

A number of countries have taken aggressive steps to mitigate the risks of COVID–19 exacerbated by cruise ship travel. On March 9, 2020, Canada's Chief Public Health Officer issued a formal health advisory asking all Canadians to avoid travelling on cruise ships because the ships represent a high-risk environment for viral transmission of COVID–19. On March 19, 2020, the Canadian Government issued Ship Safety Bulletin No. 05/2020: *Deferral of the Canadian Cruise Ship Season for Vessels Capable of Carrying 500 Persons or More until July 1, 2020.*[19] These regulations restricted cruise ships capable of carrying 500 or more persons, including both passengers and crew members from accessing ports managed by port authorities, public ports, public port facilities, and the St. Lawrence Seaway until July 1, 2020. On May 29, 2020, these restrictions were extended to cruise ships with overnight accommodations carrying more than 100 people operating in Canadian waters until October 31, 2020.

On March 18, 2020, the Governor-General of the Commonwealth of Australia declared a human biosecurity emergency that included a ban on international cruise ships entering Australian ports.[20] On May 15, 2020, the Governor-General extended the human biosecurity emergency period for an additional three months, from June 17 to September 17, 2020.[21] This enabled the Minister for Health on May 20, 2020, to extend a prohibition on the arrival at any Australian port of any international cruise ship that had left a foreign port. These restrictions include direct arrivals and round-trip cruises. On May 22, 2020, the restriction on cruise ships entering Australian waters was extended for a further three months until September 17, 2020. Under this restriction, any cruise ship capable of carrying more than 100 passengers is prohibited from operating cruises in Australia. When this restriction went into effect on March 27, 2020, there were 28 international cruise ships in Australian waters. Under the direction of the Australian Border Force, these ships and their crew safely departed.

In addition, as of July 10, 2020, numerous countries have restricted passenger cruise ship travel to some degree. These include Aruba, Barbados, Bermuda, British Virgin Islands, Cayman Islands, Dominican Republic, Greece, Grenada, Honduras, Norway, Panama, Seychelles, and Spain.

Supplemental Information Relating to COVID–19 Transmission Onboard Cruise Ships

As of July 10, 2020, CDC has recorded approximately 99 outbreaks of COVID–19 onboard 123 ships within U.S. jurisdiction[22] including 958 confirmed cases, 2,015 suspect/probable cases and 34 deaths. Of the 49 ships currently operating or planning to operate in U.S. waters during the period of the April 15, 2020 Extension, COVID–19 activity onboard continues and there still remain 10 ''Provisionally Red'' ships (*i.e.,* reporting at least one confirmed case of COVID–19 or COVID-like illness in the past 28 days).

Since the issuance of the April 15, 2020 Extension, cruise ships with significant outbreaks involving passengers and crew, such as the *Celebrity Eclipse* (92 confirmed COVID–19 cases, 8 suspect/probable COVID–19-like illness cases) and the *Coral Princess* (29 confirmed, 107 suspect/probable, and 5 deaths), arrived on U.S. shores as other countries around the world closed their ports to cruise ships.[23] These outbreaks not only endangered those onboard and at seaports, but also exposed travelers and communities throughout the world as sick and exposed passengers from ships like the *Zandaam*[24] (10 confirmed, 233 suspect/probable, 7 deaths), *Ruby Princess,* and *Costa Luminosa* traversed international airports, boarded planes, and returned to their homes. The CDC does not have official case counts for the *Costa Luminosa* and *Ruby Princess,* which docked in foreign seaports; however, the media have reported that these two ships are responsible for a significant number of cases and deaths.[14] These outbreaks have continued in crew members on ships like the *Disney Wonder,* on which a COVID–19 outbreak spanned 10 weeks and included 229 confirmed and 43 COVID-like illness cases among crew.

The current scientific evidence suggests that cruise ships pose a greater risk of COVID–19 transmission than other settings. A recent article published in the Journal of Travel Medicine by Rocklöv et al. demonstrated that the *Diamond Princess* cruise ship experienced an onboard R_0 (basic reproduction rate) for COVID–19 of 14.8 before ship-wide quarantine was enacted.[25] This means that each case onboard the *Diamond Princess* transmitted COVID–19 to approximately 15 other people. This reproduction rate is approximately four times higher than the R_0 of the original epicenter of the outbreak in Wuhan, China, which was 3.7, meaning that each person with COVID–19 in the early days of the outbreak in Wuhan transmitted the disease to approximately four other people. In late February/early March, 149 cases of PCR-confirmed COVID–19

[19] Deferral of the Canadian Cruise Ship Season for Vessels Capable of Carrying 500 Persons or More until July 1, 2020—SSB No.: 05/2020. *www.tc.gc.ca/eng/marinesafety/bulletins-2020-05-eng.htm.* Last accessed June 24, 2020.

[20] COVID–19 Legislative response—Human Biosecurity Emergency Declaration Explainer. *www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2020/March/COVID–19_Biosecurity_Emergency_Declaration.* Last accessed June 24, 2020.

[21] Cruise Ship Prohibition Extended. *www.newsroom.abf.gov.au/releases/cruise-ship-prohibition-extended.* Last accessed June 24, 2020.

[22] The U.S. Coast Guard considers certain ships operating outside of U.S. waters subject to their jurisdiction for emergency response purposes. These ships are not included in CDC's calculations.

[23] The Pandemic at Sea. *www.washingtonpost.com/graphics/2020/politics/cruise-ships-coronavirus/.* Last accessed June 18, 2020.

[24] The Pariah Ship. *www.bloomberg.com/features/2020-zaandam-pariah-ship/.* Last accessed June 18, 2020.

[25] Rocklöv J, Sjödin H, Wilder-Smith A. COVID–19 Outbreak on the Diamond Princess Cruise Ship: Estimating the Epidemic Potential and Effectiveness of Public Health Countermeasures. J. Travel Med. 2020; 18;27(3):taaa030. doi: 10.1093/jtm/taaa030.

(of 589 tour participants) were found among U.S. residents linked to Egyptian Nile Cruises. This heightened rate of transmission onboard cruise ships has been documented in other academic publications.[9] [26] Cruise ship conditions amplified an already highly transmissible disease.

Rocklöv et al. surmised that this heightened rate of transmission is due to the high population density onboard on ships, which are typically more densely populated than cities or most other living situations. While this is one contributing factor, CDC's surveillance data acquired during the period of the NSO show that drastically decreasing population onboard does not extinguish transmission. Other factors likely contributing to onboard transmission are crew living and working in close quarters in a partially enclosed environment where social distancing may prove challenging even with a limited number of people onboard.

In addition, the recent investigation by Payne et al. of transmission onboard a U.S. Navy ship demonstrated high transmission rates and high rates of mild disease and asymptomatic infection among crew.[25] These mild presentations and asymptomatic cases make case detection and isolation and quarantine practices based on clinical presentation alone challenging. Thus, covert spread of infection among crew may keep the virus circulating from one voyage to the next. The Navy ship investigation also demonstrates the importance of avoiding onboard congregate settings. However, with limited dining options and work areas on board cruise ships, avoiding congregate settings is challenging for crew.

Numerous challenges have arisen in detecting COVID–19 transmission onboard ships. Although examples can be given from most cruise lines, the experiences of four Royal Caribbean ships, the *Vision of the Seas, Liberty of the Seas, Enchantment of the Seas,* and *Adventure of the Seas,* particularly illustrate how an undetected COVID–19 outbreak may occur. These four ships reported no confirmed COVID–19 cases or COVID-like illness in crew for 28 days or longer. However, when crew subsequently disembarked in countries that required shoreside testing, confirmed cases of COVID–19 were detected in 55 crew members. While CDC has recommended periodic random testing of symptomatic and asymptomatic crew, to our knowledge, only 20 of 49 ships currently operating or planning to operate in U.S. waters during the period of the April 15, 2020 Extension have performed testing.

While regular testing is not a panacea and a negative test result cannot be used to rule out infection conclusively,[27] the addition of viral testing can help detect infected crew members earlier and isolate them from others. Viral testing should be used along with other measures to decrease transmission,[28] such as symptom screening, isolation and quarantine, routine social distancing, and frequent handwashing. Unfortunately, testing requires a rapid turnaround of results to be useful, and this has proven particularly challenging for ships, even when in port. Difficulties may include lack of point-of-care testing onboard and inadequate staffing to collect, track and transport samples. When rapid testing is more available, regular, repeated testing of those on board, as recommended in other high-density workplace settings, may help to detect COVID–19 outbreaks. Absent wider availability and implementation of testing, undetected outbreaks of COVID–19 among crew are likely to reoccur.

Lack of Consensus Among Cruise Ship Operators and Need for Additional Industry-Led Efforts Regarding Safely Resuming Passenger Operations

Cruise ship operators have taken tentative steps to advance their public health response to COVID–19, improve safety, and achieve readiness to safely resume passenger operations. Under the co-chairmanship of former Health and Human Services Secretary Michael O. Leavitt, two cruise lines, RCL and NCLH, have assembled a team of subject-matter experts from a variety of disciplines under the moniker of the ''Healthy to Sail Alliance.'' The group intends ''*over the next few months . . .* to conduct a robust, scientifically grounded exploration on issues of cruise line health and safety'' (emphasis added). Furthermore, this group states that it will ''deliver to the cruise lines a set of public health recommendations that will provide participating cruise lines with a guide or pathway as they pursue their individual company efforts to achieve the confidence of regulators and passengers.''

Additionally, a variety of cruise lines have promoted interventions to manage COVID–19 onboard ships in both online and in print marketing materials. These interventions include enhanced stateroom cleaning, installation of new air filters, preboarding health screenings, increased social distancing, increased availability of hand sanitizer, and more self-service meal options. It would thus be of benefit to have further industry-led engagement as to which strategies, best practices, and procedures, either singularly or in combination, would be most effective in protecting the health of passengers, crew, and global communities.

CDC will continue to update its guidance and recommendations to specify basic safety standards and public health interventions based on the best scientific evidence available. CDC will also continue to consult with international maritime public health partners on ways to reduce COVID–19 transmission on ships and will continue to monitor the global COVID–19 situation.

Findings and Immediate Action

The difficulty to date of cruise ship operators to submit and adhere to appropriate NSO response plans during a time of limited operations, as well as ongoing concerns relating to non-compliance with disease prevention protocols and continued outbreaks of COVID–19 onboard cruise ships, highlight the need for further action prior to resuming passenger operations.

Accordingly, and consistent with 42 CFR 70.2, 71.31(b), and 71.32(b), the Director of CDC (''Director'') finds that cruise ship travel exacerbates the global spread of COVID–19, that the scope of this pandemic is inherently and necessarily a problem that is international and interstate in nature, and such transmission has not been controlled sufficiently by the cruise ship industry or individual State or local health authorities. As described in the March 14, 2020 Order, cruise ship travel markedly increases the risk and impact of the COVID–19 disease epidemic within the United States. If unrestricted cruise ship passenger operations were permitted to resume, infected and exposed persons disembarking cruise ships would place federal partners (*e.g.,* Customs and Border Protection and the U.S. Coast Guard), healthcare workers, port personnel, and communities at substantial unnecessary risk.

The Director also finds evidence to support a reasonable belief that cruise ships are or may be infected or

[26] Payne DC, Smith-Jeffcoat SE, Nowak G, et al. SARS-CoV–2 Infections and Serologic Responses from a Sample of U.S. Navy Service Members — USS Theodore Roosevelt, April 2020. MMWR Morb Mortal Wkly Rep 2020;69:714–721. DOI: *http://dx.doi.org/10.15585/mmwr.mm6923e4.*

[27] Watson J, Whiting PF, Brush JE. Interpreting a covid-19 test result. BMJ 2020; 369: m1808. doi: *https://doi.org/10.1136/bmj.m1808.*

[28] Testing Strategy for Coronavirus (COVID–19) in High-Density Critical Infrastructure Workplaces after a COVID–19 Case Is Identified. *www.cdc.gov/coronavirus/2019-ncov/community/worker-safety-support/hd-testing.html.* Last accessed June 18, 2020.

contaminated with a quarantinable communicable disease.[29] This reasonable belief is based on information from epidemiologic and other data included in this document and the information described in the March 14, 2020 Order and the April 15, 2020 Extension. As a result, persons on board or seeking to board cruise ships may likely be or would likely become infected with or exposed to COVID–19 by virtue of being on board at a time when cases of COVID–19 are being reported in increasingly significant numbers globally.[30]

Accordingly, under 42 CFR 70.2, the Director determines that measures taken by State and local health authorities regarding COVID–19 onboard cruise ships are inadequate to prevent the further interstate spread of the disease.

This Order is not a rule within the meaning of the Administrative Procedure Act (''APA''), but rather an emergency action taken under the existing authority of 42 CFR 70.2, 71.31(b), and 71.32(b). In the event that this Order qualifies as a rule under the APA, notice and comment and a delay in effective date are not required because there is good cause to dispense with prior public notice and the opportunity to comment on this Order.[31] Considering the public health emergency caused by COVID–19 based, among other things, on its potential for spread on board cruise ships, it would be impracticable and contrary to the public health, and by extension the public interest, to delay the issuance and effective date of this Order. Similarly, if this Order qualifies as a rule per the definition in the APA, the Office of Information and Regulatory Affairs has determined that it would be a major rule, but there would not be a delay in its effective date as the agency has invoked the good cause provision of the APA.

If any provision in this Order, or the application of any provision to any carriers, persons, or circumstances, shall be held invalid, the remainder of the provisions, or the application of such provisions to any carriers, persons, or circumstances other than those to which it is held invalid, shall remain valid and in effect.

In accordance with 42 U.S.C. 264(e), this Order shall supersede any provision under State law (including regulations and provisions established by political subdivisions of States), that conflict with an exercise of Federal authority, including instructions by U.S. Coast Guard or HHS/CDC personnel permitting ships to make port or disembark persons under stipulated conditions, under this Order.

This Order shall be enforceable through the provisions of 18 U.S.C. 3559, 3571; 42 U.S.C. 243, 268, 271; and 42 CFR 70.18, 71.2.

Therefore, in accordance with Sections 361 and 365 of the Public Health Service Act (42 U.S.C. 264, 268) and 42 CFR 70.2, 71.31(b), 71.32(b), for all cruise ships described above for the period described below, it is *ordered*:

Measures Related To Protecting Public Health of Communities Signed on March 14, 2020

These measures were implemented to provide public health authorities, in concert with the cruise ship industry, the necessary pause in operations to develop and implement an appropriate and robust plan (1) to prevent and mitigate the further spread of COVID–19 in communities, and (2) to prevent the spread of the disease onboard and ensure the health of cruise ship passenger and crew.

Accordingly, the following terms and conditions of the *No Sail Order and Other Measures Related to Operations* signed on March 14, 2020, as modified and extended by this *order, shall remain in effect*. Consequently, it remains *ordered*:

1. Cruise ship operators shall not disembark or reembark crew members except as directed by the USCG, in consultation with HHS/CDC personnel and, as appropriate, as coordinated with Federal, State, and local authorities.

2. Cruise ship operators shall not embark any new passengers or crew, except as approved by USCG, or other Federal authorities as appropriate, in consultation with HHS/CDC personnel.

3. While in port, the cruise ship operator shall observe health precautions as directed by HHS/CDC personnel.

4. The cruise ship operator shall comply with all HHS/CDC, USCG, and other Federal agency instructions to follow CDC recommendations and guidance for any public health actions relating to passengers, crew, ship, or any article or thing on board the ship, as needed, including by making ships' manifests and logs available and collecting any specimens for COVID–19 testing.

Measures Related To Protecting Public Health and Crew Safety Signed on April 9, 2020 and Made Effective on April 15, 2020

These measures were implemented to, among other things, ensure a safe environment for crew members to work and disembark by requiring the submission of appropriate NSO response plans by cruise ship operators as a condition of obtaining controlled free pratique [32] to continue to engage in any cruise ship operations in any international, interstate, or intrastate waterways subject to the jurisdiction of the United States.

Accordingly, the terms and conditions of the *Modification and Extension of No Sail Order and Other Measures Related to Operations,* intended to protect public health and crew safety, signed on April 9, 2020, and made effective on April 15, 2020, as modified and extended by this *order, shall remain in effect*. Consequently, it remains *ordered*:

1. As a condition of obtaining controlled free pratique to continue to engage in any cruise ship operations in any international, interstate, or intrastate waterways subject to the jurisdiction of the United States, cruise ship operators shall develop, implement, and operationalize, an appropriate, actionable, and robust plan to prevent, mitigate, and respond to the spread of COVID–19 among crew onboard cruise ships.

2. As a condition of obtaining controlled free pratique to continue to engage in any cruise ship operations in any international, interstate, or intrastate waterways subject to the jurisdiction of the United States, the cruise ship operator shall make the plan described in paragraph 1, above, available to HHS/CDC and USCG personnel.

3. An appropriate plan is one that adequately prevents, mitigates, and responds to the spread of COVID–19 among crew onboard cruise ships and that, at a minimum, addresses the following elements:

a. Onboard surveillance of crew with acute respiratory illnesses, influenza-like illnesses, pneumonia, and COVID–19, including reporting to HHS/CDC on a weekly basis on overall case counts, methods of testing, and number of crew requiring hospitalization or medical evacuation;

[29] COVID–19 is a communicable disease for which quarantine is authorized under section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 CFR 70.1, 71.1, as listed in Executive Order 13295, as amended by Executive Orders 13375 and 13674.

[30] Since the March 14, 2020 Order, the number of global cases of COVID–19 reported by the World Health Organization (WHO) has risen from 142,534 to 12,102,328 as of July 10, 2020, with 551,046 deaths. *See* Situation Reports, WHO, *https://www.who.int/emergencies/diseases/novel-coronavirus-2019/situation-reports.*

[31] *See* 5 U.S.C. 553(b)(B), (d)(3).

[32] Under 42 CFR 71.1, controlled free pratique means permission for a carrier to enter a U.S. port, disembark, and begin operation under certain stipulated conditions.

b. Reports on the number of crew onboard the cruise ship and any increase in the numbers of crew with COVID–19 made to HHS/CDC and USCG on a daily basis for as long as the cruise ship is within waters subject to the jurisdiction of the United States;

c. Onboard monitoring of crew through temperature checks and medical screening, including addressing frequency of monitoring and screening;

d. Training of all crew on COVID–19 prevention, mitigation, and response activities;

e. Protocols for any COVID–19 testing, including details relating to the shore-side transport, administration, and operationalization of laboratory work if onboard laboratory work is not feasible;

f. Onboard isolation, quarantine, and social distancing protocols to minimize the risk of transmission and spread of COVID–19;

g. Onboard medical staffing, including number and type of staff, and equipment in sufficient quantity to provide a hospital level of care (*e.g.,* ventilators, facemasks, personal protective equipment) for the infected so as to minimize the need for hospitalization onshore;

h. An outbreak management and response plan to provision and assist an affected cruise ship that relies on industry resources, *e.g.,* mobilization of additional cruise ships or other vessels to act as ''hospital'' ship for the infected, ''quarantine'' ship for the exposed, and ''residential'' ship for those providing care and treatment, including the ability to transport individuals between ships as needed;

i. Categorization of affected crew into risk categories with clear stepwise approaches for care and management of each category;

j. A medical care plan addressing onboard care versus evacuation to on-shore hospitals for critically ill crew, specifying how availability of beds for critically ill at local hospitals will be determined in advance and how the cruise ship operator will ensure acceptance at local medical facilities to treat the critically ill in a manner that limits the burden on Federal, State, and local resources and avoids, to the greatest extent possible, medivac situations. If medical evacuation is necessary arrangements for evacuation must be made with commercial resources (*e.g.,* ship tender, chartered standby vessel, chartered airlift) and arrangements made with a designated medical facility that has agreed to accept such evacuees. All medical evacuation plans must be coordinated with the U.S. Coast Guard;

k. Detailed logistical planning for evacuating and repatriating both U.S. citizens and foreign nationals to their respective communities and home countries via foreign government or industry-chartered private transport and flights, including the steps the cruise ship operator will take to ensure those involved in the transport are not exposed (*i.e.,* without the use of commercial flights to evacuate or repatriate individuals, whether within or from the United States);

l. The projected logistical and resource impact on State and local government and public health authorities and steps taken to minimize the impact and engage with these authorities; all plans must provide for industry/cruise line management of suspected or confirmed cases of COVID–19 without resource burden on Federal, State, or local governments;

m. Plan execution in all U.S. geographical areas—all plans must be capable of being executed anywhere in international, interstate, or intrastate waterways subject to the jurisdiction of the United States; and

n. Cleaning and disinfection protocols for affected cruise ships.

4. An appropriate plan shall be designed to minimize, to the greatest extent possible, any impact on U.S. government operations or the operations of any State or local government, or the U.S. healthcare system.

5. The cruise ship operator shall further ensure that the plan is consistent with the most current CDC recommendations and guidance for any public health actions related to COVID–19. Where appropriate, a cruise ship operator may coordinate the development, implementation, and operationalization of a plan with other cruise ship operators, including an industry trade group.

Measures Related to Continued Protection of Public Health and Crew Safety

These measures are intended to continue to protect U.S. communities, ensure a safe environment for crew to work and disembark, and defer the embarkation of passengers until there is a clear pathway for a safe return to passenger operations.

Accordingly, it is *ordered:*

1. Cruise ship operators shall continue to suspend passenger operations and not embark passengers, except as approved by HHS/CDC personnel and USCG, in consultation with other federal authorities as appropriate.

2. As a condition of obtaining or retaining controlled free pratique to operate in any international, interstate, or intrastate waterways subject to the jurisdiction of the United States, cruise ship operators shall continue to follow CDC's *Interim Guidance for Mitigation of COVID–19 Among Cruise Ship Crew During the Period of the No Sail Order,* including reporting to HHS/CDC through weekly submission of the Enhanced Data Collection (EDC) form, as may be updated.[33] Additionally, cruise ship operators shall report to USCG via Advance Notice of Vessel Arrival (ANOA), whenever in U.S. waters.

3. As a condition of obtaining or retaining controlled free pratique to operate in any international, interstate, or intrastate waterways subject to the jurisdiction of the United States, cruise ship operators with appropriate NSO response plans shall continue to follow the *COVID–19 Color Coding System* requiring preventive measures for crew onboard based on the ship's status, as determined by HHS/CDC.

4. As a condition of obtaining or retaining controlled free pratique to operate in any international, interstate, or intrastate waterways subject to the jurisdiction of the United States, cruise ship operators with appropriate NSO response plans shall conduct viral testing for COVID–19 for crew in such a manner as described in the relevant CDC guidance with reporting of results on the EDC form.

5. As a condition of obtaining or retaining controlled free pratique to operate in any international, interstate, or intrastate waterways subject to the jurisdiction of the United States, cruise ship operators must observe the requirements of this Order, the previous Orders, and the most current CDC recommendations and guidance for any public health actions related to COVID–19, even when outside of U.S. waters for any ships that intend to return to U.S. waters during the period that this Order remains in effect.

This Order is effective upon signature and shall remain in effect until the earliest of (1) the expiration of the Secretary of Health and Human Services' declaration that COVID–19 constitutes a public health emergency; (2) the CDC Director rescinds or modifies the order based on specific

[33] For cruise ship operators with ships that have not been in U.S. waters during the period of the No Sail Order or voluntarily withdrew their ships, the following conditions must be met prior to a ship returning to U.S. waters: (1) Submission of the EDC form for 28-days preceding expected arrival in U.S. waters, and (2) a complete and accurate NSO response plan, including a signed Acknowledgment of No Sail Order Response Plan Completeness and Accuracy.

public health or other considerations; or (3) September 30, 2020.

Authority

The authority for these orders is Sections 361 and 365 of the Public Health Service Act (42 U.S.C. 264, 268) and 42 CFR 70.2, 71.31(b), 71.32(b).

Note: Elsewhere in this issue of the **Federal Register**, CDC is publishing a companion notice that requests information from the public regarding cruise ship planning and infrastructure, safe resumption of passenger operations, and summary questions.

Dated: July 16, 2020.

Robert K. McGowan,

Chief of Staff, Centers for Disease Control and Prevention.

[FR Doc. 2020–15810 Filed 7–17–20; 11:15 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[CDC–2019–0107, Docket Number NIOSH–331]

NIOSH Center for Motor Vehicle Safety Strategic Plan, 2020–2029

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: NIOSH announces the availability of *NIOSH Center for Motor Vehicle Safety Strategic Plan, 2020–2029.*

DATES: The final document was published on July 15, 2020 on the CDC website.

ADDRESSES: The document may be obtained at the following link: *https://www.cdc.gov/niosh/docs/2020-126/default.html.*

FOR FURTHER INFORMATION CONTACT: Kyla Retzer, Western States Division, P.O. Box 25226, Denver, Colorado 80225–0226, (303) 236–5934 (not a toll-free number), *kretzer@cdc.gov* OR Dr. Rosa Rodriguez-Acosta, Division of Safety Research, 1095 Willowdale Road, MS 1808, Morgantown, West Virginia 26505–2888, (304) 285–6299 (not a toll-free number), *rer3@cdc.gov.*

SUPPLEMENTARY INFORMATION: On December 16, 2019, NIOSH published a request for comment in the **Federal Register** [84 FR 68458] on the draft version of the document *NIOSH Center for Motor Vehicle Safety Strategic Plan, 2020–2029.* NIOSH received comments from 11 respondents including professional organizations and the public. All comments received were carefully reviewed and addressed, where appropriate. In general, revisions in response to comments focused on clarifying the worker groups and research topics that are a priority in the strategic plan. NIOSH Responses to Public Comments documents can be found in the Supporting Documents section on *www.regulations.gov* for this docket.

John J. Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2020–15672 Filed 7–20–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–P–0015A]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare and Medicaid Services (CMS) is requesting that a new information collection request (ICR) related to the Medicare Current Beneficiary Survey (MCBS) (OMB clearance 0938–0568) be processed under the emergency clearance process. Due to CMS' determination that this collection of information is needed prior to the expiration of time periods established under its regulations, an emergency clearance is requested. Once the emergency information collection request is approved, CMS plans to seek public comments during the required 60-day and 30-day notice and comment periods associated with obtaining a standard (non-emergency) OMB approval for extending the information collection request as part of the MCBS (collected under 0938–0568). The approval of this information collection package is necessary because of the urgent need to obtain timely data to assess the impact of the coronavirus pandemic on the Medicare population. Adding a COVID–19 Supplement to the MCBS data collection in October 2020 will provide critical information to CMS and the public.

DATES: Comments must be received by July 27, 2020.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted within 10 days in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed ICR. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this ICR including the necessity and utility of the proposed ICR for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Contents

This notice sets out a summary of the use and burden associated with the following ICR. More detailed information can be found in the collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–P–0015A Medicare Current Beneficiary Survey (MCBS) COVID–19 Rapid Response Supplement

Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public: Submit reports, keep records, or provide information to a third party. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

Information Collection

1. Type of Information Collection Request: New collection (Request for a new OMB control number); *Title of Information Collection:* Medicare Current Beneficiary Survey (MCBS) COVID–19 Rapid Response Supplement; *Use:* CMS is the largest single payer of health care in the United States. The agency plays a direct or indirect role in administering health insurance coverage for more than 120 million people across the Medicare, Medicaid, CHIP, and Exchange populations. A critical aim for CMS is to be an effective steward, major force, and trustworthy partner in supporting innovative approaches to improving quality, accessibility, and affordability in healthcare. CMS also aims to put patients first in the delivery of their health care needs.

The Medicare Current Beneficiary Survey (MCBS) is the most comprehensive and complete survey available on the Medicare population and is essential in capturing data not otherwise collected through our operations. The MCBS is a nationally-representative, longitudinal survey of Medicare beneficiaries that we sponsor and is directed by the Office of Enterprise Data and Analytics (OEDA). The survey captures beneficiary information whether aged or disabled, living in the community or facility, or serviced by managed care or fee-for-service. Data produced as part of the MCBS are enhanced with our administrative data (*e.g.* fee-for-service claims, prescription drug event data, enrollment, etc.) to provide users with more accurate and complete estimates of total health care costs and utilization. The MCBS has been continuously fielded for more than 28 years, encompassing over 1 million interviews and more than 100,000 survey participants. Respondents participate in up to 11 interviews over a four year period. This gives a comprehensive picture of health care costs and utilization over a period of time.

With the emergence of the COVID–19 pandemic in the U.S., CMS is uniquely positioned to quickly collect vital information on how the pandemic is impacting the Medicare population by utilizing the MCBS. MCBS beneficiaries, by definition, are most at risk for underlying conditions that may lead to more severe COVID–19 complications. This new clearance requests approval to add the Fall COVID–19 Supplement to the MCBS Fall 2020 Round 88 data collection conducted under 0938–0568. Due to the emergence of this public health crisis, a Supplement to the MCBS is especially well-suited to provide CMS critical data on measures of Medicare beneficiary knowledge about telehealth, social distancing and other important preventive health behaviors, along with updated information about COVID–19 testing and the results of those tests. Since the MCBS has a sample size sufficient for estimation, it provides a ready source to obtain high quality data.

The MCBS COVID–19 Supplement will be administered to respondents living in the community and to facility staff who answer questions on behalf of the sampled beneficiary. Respondents will participate by telephone to answer the Supplement questions. In accordance with the implementing regulations of the PRA at 5 CFR 1320.13, CMS is requesting emergency processing for this ICR because it cannot reasonably comply with normal clearance procedures. Upon OMB approval of this emergency clearance request, CMS will follow the normal clearance procedures for the MCBS ICR under 0938–0568.

Form Number: CMS–P–0015A (OMB control number: 0938–NEW); Frequency: One-time collection; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 11,536; *Total Annual Responses:* 11,536; *Total Annual Hours:* 3,229. (For policy questions regarding this collection contact William Long at 410–786–7927.)

Dated: July 15, 2020.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2020–15677 Filed 7–17–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Notice of Intent To Award a Single-Source Supplement to the National Aging and Disability Networks

ACTION: Announcing intent to award a single-source supplement.

SUMMARY: The Administration for Community Living (ACL) announces the intent to award a single-source supplement to the current cooperative agreement held by The National Council on Aging for the project *Piloting the Remote Delivery of Falls Prevention Programs.* The purpose of this supplement is to scale-up research activities for falls prevention interventions delivered remotely/virtually.

FOR FURTHER INFORMATION CONTACT: For further information or comments regarding this program supplement, contact Keri Lipperini, U.S. Department of Health and Human Services, Administration for Community Living, Administration on Aging, Office of Nutrition and Health Promotion Programs, 202–795–7422, email *keri.lipperini@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: This supplement for FY 2020 will be in the amount of $100,000, bringing the total award in FY 2020 to $850,000.

The additional funding will be used to enhance existing efforts, not for new efforts. The grantee will continue to work toward their dual goals of providing public education on the risk of falls and how to prevent them and supporting the implementation and dissemination of evidence-based falls prevention programs.

Program Name: National Falls Prevention Resource Center.

Recipient: The National Council on Aging.

Period of Performance: The supplement award will be issued for the fifth year of a five year project period of August 1, 2016 to July 31, 2021.

Total Award Amount: $850,000 in FY 2020.

Award Type: Cooperative Agreement, Supplement.

Statutory Authority: The Older Americans Act (OAA) of 1965, as amended, Public Law 116–131.

Basis for Award

The National Council on Aging (NCOA) is currently funded to carry out the objectives of the National Falls Prevention Resource Center grant for the period of August 1, 2016 to July 31,

2021. Since the project's implementation, the grantee has made satisfactory progress toward its approved work plan.

This supplemental funding is intended to enhance NCOA's existing work—enabling them to provide responsive support for community-based organizations during the COVID–19 pandemic by piloting the remote/virtual delivery of falls prevention interventions.

As a well-established and trusted organization in the aging and disability networks, NCOA is uniquely positioned to complete the work called for under this project. Their current grant has two primary goals: (1) To provide public education on the risk of falls and how to prevent them; and (2) support the implementation and dissemination of evidence-based falls prevention programs. To accomplish these goals, NCOA serves as the national leader in falls prevention, reaching millions of professionals, older adults, individuals with disabilities, and their families each year through Falls Prevention Awareness Day and other public awareness activities and events. They also provide technical assistance for organizations implementing falls prevention programs, including one-on-one consultation, national conferences, and webinars. They have a comprehensive, interactive website with tools and resources, including—but not limited to—issues briefs, tip sheets, policy and practice models, and toolkits. They have also presented to the aging and disability networks locally and on a national level, and have developed substantive partnerships with program developers, organizations, universities.

Establishing an entirely new grant project at this time would be potentially disruptive to the work needed to ensure the continued availability of falls prevention programs. If this supplement were not provided, ACL grantees and the hundreds community-based organizations across the nation who provide many of these falls prevention interventions would be unable to do so due to the COVID–19 pandemic.

Dated: July 8, 2020.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2020–15280 Filed 7–20–20; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1227]

Roerig Division of Pfizer Inc., et.al.; Withdrawal of Approval of 10 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of 10 abbreviated new drug applications (ANDAs) from multiple applicants. The applicants notified the Agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: Approval is withdrawn as of August 20, 2020.

FOR FURTHER INFORMATION CONTACT: Martha Nguyen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1676, Silver Spring, MD 20993–0002, 240–402–6980, *Martha.Nguyen@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The applicants listed in the table have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications under the process described in § 314.150(c) (21 CFR 314.150(c)). The applicants have also, by their requests, waived their opportunity for a hearing. Withdrawal of approval of an application or abbreviated application under § 314.150(c) is without prejudice to refiling.

Application No.	Drug	Applicant
ANDA 060709	Oleandomycin Injection	Roerig Division of Pfizer Inc., 235 East 42nd St., New York, NY 10017.
ANDA 061087	Benzocaine, Oxytetracycline Hydrochloride (HCl), and Polymyxin B Sulfate Otic Solution.	Pfizer Laboratories, Division of Pfizer Inc., 235 East 42nd St., New York, NY 10017.
ANDA 061725	Tetracycline HCl Capsules, 250 milligrams (mg) and 500 mg.	Warner Chilcott Division of Warner Lambert-Pfizer, Inc., 235 East 42nd St., New York, NY 10017.
ANDA 061943	Chloramphenicol Ophthalmic Solution, 0.5%	Lederle Laboratories, Division of American Cyanamid Co., 1 Cyanamid Plaza, Wayne, NJ 07470.
ANDA 062175	Tetracycline HCl Capsules, 250 mg	Warner Chilcott Division of Warner Lambert-Pfizer, Inc.
ANDA 062215	Oxytetracycline HCl Capsules	Lederle Laboratories, Division of American Cyanamid Co.
ANDA 076203	Ribavirin Capsules, 200 mg	Kadmon Pharmaceuticals, LLC, 119 Commonwealth Dr., Warrendale, PA 15086.
ANDA 077456	Ribavirin Tablets, 200 mg, 400 mg, and 600 mg	Do.
ANDA 084669	Chlorpropamide Tablets, 250 mg	Sandoz Inc., 2555 W. Midway Blvd., Broomfield, CO 80038.
ANDA 201750	Articaine HCl and Epinephrine Bitartrate for Injection, 4%; Equivalent to (EQ) 0.017 mg base/1.7 milliliters (mL); (4%; EQ 0.01 mg base/mL).	Hansamed Ltd., 4761 Tara Ct., West Bloomfield, MI 48323.

Therefore, approval of the applications listed in the table, and all amendments and supplements thereto, is hereby withdrawn as of August 20, 2020. Approval of each entire application is withdrawn, including any strengths and dosage forms inadvertently missing from the table. Introduction or delivery for introduction into interstate commerce of products without approved new drug applications violates section 301(a) and (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(a) and (d)). Drug products that are listed in the table that are in inventory on August 20, 2020 may continue to be dispensed until the inventories have been depleted or the drug products have reached their expiration dates or otherwise become violative, whichever occurs first.

Dated: July 15, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–15727 Filed 7–20–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–D–1317]

Appeal Options Available to Mammography Facilities Concerning Adverse Accreditation Decisions, Suspension/Revocation of Certificates, or Patient and Physician Notification Orders; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of the draft guidance entitled ''Appeal Options Available to Mammography Facilities Concerning Adverse Accreditation Decisions, Suspension/Revocation of Certificates, or Patient and Physician Notification Orders.'' This guidance document describes the processes available to mammography facilities to request additional review of an adverse appeals decision on a facility's accreditation, and/or a suspension or revocation of certificate, and/or a patient and physician notification order. This guidance, when final, will supersede section 4.5 of the Center for Devices and Radiological Health (CDRH) Appeals Processes guidance document dated July 2, 2019. This draft guidance is not final nor is it in effect at this time.

DATES: Submit either electronic or written comments on the draft guidance by September 21, 2020 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–D–1317 for ''Appeal Options Available to Mammography Facilities Concerning Adverse Accreditation Decisions, Suspension/Revocation of Certificates, or Patient and Physician Notification Orders.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Appeal Options Available to Mammography Facilities Concerning Adverse Accreditation Decisions, Suspension/Revocation of Certificates, or Patient and Physician Notification Orders'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Abiy Desta, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 4282, Silver Spring, MD 20993–0002, 301–796–5699.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Mammography Quality Standards Act (42 U.S.C. 263b), all mammography facilities, except facilities of the Department of Veteran Affairs, must be accredited by an approved accreditation body and certified by FDA (or an approved State certification agency) to provide mammography services (42 U.S.C. 263b(b)(1) and (d)(1)(iv)). For a facility to be certified it must meet certain requirements including: be accredited by an FDA-approved accreditation body; undergo periodic review of its clinical

images by its accreditation body; have an annual survey by a medical physicist; meet federally developed quality standards for personnel qualifications, equipment, radiation dose, quality assurance programs, recordkeeping, and reporting; and undergo periodic inspection to assure it meets the federally developed quality standards.

This guidance document describes the processes available to mammography facilities to request additional review of an adverse appeals decision on a facility's accreditation and/or a suspension or revocation of certificate, and/or a patient and physician notification order. It provides general information about each process, as well as guidance on how to submit related requests to the Division of Mammography Quality Standards and FDA. This guidance, when final, will supersede section 4.5 of the CDRH Appeals Processes guidance document dated July 2, 2019 (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/center-devices-and-radiological-health-cdrh-appeals-processes*).

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Appeal Options Available to Mammography Facilities Concerning Adverse Accreditation Decisions, Suspension/Revocation of Certificates, or Patient and Physician Notification Orders.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the internet. A search capability for all CDRH guidance documents is available at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* This guidance document is also available at *https://www.regulations.gov.* Persons unable to download an electronic copy of ''Appeal Options Available to Mammography Facilities Concerning Adverse Accreditation Decisions, Suspension/Revocation of Certificates, or Patient and Physician Notification Orders'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 19004 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

FDA tentatively concludes that this draft guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required.

However, this draft guidance refers to previously approved FDA collections of information. These collections of information are subject to review by OMB under the PRA. The collections of information in the following FDA regulation and guidance have been approved by OMB as listed in the following table:

21 CFR part or guidance	Topic	OMB control No.
''Guidance for Industry and Food and Drug Administration Staff; Center for Devices and Radiological Health Appeals Processes''.	Appeals Process	0910–0738
900	Mammography Facilities	0910–0309

Dated: July 15, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020–15759 Filed 7–20–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1529]

Independent Third-Party Assessment of Investigational New Drug Food and Drug Administration-Sponsor Communication Practices in Prescription Drug User Fee Act VI; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is hosting a public meeting entitled ''Independent Third-Party Assessment of IND FDA-Sponsor Communication Practices in PDUFA VI,'' and an opportunity for public comment. The meeting will include a presentation from an independent third-party contractor about its assessment of FDA-sponsor communications during the investigational new drug (IND) stage of drug/biologic development in the Prescription Drug User Fee Act (PDUFA) VI; a series of presentations by and a panel discussion with invited regulatory and industry representatives, and an open public comment period. This meeting is intended to satisfy FDA's commitment to host a public meeting about the assessment no later than March 2021.

DATES: The public meeting will be held on August 11, 2020, from 9:30 a.m. to 12:30 p.m. and will take place virtually by webcast only. Registration to attend the meeting and other information can be found at *https://indassessmentmeeting.eventbrite.com.* See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 11, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 11, 2020. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact

information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–N–1529 for ''Independent Third-Party Assessment of IND FDA-Sponsor Communication Practices in PDUFA VI; Public Meeting; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Kimberly Taylor, 240–402–5193, *Kimberly.taylor@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

This public meeting is intended to meet performance commitments included in PDUFA VI. This user fee program was reauthorized as part of the FDA Reauthorization Act of 2017 (FDARA), signed by the President on August 18, 2017. The complete set of performance goals for PDUFA is available at *https://www.fda.gov/downloads/ForIndustry/UserFees/PrescriptionDrugUserFee/UCM511438.pdf.*

Section I.I of the PDUFA VI goals (''PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2018 Through 2022'' (p. 21)), entitled ''Enhancing Regulatory Science and Expediting Drug Development,'' details FDA's commitments to promote innovation through enhanced communication between FDA and sponsors during drug development; it also describes FDA's commitment to contract with an independent third party to assess FDA-sponsor communication practices during the IND stage of drug/biologic development in PDUFA VI and identify best practices and areas for improvement. An independent third-party contractor, Eastern Research Group, Inc., has completed the assessment of FDA-sponsor communication practices during the IND stage of drug/biologic development in PDUFA VI. FDA has published the report to its website at *https://www.fda.gov/media/138379/download.*

II. Topics for Discussion at the Public Meeting

This meeting will provide FDA with the opportunity to share the independent third-party assessment of FDA-sponsor communications during the IND stage of drug/biologic development in PDUFA VI. This meeting will also be an opportunity to share any challenges and lessons learned relating to communications between FDA and IND sponsors. The format of the meeting will consist of a presentation of assessment results, followed by a series of presentations by and a panel discussion with invited regulatory and industry representatives regarding their experiences with and approaches to communications during the IND stage of drug development. The meeting will conclude with an open public comment period.

III. Attending the Public Meeting

Registration: To register for the public meeting, please visit the following website: *https://indassessmentmeeting.eventbrite.com.* Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

Persons interested in attending this public meeting must register by August 10, 2020, at 11:59 p.m. Eastern Time. Registrants will receive confirmation once they have been accepted.

Streaming Webcast of the Public Meeting: The webcast for this meeting will be available to registrants. If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/go/connectpro_overview.* FDA has verified the website addresses in this document, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff, (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

Dated: July 14, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–15729 Filed 7–20–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1539]

Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Oncologic Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on August 13, 2020, from 8 a.m. to 5 p.m.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2020–N–1539. The docket will close on August 12, 2020. Submit either electronic or written comments on this public meeting by August 12, 2020. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before August 12, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 12, 2020. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before August 6, 2020, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–N–1539 for ''Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Joyce Yu, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *ODAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION: *Agenda:* The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. On August 13, 2020, the committee will discuss biologics license application (BLA) 125706, for remestemcel-L (ex-vivo culture-expanded adult human mesenchymal stromal cells suspension for intravenous infusion), submitted by Mesoblast, Inc. The proposed indication (use) for this product is for the treatment of steroid-refractory acute graft-versus-host disease in pediatric patients. The morning session will discuss issues related to the characterization and critical quality attributes of remestemcel-L as they relate to clinical effectiveness. The afternoon session will discuss results from clinical trials included in BLA 125706.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before August 6, 2020, will be provided to the committee. Written submissions may be made to the contact person on or before July 30, 2020. Oral presentations from the public will be scheduled between approximately 10 a.m. to 10:30 a.m. for the morning session and between approximately 3:30 p.m. to 4 p.m. for the afternoon session. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before July 29, 2020. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by July 30, 2020.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Joyce Yu (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: July 14, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–15719 Filed 7–20–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Application for Deemed Health Center Program Award Recipients To Sponsor Volunteer Health Professionals for Deemed Public Health Service Employment

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR must be received no later than September 21, 2020.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Application for Deemed Health Center Program Award Recipients to Sponsor Volunteer Health Professionals for Deemed Public Health Service Employment, OMB No. 0915–0032—Revision.

Abstract: Subsection 224(q) to the Public Health Service (PHS) Act (42 U.S.C. 233(q)), extended liability protections for the performance of medical, surgical, dental, and related functions to Volunteer Health Professionals (VHPs) of health centers that have also been deemed as employees of the PHS for this purpose. Through the process established by HRSA, VHPs of deemed health centers may be deemed as PHS employees for this purpose, with associated Federal Tort Claims Act (FTCA) coverage.

Deemed PHS employment provides the covered individual with immunity from lawsuits and related civil actions resulting from the performance of medical, surgical, dental, and related functions within the scope of deemed employment.

Health centers must submit to HRSA an annual deeming sponsorship application on behalf of their individually named volunteers. For deeming to apply, such annual applications for each individual volunteer must be approved by HRSA, and deeming status for liability protections to apply during the calendar year is documented by a Notice of Deeming Action.

HRSA is proposing several changes to the Application for Deemed Health Center Program Award Recipients to Sponsor VHPs for Deemed PHS Employment, to be used for deeming sponsorship applications for Calendar

Year 2022 and thereafter, to improve question clarity, clarify required documentation, and support HRSA's analysis and understanding of program impact. Specifically, the Application includes the proposed changes listed below.

- Updated application language: Specifically, throughout the application, alternate terminology was utilized to provide greater clarity and specificity. These changes were based on grantee feedback and various forms of information received from the HRSA Helpline. These changes are not substantive in nature.
- Updated language and requested documents in section III of the application: Specifically, section III was edited to clarify the qualifications for eligible individuals and clarify program expectations where individuals have a history of disciplinary action or malpractice.
- Deleted former section IV: It has been determined that the information requested in this section, which related to offsite events and particularized determinations, is not necessary to evaluate eligibility for deeming.

The FTCA Program has a web based application system, the Electronic Handbooks. These electronic application forms decrease the time and effort required to complete the older, paper-based OMB approved FTCA application forms. The application includes Acknowledgments of Deemed Status Requirements, Acknowledgment of Required Performance Conditions, and Information on the Volunteers Sponsored for Deeming.

Need and Proposed Use of the Information: Deeming sponsorship applications must address certain specified criteria required by law in order for deeming determinations to be issued. The application submissions provides HRSA with the information required to determine whether an individual meets the requirements for deemed PHS employment for purposes of providing liability protections under section 224(q) of the PHS Act.

Likely Respondents: Respondents include Health Center Program funds recipients seeking to sponsor their volunteer health professionals for deemed employment for purposes of FTCA coverage.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Application for Deemed Health Center Program Award Recipients to Sponsor VHPs for Deemed PHS Employment	1,156	3	3,468	2	6,936
Total	1,156		3,468		6,936

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2020–15696 Filed 7–20–20; 8:45 am]

BILLING CODE 4165–15–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: Microbiology, Infectious Diseases and AIDS Initial Review Group; Acquired Immunodeficiency Syndrome Research Review Committee AIDSRRC Review Meeting.

Date: August 12–13, 2020.

Time: 10:00 a.m. to 4:00 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 3F40A, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Robert C. Unfer, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F40A Bethesda, MD 20892–9834, (240) 669–5035, *robert.unfer@nih.gov.*

(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: July 15, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–15697 Filed 7–20–20; 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 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 Allergy and Infectious Diseases Special Emphasis Panel; NIAID Resource-Related Research Projects (R24 Clinical Trial Not Allowed).

Date: August 19, 2020.

Time: 1:30 p.m. to 4:30 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 3G41, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Tara Capece, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20852, 240–191–4281, *capecet2@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Resource-Related Research Projects (R24 Clinical Trial Not Allowed).

Date: August 26, 2020.

Time: 1:30 p.m. to 4:30 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 3G41, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Tara Capece, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20852, 240–191–4281, *capecet2@niaid.nih.gov.*

(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: July 15, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–15698 Filed 7–20–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Clinical Trial Cooperative Agreement Review Meeting.

Date: August 13, 2020.

Time: 11:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Video Meeting).

Contact Person: John F. Connaughton, Ph.D., Chief, Scientific Review Branch, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7007, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–7797, *connaughtonj@extra.niddk.nih.gov*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–19–202: High Impact, Interdisciplinary Science in NIDDK Research Areas (RC2)—KUH.

Date: September 29, 2020.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Dianne Camp, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes of Health, Room 7013, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594-7682, *campd@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 15, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–15669 Filed 7–20–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders 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 on Deafness and Other Communication Disorders Special Emphasis Panel; Early Career Development (K) Review.

Date: July 23, 2020.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6001 Executive Boulevard, Room 8300, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, Rockville, MD 20850, (301) 402–3587, *rayk@nidcd.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. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: July 15, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–15666 Filed 7–20–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7028–N–02]

60-Day Notice of Proposed Information Collection: Public Housing Agency (PHA) Lease and Grievance Requirements

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* September 21, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Dacia Rogers, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, (Room 3178), Washington, DC 20410; telephone 202–402–3374, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Rogers.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Public Housing Agency (PHA) Lease and Grievance Requirements.

OMB Approval Number: 2577–0006.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Form Number: N/A.

Description of the need for the information and proposed use: The Public Housing lease and grievance procedures are a recordkeeping requirement on the part of Public Housing agencies (PHAs) as they are required to enter into and maintain lease agreements for each tenant who occupies a Public Housing unit. Also, both PHAs and tenants are required to follow the protocols set forth in the grievance procedures stated in their respective leases for both an informal and formal grievance hearing. This information collection is a reinstatement, with change, of the previous approved collection which has expired. The change is due to an update to the burden and cost estimate. Specifically, this is attributable to fewer number of tenants in public housing covered by these lease and grievance procedures.

Respondents (*i.e.,* affected public): Public Housing Authority (PHA) Households.

Estimated Number of Respondents: 821,741.

Estimated Number of Responses: 1,150,437.

Frequency of Response: 1.4.

Average Hours per Response: .25.

Total Estimated Burdens: 287,609 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35 as Amended

Dated: July 13, 2020.

Merrie Nichols-Dixon,

Acting Deputy Assistant Secretary, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2020–15679 Filed 7–20–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–30581; 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 July 4, 2020, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by August 5, 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 July 4, 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:

COLORADO

Huerfano County

Smith, Edwin L. Building, 300 South Main St., La Veta, SG100005435

FLORIDA

Osceola County

Veterans Memorial Library and Woman's Club of St. Cloud Auditorium (Clubhouses of Florida's Woman's Clubs MPS), 1012–1014 Massachusetts Ave., St. Cloud, MP100005413

GEORGIA

Bibb County

Napier Heights Historic District, Roughly bounded by Brentwood and Montpelier Aves., Winship St., I 75, Dannenberg Ave., Lasseter Pl., and Whitehall St., Macon, SG100005424

PENNSYLVANIA

Allegheny County

Ohringer Building, 640 Braddock Ave., Braddock, SG100005421

Beaver County

Ambridge Commercial Historic District, Merchant St. between 3rd and 8th Sts., Ambridge vicinity, SG100005420

VERMONT

Franklin County

Perley, Moses P., House, 527 Main St., Enosburg Falls, SG100005432

Washington County

Reynolds House, 102 South Main St., Barre, SG100005433

VIRGINIA

Culpeper County

Rose Hill (Civil War in Virginia MPS), 19202 Batna Rd., Culpeper vicinity, MP100005428

Hanover County

Hickory Hill Slave and African American Cemetery, Providence Church Rd., Ashland vicinity, SG100005427

Pittsylvania County

Southside High School, 200 Blairs Middle School Cir., Blairs, SG100005430

Roanoke Independent City

Salvation Army Citadel, 821 Salem Ave. SW, Roanoke, SG100005429

Rockbridge County

Brown-Swisher Barn, 2939 Walkers Creek Rd., Middlebrook vicinity, SG100005436

Williamsburg Independent City

Armistead House, 320 North Henry St., Williamsburg, SG100005437

Additional documentation has been received for the following resource:

MINNESOTA

Olmsted County

St. Mary's Hospital Dairy Farmstead (Additional Documentation), East of Rochester on Cty. Rd. 104, Rochester vicinity, AD80004538

Nomination submitted by Federal Preservation Officer:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

VIRGINIA

Fairfax County

U.S. Geological Survey National Center, 12201 Sunrise Valley Dr., Reston, SG100005414

Authority: Section 60.13 of 36 CFR part 60

Dated: July 7, 2020.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2020–15712 Filed 7–20–20; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Electronic Candle Products and Components Thereof, DN 3472;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (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 United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (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 has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of The Sterno Group Companies, LLC and Sterno Home Inc. on July 15, 2020. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic candle products and components thereof. The complaint names as respondents: Shenzhen Liown Electronics Co. Ltd. of China; Luminara Worldwide, LLC of Eden Prairie, MN; and L & L Candle Company, LLC of Brea, CA. The complainant requests issue a limited exclusion order, cease and desist orders, and impose a bond that the Commission issue a general exclusion order or, in the alternative issue a limited exclusion order, and cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the

United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3472'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: July 15, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–15683 Filed 7–20–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Light-Emitting Diode Products, Fixtures, and Components Thereof, DN 3473;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (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 United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (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 has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Ideal Industries Lighting LLC d/b/a Cree Lighting on July 15, 2020. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain light-emitting diode products, fixtures, and components thereof. The complaint names as respondent: RAB Lighting Inc. of Northvale, NJ. The complainant requests that the Commission issue a limited exclusion order, a cease and desist order, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3473'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. Government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

Issued: July 16, 2020.

By order of the Commission.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–15754 Filed 7–20–20; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Charter Renewal for the Task Force on Research on Violence Against American Indian and Alaska Native Women

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: Notice of charter renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), as amended, and Title IX of the Violence Against Women Act of 2005 (VAWA 2005), the Attorney General has determined that the renewal of the Task Force on Research on Violence Against American Indian and Alaska Native Women (hereinafter ''the Task Force'') is necessary and in the public interest and will provide information that will assist the National Institute of Justice (NIJ) to develop and implement a program of research on violence against American Indian and Alaska Native women, including domestic violence, dating violence, sexual assault, stalking, sex trafficking, and murder.

FOR FURTHER INFORMATION CONTACT: Sherriann C. Moore, Deputy Director for Tribal Affairs, Office on Violence Against Women, United States Department of Justice, 145 N Street NE, Suite 10W.121, Washington, DC 20530, 202–616–0039.

SUPPLEMENTARY INFORMATION: The program of research will evaluate the effectiveness of the Federal, state, tribal, and local response to violence against women and will propose recommendations to improve these responses. Title IX of VAWA 2005 also required the Attorney General to establish a Task Force to assist NIJ with development of the research study and the implementation of the recommendations. The Attorney General, acting through the Director of the Office on Violence Against Women, originally established the Task Force on March 31, 2008. The Charter to renew the Task Force was filed with Congress on June 26, 2020. The Task Force is comprised of representatives from national tribal domestic violence and sexual assault nonprofit organizations, tribal governments, and national tribal organizations. Task Force members, with the exception of travel and per diem for official travel, shall serve without compensation. The Director of the Office on Violence Against Women shall serve as the Designated Federal officer for the Task Force.

Dated: June 30, 2020.

Laura Rogers,

Acting Director, Office on Violence Against Women.

[FR Doc. 2020–14983 Filed 7–20–20; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Consumer Price Index Commodities and Services Survey

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 August 20, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: 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.

Under the direction of the Secretary of Labor, the Bureau of Labor Statistics (BLS) is directed by law to collect, collate, and report full and complete statistics on the conditions of labor and the products and distribution of the products of the same; the Consumer Price Index (CPI) is one of these statistics. The collection of data from a wide spectrum of retail establishments and government agencies is essential for the timely and accurate calculation of the Commodities and Services (C&S) component of the CPI. The CPI is the only index compiled by the U.S. Government that is designed to measure changes in the purchasing power of the urban consumer's dollar. The CPI is a measure of the average change in prices over time paid by urban consumers for a market basket of goods and services. The CPI is used most widely as a measure of inflation, and serves as an indicator of the effectiveness of government economic policy. It is also used as a deflator of other economic series, that is, to adjust other series for price changes and to translate these series into inflation-free dollars. Examples include retail sales, hourly and weekly earnings, and components of the Gross Domestic Product. A third major use of the CPI is to adjust income payments. Over 2 million workers are covered by collective bargaining contracts, which provide for increases in wage rates based on increases in the CPI. At least eight states have laws that link the adjustment in state minimum wage to the changes in the CPI. In addition, as a result of statutory action, the CPI affects the income of almost 132 million of Americans: 64 Million Social Security beneficiaries, 4 million military and Federal Civil Service retirees, and 34 million food stamp recipients have cost-of-living adjustments tied to the CPI. Changes in the CPI also affect the cost of lunches for 30 million children who eat lunch at school. Under the National School Lunch Act and Child Nutrition Act, national average payments for those lunches and breakfasts are adjusted annually by the Secretary of Agriculture on the basis of the change in the CPI series, ''Food away from Home.'' Since 1985, the CPI has been used to adjust the Federal income tax structure to prevent inflation-induced tax rate increases. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 21, 2020 (85 FR 10190).

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: Consumer Price Index Commodities and Services Survey.

OMB Control Number: 1220–0039.

Affected Public: Private Sector: Businesses or other for-profits, individuals and households, state/local/tribal governments.

Total Estimated Number of Respondents: 52,047.

Total Estimated Number of Responses: 336,423.

Total Estimated Annual Time Burden: 121,405 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: July 13, 2020.

Anthony May,

Management and Program Analyst.

[FR Doc. 2020–15595 Filed 7–20–20; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2009–0014]

The Hazard Communication Standard; Extension of the Office of Management and Budget's Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Hazard Communication Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by September 21, 2020.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal e-Rulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2009–0014, Occupational Safety and Health Administration, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the OSHA Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the agency name and the OSHA docket number (OSHA–2009–0014) for the Information Collection Request (ICR). All comments, including any personal information you provide, such as social security numbers and dates of birth, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney or Seleda Perryman at (202) 693–2222 to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Seleda Perryman, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, telephone: (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, the reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with a minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining said information (29 U.S.C. 657).

The information collection requirements specified in the Hazard Communication Standard (29 CFR 1910.1200, 1915.1200, 1917.28, 1918.90, 1926.59, and 1928.21) protect workers from the adverse health effects that may result from occupational exposure to hazardous chemicals. The major information collection requirements in the standard include: Chemical manufacturers and importers must evaluate chemicals produced in their workplaces or imported by them to classify the chemicals in accordance with this section. For each chemical, the chemical manufacturer or importer must determine the hazard classes, and, *where appropriate,* the category of each class that apply to the chemical being classified; chemical manufacturers, importers or employers classifying chemicals shall identify and consider the full range of available scientific literature and other evidence concerning the potential hazards; all employers who have workers exposed to hazardous chemicals must develop, implement and maintain a written hazard communication program; the chemical manufacturer, importer, or distributor must ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked; chemical manufacturers and importers must obtain or develop a safety data sheet for each hazardous chemical they produce or import; employers must have a safety data sheet in the workplace for each hazardous chemical which they use; the chemical manufacturer, importer or employer preparing the safety data sheet must ensure that the information provided accurately reflects the scientific evidence used in making the hazard classification; and chemical manufacturers, importers, or employers who withhold the specific chemical identity or the exact concentration, must immediately disclose the chemical identity or exact concentration where a treating physician or nurse determines that a medical emergency exists and that information is necessary for emergency or first-aid treatment.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is proposing a decrease in the information collection requirements contained in the Hazard Communication Standard. The adjustment is primarily the result of the decrease in the number of establishments and a decrease in the number of employees. The agency is requesting a decrease of 751,292 hours in the current burden hour total (from 7,309,058 hours to 6,557,766 hours). The agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Hazard Communication Standard (29 CFR 1910.1200, 1915.1200, 1917.28, 1918.90, 1926.59, and 1928.21).

OMB Control Number: 1218–0072.

Affected Public: Business or other for-profits; Federal Government; State, Local or Tribal Government.

Total Responses: 72,518,339.

Frequency: On occasion.

Average Time per Response: Varies.

Estimated Total Burden Hours: 6,557,766.

Estimated Cost (Operation and Maintenance): $25,070,956.

IV. Public Participation—Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the agency name and the OSHA docket number (Docket No. OSHA–2009–0014) for the ICR. You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify electronic comments by your name, date, and the docket number so the agency can attach them to your comments.

Due to security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, TTY (877) 889–5627.

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on July 6, 2020.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2020–15703 Filed 7–20–20; 8:45 am]

BILLING CODE 4510–26–P

LEGAL SERVICES CORPORATION

Sunshine Act Meetings

TIME AND DATE: The Legal Services Corporation's Board of Directors and its six committees will meet July 27–28, 2020. On Monday, July 27, the first meeting will commence at 11:00 a.m., Eastern Daylight Time (EDT), with the next meeting commencing promptly upon adjournment of the immediately preceding meeting. On Tuesday, July 28, the first meeting will commence at 11:00 p.m., EDT, with the next meeting commencing promptly upon adjournment of the immediately preceding meeting. On Tuesday, July 28, the closed session meeting of the Board of Directors will commence at 3:30 p.m., EDT.

PLACE: Public notice of virtual remote meeting.

Due to the COVID–19 public health crisis, Legal Services Corporation (LSC) will be conducting the July 27–28, 2020 meetings remotely via ZOOM.

Public Observation: Unless otherwise noted herein, the Board and all committee meetings will be open to public observation. Members of the public who wish to participate remotely in the public proceedings may do so by following the directions provided below.

Directions for Open Sessions

July 27, 2020

- To join the Zoom meeting by computer: *please click the below link.*
- *https://us02web.zoom.us/j/87535270597?pwd=NmZhclFsbWJUMjZNemtveDIyempGdz09*
- *Meeting ID:* 875 3527 0597
- *Password:* Justice74
- To join the Zoom meeting with one touch from your mobile phone, click below:

+19292056099, 87535270597#, 0#, 706932982# US (New York)
+13017158592, 87535270597#, 0#, 706932982# US (Germantown)

- To join the Zoom meeting by phone, use this information:

Dial by your location
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)

- *Meeting ID:* 875 3527 0597
- *Password:* 706932982

Find your local number: *https://us02web.zoom.us/u/k1qUDam4e*

July 28, 2020

- To Join the Zoom Meeting by computer*: please click the below*

https://us02web.zoom.us/j/84929718310?pwd=VzVaTU84bXhIb0ExYy8yVWdhYUl4dz09

- *Meeting ID:* 849 2971 8310
- *Password:* Justice74
- To join the Zoom meeting with one touch from your mobile phone, click the below link

+19292056099, 84929718310#, 0#, 570001932# US (New York)
+13017158592, 84929718310#, 0#, 570001932# US (Germantown)

Dial by your location
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)

- *Meeting ID:* 849 2971 8310
- *Password:* 570001932

Find your local number: *https://us02web.zoom.us/u/kct5alEjLP*

- When connected to the call, please immediately ''MUTE'' your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the Chair may solicit comments from the public.

- To participate in the meeting during public comment you will be notified when your microphone is no longer ''MUTED'' and you may give your questions, and or comments.

MEETING SCHEDULE

Monday, July 27, 2020	** Time
1. Governance and Performance Review Committee.	11:00 a.m.
2. Institutional Advancement Committee.	
3. Communications Subcommittee of the Institutional Advancement Committee.	
4. Delivery of Legal Services Committee.	
5. Operations & Regulations Committee.	
Tuesday, July 28, 2020	** Time
1. Finance Committee	11:00 a.m.
2. Audit Committee	

MEETING SCHEDULE—Continued

3. Board of Directors .....

** Any portion of the closed session consisting solely of briefings does not fall within the Sunshine Act's definition of the ''meeting'' and, therefore, the requirements of the Sunshine Act do not apply to such portion of the closed session. 5 U.S.C. 552b (a)(2) and (b). *See also* 45 C.F.R. § 1622.2 & 1622.3. Please note all meetings are Eastern Daylight Time (EDT).

STATUS: Open, except as noted below.

Board of Directors—Open, except that, upon a vote of the Board of Directors, a portion of the meeting may be closed to the public to hear briefings by management and LSC's Inspector General, and to consider and act on the General Counsel's report on potential and pending litigation involving LSC.*

Institutional Advancement Committee—Open, except that, upon a vote of the Board of Directors, the meeting may be closed to the public to consider and act on recommendation of new Leaders Council invitees and to receive a briefing on the Development activities.**

Audit Committee—Open, except that the meeting may be closed to the public to hear a briefing on the Office of Compliance and Enforcement's active enforcement matters.**

A verbatim written transcript will be made of the closed session of the Board, Institutional Advancement Committee, and Audit Committee meetings. The transcript of any portions of the closed sessions falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6) and (10), will not be available for public inspection. A copy of the General Counsel's Certification that, in his opinion, the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

July 27, 2020

Governance and Performance Review Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session meeting on April 20, 2020
3. Report on process and timeline for preparation for Administration Transition teams
4. Consider and act on other business
5. Public comment
6. Consider and act on motion to adjourn the meeting

Institutional Advancement Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session meeting of April 20, 2020
3. Update on Leaders Council and Emerging Leaders Council
   - John G. Levi, Chairman of the Board
4. Development report
   - Nadia Elguindy, Director of Institutional Advancement
   - Ron Flagg, President
5. Consider and act on *Resolution #2020–XXX,* Minnesota Charitable Organization Annual Report Form
6. Public Comment
7. Consider and act on other business
8. Consider and act on motion to adjourn the open session meeting and proceed to a closed session

Closed Session

1. Approval of minutes of the Committee's Closed Session meeting of April 20, 2020
2. Development activities report
   - Nadia Elguindy, Director of Institutional Advancement
3. Consider and act on motion to approve Leaders Council and Emerging Leaders Council invitees
4. Consider and act on other business
5. Consider and act on motion to adjourn the meeting

July 27, 2020

Communications Subcommittee of the Institutional Advancement Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Subcommittee's Open Session meeting of April 20, 2020
3. Communications and social media update
   - Carl Rauscher, Director of Communications and Media Relations
4. Public comment
5. Consider and act on other business
6. Consider and act on motion to adjourn the meeting

July 27, 2020

Delivery of Legal Services Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session meeting on April 20, 2020
3. Presentation on Remote Oversight
   - Joyce McGee, Director, Office of Program Performance
   - Lora Rath, Director, Office of Compliance and Enforcement
4. Performance Criteria Update
   - Lynn Jennings, Vice President for Grants Management
5. Panel: COVID–19 Effects on State, Local, and Private Funding for Grantees
   - Jennifer Bentley, Executive Director, Michigan Bar Foundation; President, National Association of IOLTA Programs
   - Nalani Fujimori Kaina, Executive Director, Legal Aid Society of Hawai'i
   - Nick Smithberg, Executive Director, Texas Access to Justice foundation
   - Betty Torres, Executive Director, Texas Access to Justice Foundation
   - Moderator: Lynn Jennings, Vice President for Grants Management
6. Public comment
7. Consider and act on other business
8. Consider and act on motion to adjourn the meeting

July 27, 2020

Operations & Regulations Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session meeting of April 20, 2020
3. Consider and act on final rule to update 45 CFR parts 1610 and 1630
   - Mark Freedman, Senior Associate General Counsel
   - Public comment on the final rule
4. Report on the regulatory issues involving the COVID–19 Pandemic
   - Mark Freedman, Senior Associate General Counsel
5. Update on public comment on the draft Financial Guide to replace the Accounting Guide
   - Mark Freedman, Senior Associate General Counsel
   - Stuart Axenfeld, Deputy Director for Fiscal Compliance, Office of Compliance and Enforcement
6. Public comment
7. Consider and act on other business
8. Consider and act on adjournment of meeting

July 28, 2020

Finance Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Combined Finance and Audit Committee's Open Session meeting on April 21, 2020
3. Approval of the minutes of the Combined Finance and Audit Committee's Closed Session meeting of April 21, 2020
4. Approval of the minutes of the Committee's Open Session meeting of June 16, 2020
5. Approval of the minutes of the Committee's Open Session meeting of June 30, 2020
6. Presentation of LSC's Financial Report for the quarter ending June 30, 2020

- Debbie Moore, Chief Financial Officer & Treasurer

7. Report on the FY 2021 appropriations process and COVID–19 Supplemental Appropriations
   - Carol Bergman, Vice President for Government Relations & Public Affairs
8. Consider and act on Temporary Operating Authority for FY 2021, *Resolution #2020–XXX*
   - Debbie Moore, Treasurer and Chief Financial Officer
9. Public comment
10. Consider and act on other business
11. Consider and act on adjournment of meeting

July 28, 2020

Audit Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's Open Session meeting on April 21, 2020
3. Approval of the Combined Audit and Finance Committees' Open Session meeting of April 21, 2020
4. Briefing of Office of Inspector General
   - Jeffrey Schanz, Inspector General
   - Roxanne Caruso, Assistant Inspector General for Audits
5. Management update regarding risk management
   - Ronald Flagg, President
6. Briefing about follow-up by the Office of Compliance and Enforcement on referrals by the Office of Inspector General regarding audit reports and annual Independent Public audits of grantees
   - Lora Rath, Director of Compliance and Enforcement
   - Roxanne Caruso, Assistant IG for Audits
7. Public comment
8. Consider and act on other business
9. Consider and act on motion to adjourn the open session meeting and proceed to a closed session

Closed Session

1. Approval of minutes of the Committee's Closed Session meeting of April 21, 2020
2. Approval of the Combined Audit and Finance Committees' Closed Session Meeting of April 21, 2020
3. Briefing on status of Audit recommendations and, pursuant to Section VIII(C) (1) of the Committee Charter, review of LSC's systems of internal controls that are designed to minimize the risk of fraud, theft, corruption, or misuse of funds
   - Debbie Moore, Treasurer & chief Financial Officer
4. Consider and act on adjournment of meeting

July 28, 2020

Board of Directors

Open Session—July 28, 2020

1. Pledge of Allegiance
2. Approval of agenda
3. Approval of minutes of the Board's Open Session meeting of April 21, 2020
4. Honor and thank American Bar Association President Judy Perry Martinez for her support of LSC during her presidential year
5. Chairman's Report
6. Members' Report
7. President's Report
8. Inspector General's Report
9. Consider and act on the report of the Governance and Performance Committee
10. Consider and act on the report of the Operations and Regulations Committee
11. Consider and act on the report of the Finance Committee
12. Consider and act on the report of the Audit Committee
13. Consider and act on the report of the Institutional Advancement Committee
14. Consider and act on the report of the Delivery of Legal Services Committee
15. Consider and act on *Resolution 2020–XXX,* adopting LSC's Appropriation Request for Fiscal Year 2022
16. Report on process and timeline for Strategic Plan
    - Ronald Flagg, President
17. Veterans Task Force Update
    - Ronald Flagg, President
18. Disaster Task Force Update
    - Lynn Jennings, Vice President for Grants Management
19. Public Comment
20. Consider and act on other business
21. Consider and act on whether to authorize a closed session of the Board to address items listed below

Closed Session

1. Approval of minutes of the Board's Closed Session meeting of April 21, 2020
2. Management briefing
3. Discuss the 2021 Innovations in Technology Conference
4. Inspector General briefing
5. Consider and act on General Counsel's report on potential and pending litigation involving LSC
6. Consider and act on prospective Leaders Council and Emerging Leaders Council invitees
7. Consider and act on motion to adjourn meeting

CONTACT PERSON FOR MORE INFORMATION: Karly Satkowiak, Special Counsel at (202) 295–1633 and Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500.

Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

Non-Confidential Meeting Materials: Non-confidential meeting materials will be made available in electronic format at least 24 hours in advance of the meeting on the LSC website, at *http://www.lsc.gov/board-directors/meetings/board-meeting-notices/non-confidential-materials-be-considered-open-session.*

Dated: July 16, 2020.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. 2020–15856 Filed 7–17–20; 4:15 pm]

BILLING CODE 7050–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–20–0016; NARA–2020–054]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: NARA must receive comments by September 4, 2020.

ADDRESSES: You may submit comments by either of the following methods. You must cite the control number, which appears on the records schedule in parentheses after the name of the agency that submitted the schedule.

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Mail:* Records Appraisal and Agency Assistance (ACR); National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001.

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, Regulatory and External Policy Program Manager, by

email at *regulation_comments@nara.gov.* For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov,* by mail at the address above, or by phone at 301–837–1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule. We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we have made to the proposed records schedule. We will then send the schedule for final approval by the Archivist of the United States. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of Commerce, National Oceanic and Atmospheric Administration, Electronic Monitoring Data (DAA–0370–2020–0001).

2. Department of State, Bureau of Arms Control, Verification and Compliance, Consolidated Schedule (DAA–0059–2019–0008).

3. Department of State, Office of Global Criminal Justice, Consolidated Schedule (DAA–0059–2019–0018).

4. Central Intelligence Agency, Agency-wide, Individual Training Records (DAA–0263–2020–0001).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2020–15693 Filed 7–20–20; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Submission for OMB Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice.

SUMMARY: The National Credit Union Administration (NCUA) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 on or after the date of publication of this notice.

DATES: Comments should be received on or before August 20, 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: Copies of the submission may be obtained by contacting Dawn Wolfgang at (703) 548–2279, emailing *PRAComments@ncua.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0167.

Title: Foreign Branching, 12 CFR 741.11.

Abstract: Pursuant § 741.11, an insured credit union that wishes to establish a branch office outside the United States (other than branches located on United States military installations or embassies) must apply for and receive approval from the NCUA regional director before establishing that branch. The application must include (1) a business plan, (2) written approval by the state supervisory agency if the applicant is a state-chartered credit union, and (3) documentation evidencing written permission from the host country to establish the branch that

explicitly recognizes NCUA's authority to examine and take any enforcement actions, including conservatorship and liquidation actions.

This information is necessary to evaluate the safety and soundness of the decision to open the branch and to protect the interests of the National Credit Union Share Insurance Fund.

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 33.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on July 15, 2020.

Dated: July 16, 2020.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2020–15739 Filed 7–20–20; 8:45 am]

BILLING CODE 7535–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2020–227; CP2020–228]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 23, 2020.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2020–227; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Reseller Expedited Package 2 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* July 15, 2020; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Gregory Stanton; *Comments Due:* July 23, 2020.

2. *Docket No(s).:* CP2020–228; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Reseller Expedited Package 2 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* July 15, 2020; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Gregory Stanton; *Comments Due:* July 23, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–15711 Filed 7–20–20; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89321; File No. SR–ISE–2020–26]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule at Options 7

July 15, 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 July 1, 2020, Nasdaq ISE, LLC (''ISE'' 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 the Exchange's Pricing Schedule at Options 7, as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rules*, 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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

The purpose of the proposed rule change is to amend the Exchange's Pricing Schedule at Options 7. Each change is described below.

Response Fees

Today, for regular orders in Non-Select Symbols,[3] the Exchange charges all market participants a fee for Responses to Crossing Orders[4] (except PIM orders) that is $0.50 per contract. For complex orders in Non-Select Symbols, this Response fee is $0.91 per contract for Market Makers[5] and $0.96 per contract for all other market participants. In addition, for regular orders in Select Symbols[6] and Non-Select Symbols, the Exchange currently charges all market participants a fee for Responses to PIM orders that is $0.35 per contract. For complex orders in both Select and Non-Select Symbols, the PIM Response fee is likewise $0.35 per contract for all market participants.

The Exchange now proposes to increase the Response fees described above. Specifically, the fees for Responses to Crossing Orders (except PIM orders) in Non-Select Symbols for both regular and complex orders will increase to $1.10 per contract for all market participants. In addition, the fees for Responses to PIM orders in Select Symbols for regular and complex orders will increase to $0.50 per contract for all market participants. Lastly, the fees for Responses to PIM orders in Non-Select Symbols for regular and complex orders will increase to $1.10 per contract for all market participants.

Facilitation and Solicitation Break-up Rebate

Currently, the Exchange provides a Facilitation and Solicitation break-up rebate of $0.15 per contract for regular and complex orders in Select Symbols. This rebate applies to all Non-Nasdaq ISE Market Maker,[7] Firm Proprietary[8]/Broker-Dealer,[9] Professional Customer,[10] and Priority Customer[11] orders submitted in the Facilitation and Solicited Order Mechanisms that do not trade with their contra order, except when those contracts trade against pre-existing orders and quotes on the Exchange's order books. The Exchange now proposes to adopt the same break-up rebate for regular and complex orders in Non-Select Symbols, and apply the rebate in the same manner to Non-Nasdaq ISE Market Maker, Firm Proprietary/Broker-Dealer, Professional Customer, and Priority Customer orders. The Exchange also proposes technical changes in note 4 of Options 7, Section 3 to revise ''orderbooks'' to ''order books,'' and in the Crossing Order Fees and Rebates table in Options 7, Section 4 to revise ''Breakup Rebate'' to ''Break-up Rebate'' for greater consistency with the Pricing Schedule.

Taker Fees

The Exchange currently charges all Non-Priority Customers[12] a taker fee of $0.72 per contract for regular orders in Non-Select Symbols (except NDX and NQX).[13] The Exchange now proposes to increase this fee to $0.90 per contract for all Non-Priority Customers.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[15] 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 Exchange's proposed changes to its Pricing Schedule are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[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'. . . .''[16]

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.''[17]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for options security transaction services. The Exchange is only one of sixteen options exchanges to which market participants may direct their order flow. Within this environment, market participants can freely and often do shift their order flow

[3] ''Non-Select Symbols'' are options overlying all symbols excluding Select Symbols.

[4] ''Responses to Crossing Orders'' is any contra-side interest submitted after the commencement of an auction in the Exchange's Facilitation Mechanism, Solicited Order Mechanism, Block Order Mechanism or Price Improvement Mechanism (''PIM'').

[5] ''Market Makers'' are ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* Options 1, Section 1(a)(21).

[6] ''Select Symbols'' are options overlying all symbols listed on the Nasdaq ISE that are in the Penny Interval Program.

[7] A ''Non-Nasdaq ISE Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange.

[8] A ''Firm Proprietary'' order is an order submitted by a member for its own proprietary account.

[9] A ''Broker-Dealer'' order is an order submitted by a member for a broker-dealer account that is not its own proprietary account.

[10] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer.

[11] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq ISE Options 1, Section 1(a)(37).

[12] Non-Priority Customers include Market Makers, Non-Nasdaq ISE Market Makers (FarMMs), Firm Proprietary/Broker-Dealers, and Professional Customers.

[13] NDX and NQX, which are Non-Select Symbols, are presently subject to separate pricing for index options in Section 5 of the Pricing Schedule.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4) and (5).

[16] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[17] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

Response Fees

The Exchange believes that the proposed increase to the fees for responses to Crossing Orders is reasonable, equitable and not unfairly discriminatory. With the proposed changes, the response fees will now be uniform at $0.50 per contract for regular and complex orders in Select Symbols, and at $1.10 per contract for regular and complex orders in Non-Select Symbols, in both cases across all Crossing Orders and all market participant types. While the response fees are increasing under this proposal, the proposed fees are still within the range of rates charged for similar auction mechanisms at other options exchanges.[18]

Facilitation and Solicitation Break-up Rebate

The Exchange believes that the proposed Facilitation and Solicitation break-up rebates for Non-Select Symbols are reasonable because these incentives will encourage use of the Facilitation and Solicited Order Mechanisms. Specifically, the Exchange believes that the proposed rebates will encourage increased originating regular and complex Non-Nasdaq ISE Market Maker, Firm Proprietary/Broker-Dealer, Professional Customer, and Priority Customer order flow to the Facilitation and Solicited Order Mechanisms, thereby potentially increasing the initiation of and volume executed through such auctions. Additional auction order flow provides market participants with additional trading opportunities at potentially improved prices. The Exchange further believes that the proposed Facilitation and Solicitation break-up rebates for Non-Select Symbols are set at reasonable rates because they are aligned with the break-up rebates currently provided for Select Symbols, as discussed above.

The Exchange believes that the proposed Facilitation and Solicitation break-up rebates for Non-Select Symbols are equitable and not unfairly discriminatory because the proposed rebates will apply equally to all non-Market Maker originating orders submitted to the Facilitation and Solicited Order Mechanisms that do not trade with their contra orders (except when those originating contracts trade against pre-existing orders and quotes on the Exchange's order books). While Market Makers will not receive the Facilitation and Solicitation break-up rebates for Non-Select Symbols, the Exchange believes that the application of the rebate is equitable and not unfairly discriminatory because Market Makers are not eligible for Facilitation and Solicitation break-up rebates in Select Symbols today. In addition, the Exchange currently offers Market Makers other rebate programs that do not apply to non-Market Makers, such as the Market Maker Plus Program.

Taker Fees

The Exchange believes that the proposed increase to the Non-Select Symbol taker fees is reasonable, equitable and not unfairly discriminatory. With the proposed changes, the taker fees will uniformly increase to $0.90 per contract for all Non-Priority Customers. The Exchange notes that Priority Customers will continue to be assessed no taker fee for Non-Select Symbols under this proposal. While the taker fees are increasing for Non-Priority Customers, the proposed fees are within the range of taker fees at another options exchange.[19]

The Exchange believes that it is equitable and not unfairly discriminatory to continue charging Priority Customers no taker fees in Non-Select Symbols as the Exchange has historically offered lower execution fees or rebates to those market participants. Furthermore, Priority Customer order flow enhances liquidity on the Exchange for the benefit of all market participants by providing more trading opportunities, which in turn attracts Market Makers and other market participants that may trade with this order flow.

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. In terms of intra-market competition, the Exchange does not believe that its proposal will place any category of market participant at a competitive disadvantage. The proposed response fees for Crossing Orders will be consistent across all market participants, as discussed above. In addition, the Facilitation and Solicitation break-up rebates proposed for Non-Select Symbols will be applied to market participants in the same manner as the Facilitation and Solicitation break-up rebates are applied today for Select Symbols. Lastly, the Non-Select Symbol taker fees will be increased uniformly across all Non-Priority Customers while Priority Customers will continue to be charged no taker fee.

In terms of inter-market competition, 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. 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. In this instance, while the Exchange is increasing the response fees and taker fees in the manner discussed above, the Exchange does not believe this will cause an undue burden on competition as the increased fees are still within the range of similar fees charged by other options exchanges.

In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

[18] *See* Nasdaq MRX (''MRX'') Pricing Schedule, Options 7, Section 3, Table 2, and Section 5.E, which set forth comparable rates for responses to Crossing Orders on MRX. For example, MRX charges all market participants a $0.50 per contract fee for responses to Crossing Orders in Penny Symbols and a $1.10 per contract fee for responses to Crossing Orders in Non-Penny Symbols. *See also* Cboe EDGX Options (''EDGX'') Fee Schedule, ''Automated Improvement Mechanism (''AIM'') and Solicitation Auction Mechanism (''SAM'') Pricing,'' which charges all market participants a fee of $0.50 (Penny Pilot Securities) and $1.05 (Non-Penny Pilot Securities) for AIM and SAM responses.

[19] See Cboe C2 Options (''C2'') Fees Schedule, ''Transaction Fees,'' which charges the following fees in Non-Penny Classes for orders that remove liquidity: $0.85 for Public Customer orders, $0.90 for C2 Market Maker orders, and $0.93 for Non-Customer, Non-Market Maker orders (Professional Customer, Firm, Broker/Dealer, non-C2 Market Maker, JBO, etc.).

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 [20] and Rule 19b–4(f)(2) [21] thereunder. 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–ISE–2020–26 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–ISE–2020–26. 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–ISE–2020–26 and should be submitted on or before August 11, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15688 Filed 7–20–20; 8:45 am]

BILLING CODE 8011–01–P

[20] 15 U.S.C. 78s(b)(3)(A)(ii).

[21] 17 CFR 240.19b–4(f)(2).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33927; File No. 812–14987]

FS Global Credit Opportunities Fund, et al.

July 15, 2020.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

Summary of Application: Applicants request an order to permit certain business development companies (''BDCs'') [1] and closed-end management investment companies to co-invest in portfolio companies with each other and with affiliated investment funds and accounts.

Applicants: FS Global Credit Opportunities Fund (the ''Fund''); FS Global Advisor, LLC (''FS''); FS Tactical Opportunities Fund, L.P. (''Existing Affiliated Fund''); and FS Tactical Advisor, LLC (''Affiliated Fund Advisor'', and together with the Fund, FS and the Existing Affiliated Fund, the ''Applicants'').

Filing Dates: The application was filed on December 17, 2018, and amended on May 20, 2019, October 1, 2019, January 24, 2020, April 23, 2020 and June 30, 2020.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving Applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on August 10, 2020 and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: Secretary, U.S. Securities & Exchange Commission: *Secretarys-Office@sec.gov.* Applicants: *legalnotices@fsinvestment.com.*

FOR FURTHER INFORMATION CONTACT: Barbara T. Heussler, Senior Counsel, at (202) 551–6990, or Trace W. Rakestraw, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Introduction

1. The Applicants request an order of the Commission under sections 17(d) and 57(i) of the Act and rule 17d–1 thereunder (the ''Order'') to permit, subject to the terms and conditions set forth in the application (the

[1] Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in section 55(a)(1) through 55(a)(3) and makes available significant managerial assistance with respect to the issuers of such securities.

''Conditions''), a Regulated Fund [2] and one or more other Regulated Funds and/or one or more Affiliated Funds [3] to enter into Co-Investment Transactions with each other. ''Co-Investment Transaction'' means any transaction in which one or more Regulated Funds (or its Wholly-Owned Investment Sub (as defined below)) participated together with one or more Affiliated Funds and/or one or more other Regulated Funds in reliance on the Order. ''Potential Co-Investment Transaction'' means any investment opportunity in which a Regulated Fund (or its Wholly-Owned Investment Sub) could not participate together with one or more Affiliated Funds and/or one or more other Regulated Funds without obtaining and relying on the Order.[4]

Applicants

2. The Fund is a closed-end management investment company registered under the Act and organized as a Delaware Statutory Trust. The Fund has a seven member Board [5] of which six members are Independent Trustees.[6]

3. FS, a Delaware limited liability company, is a registered investment adviser with the Commission under the Advisers Act and serves as investment adviser to the Fund.

4. The Existing Affiliated Fund is a Delaware limited partnership that is a privately-offered fund that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act. The Affiliated Fund Advisor is a Delaware limited liability company and is registered as an investment adviser with the Commission under the Advisers Act and serves as the investment adviser to the Existing Affiliated Fund.[7]

5. FS Proprietary Accounts [8] may hold various financial assets in a principal capacity. Currently there are no FS Proprietary Accounts.

6. Applicants state that a Regulated Fund may, from time to time, form one or more Wholly-Owned Investment Subs.[9] Such a subsidiary may be prohibited from investing in a Co-Investment Transaction with a Regulated Fund (other than its parent) or any Affiliated Fund because it would be a company controlled by its parent Regulated Fund for purposes of section 57(a)(4) and rule 17d–1. Applicants request that each Wholly-Owned Investment Sub be permitted to participate in Co-Investment Transactions in lieu of the Regulated Fund that owns it and that the Wholly-Owned Investment Sub's participation in any such transaction be treated, for purposes of the Order, as though the parent Regulated Fund were participating directly.

Applicants' Representations

A. Allocation Process

7. Applicants represent that the Adviser has established processes for allocating initial investment opportunities, opportunities for subsequent investments in an issuer and dispositions of securities holdings reasonably designed to treat all clients fairly and equitably. Further, Applicants represent that these processes will be extended and modified in a manner reasonably designed to ensure that the additional transactions permitted under the Order will both (i) be fair and equitable to the Regulated Funds and the Affiliated Funds and (ii) comply with the Conditions.

8. Opportunities for Potential Co-Investment Transactions may arise when investment advisory personnel of an Adviser becomes aware of investment opportunities that may be appropriate for one or more Regulated Funds and one or more Affiliated Funds. If the requested Order is granted, the Adviser will establish, maintain and implement policies and procedures reasonably designed to ensure that, when such opportunities arise, the Adviser to the relevant Regulated Funds is promptly notified and receives the same information about the opportunity as any other Adviser considering the opportunity for its clients. In particular, consistent with Condition 1, if a Potential Co-Investment Transaction falls within the then-current Objectives and Strategies [10] and any Board-Established Criteria [11] of a Regulated

[2] ''Regulated Funds'' means the Fund and any Future Regulated Funds. ''Future Regulated Fund'' means a closed-end management investment company (a) that is registered under the Act or has elected to be regulated as a BDC, (b) whose investment adviser is an Adviser, and (c) that intends to participate in the program of co-investments described in the application (''Co-Investment Program''). The definitions of Regulated Funds and Future Regulated Funds do not include FS KKR Capital Corp., FS KKR Capital Corp. II, FS Energy & Power Fund and FS Credit Income Fund because such funds are already operating pursuant to existing exemptive relief. *See* Corporate Capital Trust, Inc., et al., Investment Company Act Rel. Nos. 32642 (May 22, 2017)(notice) and 32683 (June 19, 2017)(order); Triloma EIG Energy Income Fund, et al., Investment Company Act Rel. Nos. 33047 (Mar. 14, 2018)(notice) and 33070 (Apr. 10, 2018)(order); and FS Credit Income Fund, et al., Investment Company Act Rel. Nos. 33848 (Apr. 22, 2020)(notice) and 33871 (May 19, 2020)(order).

''Adviser'' means FS, the Affiliated Fund Advisor and any future investment adviser that is (i) controlling, under common control with, or controlled by FS Investments (as defined below), (ii) registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act''), and (iii) not a Regulated Fund or a subsidiary of a Regulated Fund.

[3] ''Affiliated Fund'' means any Existing Affiliated Fund any Future Affiliated Fund or any FS Proprietary Account (as defined below). ''Future Affiliated Fund'' means any entity (a) whose investment adviser is an Adviser, (b) that would be an investment company but for section 3(c)(1), 3(c)(5)(C) or 3(c)(7) of the Act, and (c) that intends to participate in the Co-investment Program.

[4] All existing entities that currently intend to rely on the Order have been named as Applicants and any existing or future entities that may rely on the Order in the future will comply with the terms and Conditions set forth in the application.

[5] ''Board'' means the board of trustees (or the equivalent) of the applicable Regulated Fund.

[6] ''Independent Trustee'' means a member of the Board of any relevant entity who is not an ''interested person'' as defined in Section 2(a)(19) of the Act. No Independent Trustee of a Regulated Fund will have a financial interest in any Co-Investment Transaction, other than indirectly through share ownership in one of the Regulated Funds.

[7] FS and the Affiliated Fund Advisor are each a subsidiary of Franklin Square Holdings, L.P., a Pennsylvania limited partnership (''FS Investments''). FS Investments is a leading asset manager dedicated to helping individuals, financial professionals and institutions design better portfolios. FS Investments currently owns a majority of each of FS and the Affiliated Funds Advisor. FS Investments does not currently offer investment advisory services to any person and is not expected to do so in the future. Applicants state that as a result, FS Investments has not been included as an Applicant.

[8] ''FS Proprietary Account'' means any account of an Adviser or its affiliates or any company that is a direct or indirect, wholly- or majority-owned subsidiary of the Adviser or its affiliates, which, from time to time, may hold various financial assets in a principal capacity.

[9] ''Wholly-Owned Investment Sub'' means an entity (i) that is wholly-owned by a Regulated Fund (with such Regulated Fund at all times holding, beneficially and of record, 100% of the voting and economic interests); (ii) whose sole business purpose is to hold one or more investments on behalf of such Regulated Fund (and, in the case of a SBIC Subsidiary (defined below), maintain a license under the SBA Act (defined below) and issue debentures guaranteed by the SBA (defined below)); (iii) with respect to which such Regulated Fund's Board has the sole authority to make all determinations with respect to the entity's participation under the Conditions; and (iv) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act. ''SBIC Subsidiary'' means a Wholly-Owned Investment Sub that is licensed by the Small Business Administration (the ''SBA'') to operate under the Small Business Investment Act of 1958, as amended, (the ''SBA Act'') as a small business investment company.

[10] ''Objectives and Strategies'' means a Regulated Fund's investment objectives and strategies, as described in its most current registration statement on Form N–2, other current filings with the Commission under the Securities Act of 1933 (the ''Securities Act'') or under the Securities Exchange Act of 1934, as amended, and its most current report to stockholders.

[11] ''Board-Established Criteria'' means criteria that the Board of a Regulated Fund may establish from time to time to describe the characteristics of Potential Co-Investment Transactions regarding which the Adviser to the Regulated Fund should be notified under Condition 1. The Board-Established Criteria will be consistent with the Regulated Fund's Objectives and Strategies. If no Board-Established Criteria are in effect, then the Regulated Fund's Adviser will be notified of all Potential Co-Investment Transactions that fall within the Regulated Fund's then-current Objectives and Strategies. Board-Established Criteria will be

Fund, the policies and procedures will require that the Adviser to such Regulated Fund receives sufficient information to allow such Adviser's investment committee to make its independent determination and recommendations under the Conditions. The Adviser to each applicable Regulated Fund will then make an independent determination of the appropriateness of the investment for the Regulated Fund in light of the Regulated Fund's then–current circumstances. If the Adviser to a Regulated Fund deems the Regulated Fund's participation in any Potential Co-Investment Transaction to be appropriate, it will formulate a recommendation regarding the proposed order amount for the Regulated Fund.

9. Applicants state that, for each Regulated Fund and Affiliated Fund whose Adviser recommends participating in a Potential Co-Investment Transaction, the Adviser's investment committee will approve an investment amount. Prior to the External Submission (as defined below), each proposed order amount may be reviewed and adjusted, in accordance with the Adviser's written allocation policies and procedures, by the Adviser's investment committee.[12] The order of a Regulated Fund or Affiliated Fund resulting from this process is referred to as its ''Internal Order''. The Internal Order will be submitted for approval by the Required Majority of any participating Regulated Funds in accordance with the Conditions.[13]

10. If the aggregate Internal Orders for a Potential Co-Investment Transaction do not exceed the size of the investment opportunity immediately prior to the submission of the orders to the underwriter, broker, dealer or issuer, as applicable (the ''External Submission''), then each Internal Order will be fulfilled as placed. If, on the other hand, the aggregate Internal Orders for a Potential Co-Investment Transaction exceed the size of the investment opportunity immediately prior to the External Submission, then the allocation of the opportunity will be made pro rata on the basis of the size of the Internal Orders.[14] If, subsequent to such External Submission, the size of the opportunity is increased or decreased, or if the terms of such opportunity, or the facts and circumstances applicable to the Regulated Funds' or the Affiliated Fund's consideration of the opportunity change, the participants will be permitted to submit revised Internal Orders in accordance with written allocation policies and procedures that the Advisers will establish, implement and maintain.[15]

B. Follow-On Investments

11. Applicants state that from time to time the Regulated Funds and Affiliated Funds may have opportunities to make Follow-On Investments[16] in an issuer in which a Regulated Fund and one or more other Regulated Funds and/or Affiliated Funds previously have invested.

12. Applicants propose that Follow-On Investments would be divided into two categories depending on whether the prior investment was a Co-Investment Transaction or a Pre-Boarding Investment.[17] If the Regulated Funds and Affiliated Fund had previously participated in a Co-Investment Transaction with respect to the issuer, then the terms and approval of the Follow-On Investment would be subject to the Standard Review Follow-Ons described in Condition 8. If the Regulated Funds and Affiliated Fund have not previously participated in a Co-Investment Transaction with respect to the issuer but hold a Pre-Boarding Investment, then the terms and approval of the Follow-On Investment would be subject to the Enhanced-Review Follow-Ons described in Condition 9. All Enhanced Review Follow-Ons require the approval of the Required Majority. For a given issuer, the participating Regulated Funds and Affiliated Fund would need to comply with the requirements of Enhanced-Review Follow-Ons only for the first Co-Investment Transaction. Subsequent Co-Investment Transactions with respect to the issuer would be governed by the requirements of Standard Review Follow-Ons.

13. A Regulated Fund would be permitted to invest in Standard Review Follow-Ons either with the approval of the Required Majority under Condition 8(c) or without Board approval under Condition 8(b) if it is (i) a Pro Rata Follow-On Investment[18] or (ii) a Non-Negotiated Follow-On Investment.[19] Applicants believe that these Pro Rata and Non-Negotiated Follow-On Investments do not present a significant opportunity for overreaching on the part of any Adviser and thus do not warrant the time or the attention of the Board. Pro Rata Follow-On Investments and

objective and testable, meaning that they will be based on observable information, such as industry/sector of the issuer, minimum EBITDA of the issuer, asset class of the investment opportunity or required commitment size, and not on characteristics that involve a discretionary assessment. The Adviser to the Regulated Fund may from time to time recommend criteria for the Board's consideration, but Board-Established Criteria will only become effective if approved by a majority of the Independent Trustees. The Independent Trustees of a Regulated Fund may at any time rescind, suspend or qualify its approval of any Board-Established Criteria, though Applicants anticipate that, under normal circumstances, the Board would not modify these criteria more often than quarterly.

[12] The reason for any such adjustment to a proposed order amount will be documented in writing and preserved in the records of the Advisers.

[13] ''Required Majority'' means a required majority, as defined in section 57(o) of the Act. In the case of a Regulated Fund that is a registered closed-end fund, the Board members that make up the Required Majority will be determined as if the Regulated Fund were a BDC subject to section 57(o).

[14] Each Adviser will maintain records of all proposed order amounts, Internal Orders and External Submissions in conjunction with Potential Co-Investment Transactions. Each applicable Adviser will provide the Eligible Trustees with information concerning the Affiliated Fund's and Regulated Funds' order sizes to assist the Eligible Trustees with their review of the applicable Regulated Fund's investments for compliance with the Conditions. ''Eligible Trustees'' means, with respect to a Regulated Fund and a Potential Co-Investment Transaction, the members of the Regulated Fund's Board eligible to vote on that Potential Co-Investment Transaction under section 57(o) of the Act (treating any registered investment company or series thereof as a BDC for this purpose).

[15] The Board of the Regulated Fund will then either approve or disapprove of the investment opportunity in accordance with Condition 2, 6, 7, 8 or 9, as applicable.

[16] ''Follow-On Investment'' means an additional investment in the same issuer, including, but not limited to, through the exercise of warrants, conversion privileges or other rights to purchase securities of the issuer.

[17] ''Pre-Boarding Investments'' are investments in an issuer held by a Regulated Fund as well as one or more Affiliated Funds and/or one or more other Regulated Funds that were acquired prior to participating in any Co-Investment Transaction: (i) In transactions in which the only term negotiated by or on behalf of such funds was price in reliance on one of the JT No-Action Letters (defined below); or (ii) in transactions occurring at least 90 days apart and without coordination between the Regulated Fund and any Affiliated Fund or other Regulated Fund.

[18] A ''Pro Rata Follow-On Investment'' is a Follow-On Investment (i) in which the participation of each Affiliated Fund and each Regulated Fund is proportionate to its outstanding investments in the issuer or security, as appropriate, immediately preceding the Follow-On Investment, and (ii) in the case of a Regulated Fund, a majority of the Board has approved the Regulated Fund's participation in the pro rata Follow-On Investments as being in the best interests of the Regulated Fund. The Regulated Fund's Board may refuse to approve, or at any time rescind, suspend or qualify, its approval of Pro Rata Follow-On Investments, in which case all subsequent Follow-On Investments will be submitted to the Regulated Fund's Eligible Trustees in accordance with Condition 8(c).

[19] A ''Non-Negotiated Follow-On Investment'' is a Follow-On Investment in which a Regulated Fund participates together with one or more Affiliated Funds and/or one or more other Regulated Funds (i) in which the only term negotiated by or on behalf of the funds is price and (ii) with respect to which, if the transaction were considered on its own, the funds would be entitled to rely on one of the JT No-Action Letters. ''JT No-Action Letters'' means SMC Capital, Inc., SEC No-Action Letter (pub. avail. Sept. 5, 1995) and Massachusetts Mutual Life Insurance Company, SEC No-Action Letter (pub. avail. June 7, 2000).

Non-Negotiated Follow-On Investments remain subject to the Board's periodic review in accordance with Condition 10.

C. Dispositions

14. Applicants propose that Dispositions [20] would be divided into two categories. If the Regulated Funds and Affiliated Fund holding investments in the issuer have previously participated in a Co-Investment Transaction with respect to the issuer, then the terms and approval of the Disposition would be subject to the Standard Review Dispositions described in Condition 6. If the Regulated Funds and Affiliated Fund have not previously participated in a Co-Investment Transaction with respect to the issuer but hold a Pre-Boarding Investment, then the terms and approval of the Disposition would be subject to the Enhanced Review Dispositions described in Condition 7. Subsequent Dispositions with respect to the same issuer would be governed by Condition 6 under the Standard Review Dispositions.[21]

15. A Regulated Fund may participate in a Standard Review Disposition either with the approval of the Required Majority under Condition 6(d) or without Board approval under Condition 6(c) if (i) the Disposition is a Pro Rata Disposition [22] or (ii) the securities are Tradable Securities [23] and the Disposition meets the other requirements of Condition 6(c)(ii). Pro Rata Dispositions and Dispositions of a Tradable Security remain subject to the Board's periodic review in accordance with Condition 10.

D. Delayed Settlement

16. Applicants represent that under the terms and Conditions of the application, all Regulated Funds and Affiliated Funds participating in a Co-Investment Transaction will invest at the same time, for the same price and with the same terms, conditions, class, registration rights and any other rights, so that none of them receives terms more favorable than any other. However, the settlement date for the Affiliated Fund in a Co-Investment Transaction may occur up to ten business days after the settlement date for a Regulated Fund, and vice versa. Nevertheless, in all cases, (i) the date on which the commitment of the Affiliated Funds and Regulated Funds is made will be the same even where the settlement date is not and (ii) the earliest settlement date and the latest settlement date of any Affiliated Fund or Regulated Fund participating in the transaction will occur within ten business days of each other.

E. Holders

17. Under Condition 15, if an Adviser, its principals, or any person controlling, controlled by, or under common control with the Adviser or its principals, and the Affiliated Fund (collectively, the ''Holders'') own in the aggregate more than 25 percent of the outstanding voting shares of a Regulated Fund (the ''Shares''), then the Holders will vote such Shares as directed by an independent third party when voting on matters specified in the Condition. Applicants believe that this Condition will ensure that the Independent Trustees will act independently in evaluating Co-Investment Transactions, because the ability of an Adviser or its principals to influence the Independent Trustees by a suggestion, explicit or implied, that the Independent Trustees can be removed will be limited significantly. The Independent Trustees shall evaluate and approve any independent party, taking into account its qualifications, reputation for independence, cost to the shareholders, and other factors that they deem relevant.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit participation by a registered investment company and an affiliated person in any ''joint enterprise or other joint arrangement or profit-sharing plan,'' as defined in the rule, without prior approval by the Commission by order upon application. Section 17(d) of the Act and rule 17d–1 under the Act are applicable to Regulated Funds that are registered closed-end investment companies.

2. Similarly, with regard to BDCs, section 57(a)(4) of the Act generally prohibits certain persons specified in section 57(b) from participating in joint transactions with the BDC or a company controlled by the BDC in contravention of rules as prescribed by the Commission. Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to section 57(a)(4). Because the Commission has not adopted any rules under section 57(a)(4), rule 17d–1 also applies to joint transactions with Regulated Funds that are BDCs.

3. Co-Investment Transactions are prohibited by either or both of rule 17d–1 and section 57(a)(4) without a prior exemptive order of the Commission to the extent that the Affiliated Funds and the Regulated Funds participating in such transaction fall within the category of persons described by rule 17d–1 and/or section 57(b), as modified by rule 57b–1 thereunder, as applicable, vis-à-vis each participating Regulated Fund. Each of the participating Regulated Funds and Affiliated Funds may be deemed to be affiliated persons vis-à-vis a Regulated Fund within the meaning of section 2(a)(3) by reason of common control because (i) the Affiliated Fund Advisor manages, and may be deemed to control, the Existing Affiliated Fund and any other Affiliated Fund will be managed by, and may be deemed to be controlled by, an Adviser to Affiliated Funds; (ii) FS is the investment adviser to, and may be deemed to control, the Fund and an Adviser to the Regulated Funds will be the investment adviser to, and may be deemed to control, any

[20] ''Disposition'' means the sale, exchange or other disposition of an interest in a security of an issuer.

[21] However, with respect to an issuer, if a Regulated Fund's first Co-Investment Transaction is an Enhanced Review Disposition, and the Regulated Fund does not dispose of its entire position in the Enhanced Review Disposition, then before such Regulated Fund may complete its first Standard Review Follow-On in such issuer, the Eligible Trustees must review the proposed Follow-On Investment not only on a stand-alone basis but also in relation to the total economic exposure in such issuer (*i.e.,* in combination with the portion of the Pre-Boarding Investment not disposed of in the Enhanced Review Disposition), and the other terms of the investments. This additional review would be required because such findings would not have been required in connection with the prior Enhanced Review Disposition, but they would have been required had the first Co-Investment Transaction been an Enhanced Review Follow-On.

[22] A ''Pro Rata Disposition'' is a Disposition (i) in which the participation of each Affiliated Fund and each Regulated Fund is proportionate to its outstanding investment in the security subject to Disposition immediately preceding the Disposition; and (ii) in the case of a Regulated Fund, a majority of the Board has approved the Regulated Fund's participation in pro rata Dispositions as being in the best interests of the Regulated Fund. The Regulated Fund's Board may refuse to approve, or at any time rescind, suspend or qualify, its approval of Pro Rata Dispositions, in which case all subsequent Dispositions will be submitted to the Regulated Fund's Eligible Trustees.

[23] ''Tradable Security'' means a security that meets the following criteria at the time of Disposition: (i) It trades on a national securities exchange or designated offshore securities market as defined in rule 902(b) under the Securities Act; (ii) it is not subject to restrictive agreements with the issuer or other security holders; and (iii) it trades with sufficient volume and liquidity (findings as to which are documented by the Advisers to any Regulated Funds holding investments in the issuer and retained for the life of the Regulated Fund) to allow each Regulated Fund to dispose of its entire position remaining after the proposed Disposition within a short period of time not exceeding 30 days at approximately the value (as defined by section 2(a)(41) of the Act) at which the Regulated Fund has valued the investment.

Future Regulated Fund; and (iii) the Advisers to Affiliated Funds and the Advisers to Regulated Funds are under common control. Thus, each of the Affiliated Funds could be deemed to be a person related to the Regulated Funds in a manner described by section 57(b) and related to the other Regulated Funds in a manner described by rule 17d–1; and therefore the prohibitions of rule 17d–1 and section 57(a)(4) would apply respectively to prohibit the Affiliated Funds from participating in Co-Investment Transactions with the Regulated Funds. Each Regulated Fund would also be related to each other Regulated Fund in a manner described by section 57(b) or rule 17d–1, as applicable, and thus prohibited from participating in Co-Investment Transactions with each other. In addition, because the FS Proprietary Accounts are controlled by the Adviser or its affiliates and, therefore, may be under common control with the Fund, any future Advisers, and any Future Regulated Funds, the FS Proprietary Accounts could be deemed to be persons related to the Regulated Funds (or a company controlled by the Regulated Funds) in a manner described by section 17(d) or section 57(b) and also prohibited from participating in the Co-Investment Program.

4. In passing upon applications under rule 17d–1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

5. Applicants state that in the absence of the requested relief, in many circumstances the Regulated Funds would be limited in their ability to participate in attractive and appropriate investment opportunities. Applicants state that, as required by rule 17d–1(b), the Conditions ensure that the terms on which Co-Investment Transactions may be made will be consistent with the participation of the Regulated Funds being on a basis that it is neither different from nor less advantageous than other participants, thus protecting the equity holders of any participant from being disadvantaged. Applicants further state that the Conditions ensure that all Co-Investment Transactions are reasonable and fair to the Regulated Funds and their shareholders and do not involve overreaching by any person concerned, including the Advisers. Applicants state that the Regulated Funds' participation in the Co-Investment Transactions in accordance with the Conditions will be consistent with the provisions, policies, and purposes of the Act and would be done in a manner that is not different from, or less advantageous than, that of other participants.

Applicants' Conditions

Applicants agree that the Order shall be subject to the following Conditions:

1. *Identification and Referral of Potential Co-Investment Transactions.*

(a) The Advisers will establish, maintain and implement policies and procedures reasonably designed to ensure that each Adviser is promptly notified of all Potential Co-Investment Transactions that fall within the then-current Objectives and Strategies and Board-Established Criteria of any Regulated Fund the Adviser manages.

(b) When an Adviser to a Regulated Fund is notified of a Potential Co-Investment Transaction under Condition 1(a), the Adviser will make an independent determination of the appropriateness of the investment for the Regulated Fund in light of the Regulated Fund's then-current circumstances.

2. *Board Approvals of Co-Investment Transactions.*

(a) If an Adviser deems a Regulated Fund's participation in any Potential Co-Investment Transaction to be appropriate for the Regulated Fund, it will then determine an appropriate level of investment for the Regulated Fund.

(b) If the aggregate amount recommended by the Advisers to be invested in the Potential Co-Investment Transaction by the participating Regulated Funds and any participating Affiliated Fund, collectively, exceeds the amount of the investment opportunity, the investment opportunity will be allocated among them pro rata based on the size of the Internal Orders, as described in section III.A.1.b. of the application. Each Adviser to a participating Regulated Fund will promptly notify and provide the Eligible Trustees with information concerning the Affiliated Fund's and Regulated Funds' order sizes to assist the Eligible Trustees with their review of the applicable Regulated Fund's investments for compliance with these Conditions.

(c) After making the determinations required in Condition 1(b) above, each Adviser to a participating Regulated Fund will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each participating Regulated Fund and each participating Affiliated Fund) to the Eligible Trustees of its participating Regulated Fund(s) for their consideration. A Regulated Fund will enter into a Co-Investment Transaction with one or more other Regulated Funds or the Affiliated Fund only if, prior to the Regulated Fund's participation in the Potential Co-Investment Transaction, a Required Majority concludes that:

(i) The terms of the transaction, including the consideration to be paid, are reasonable and fair to the Regulated Fund and its shareholders and do not involve overreaching in respect of the Regulated Fund or its shareholders on the part of any person concerned;

(ii) the transaction is consistent with:

(A) The interests of the Regulated Fund's shareholders; and

(B) the Regulated Fund's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Fund(s) or Affiliated Fund(s) would not disadvantage the Regulated Fund, and participation by the Regulated Fund would not be on a basis different from, or less advantageous than, that of any other Regulated Fund(s) or Affiliated Fund(s) participating in the transaction; provided that the Required Majority shall not be prohibited from reaching the conclusions required by this Condition 2(c)(iii) if:

(A) The settlement date for another Regulated Fund or an Affiliated Fund in a Co-Investment Transaction is later than the settlement date for the Regulated Fund by no more than ten business days or earlier than the settlement date for the Regulated Fund by no more than ten business days, in either case, so long as: (x) The date on which the commitment of the Affiliated Fund and Regulated Funds is made is the same; and (y) the earliest settlement date and the latest settlement date of any Affiliated Fund or Regulated Fund participating in the transaction will occur within ten business days of each other; or

(B) any other Regulated Fund or Affiliated Fund, but not the Regulated Fund itself, gains the right to nominate a director for election to a portfolio company's board of directors, the right to have a board observer or any similar right to participate in the governance or management of the portfolio company so long as: (x) The Eligible Trustees will have the right to ratify the selection of such director or board observer, if any; (y) the Adviser agrees to, and does, provide periodic reports to the Regulated Fund's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or

management of the portfolio company; and (z) any fees or other compensation that any other Regulated Fund or Affiliated Fund or any affiliated person of any other Regulated Fund or Affiliated Fund receives in connection with the right of one or more Regulated Funds or Affiliated Funds to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among any participating Affiliated Funds (who may, in turn, share their portion with their affiliated persons) and any participating Regulated Fund(s) in accordance with the amount of each such party's investment; and

(iv) the proposed investment by the Regulated Fund will not involve compensation, remuneration or a direct or indirect [24] financial benefit to the Advisers, any other Regulated Fund, the Affiliated Fund or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by Condition 14, (B) to the extent permitted by section 17(e) or 57(k), as applicable, (C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction, or (D) in the case of fees or other compensation described in Condition 2(c)(iii)(B)(z).

3. *Right to Decline.* Each Regulated Fund has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. *General Limitation.* Except for Follow-On Investments made in accordance with Conditions 8 and 9 below,[25] a Regulated Fund will not invest in reliance on the Order in any issuer in which a Related Party has an investment.[26]

5. *Same Terms and Conditions.* A Regulated Fund will not participate in any Potential Co-Investment Transaction unless (i) the terms, conditions, price, class of securities to be purchased, date on which the commitment is entered into and registration rights (if any) will be the same for each participating Regulated Fund and Affiliated Fund and (ii) the earliest settlement date and the latest settlement date of any participating Regulated Fund or Affiliated Fund will occur as close in time as practicable and in no event more than ten business days apart. The grant to one or more Regulated Funds or Affiliated Funds, but not the respective Regulated Fund, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this Condition 5, if Condition 2(c)(iii)(B) is met.

6. *Standard Review Dispositions.*

(a) *General.* If any Regulated Fund or Affiliated Fund elects to sell, exchange or otherwise dispose of an interest in a security and one or more Regulated Funds and Affiliated Funds have previously participated in a Co-Investment Transaction with respect to the issuer, then:

(i) The Adviser to such Regulated Fund or Affiliated Fund [27] will notify each Regulated Fund that holds an investment in the issuer of the proposed Disposition at the earliest practical time; and

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to participation by such Regulated Fund in the Disposition.

(b) *Same Terms and Conditions.* Each Regulated Fund will have the right to participate in such Disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the Affiliated Fund and any other Regulated Fund.

(c) *No Board Approval Required.* A Regulated Fund may participate in such a Disposition without obtaining prior approval of the Required Majority if:

(i) (A) The participation of each Regulated Fund and Affiliated Fund in such Disposition is proportionate to its then-current holding of the security (or securities) of the issuer that is (or are) the subject of the Disposition; [28] (B) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in such Dispositions on a pro rata basis (as described in greater detail in the application); and (C) the Board of the Regulated Fund is provided on a quarterly basis with a list of all Dispositions made in accordance with this Condition; or

(ii) each security is a Tradable Security and (A) the Disposition is not to the issuer or any affiliated person of the issuer; and (B) the security is sold for cash in a transaction in which the only term negotiated by or on behalf of the participating Regulated Funds and Affiliated Funds is price.

(d) *Standard Board Approval.* In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Trustees and the Regulated Fund will participate in such Disposition solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

7. *Enhanced Review Dispositions.*

(a) *General.* If any Regulated Fund or Affiliated Fund elects to sell, exchange or otherwise dispose of a Pre-Boarding Investment in a Potential Co-Investment Transaction and the Regulated Funds and Affiliated Fund have not previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to such Regulated Fund or Affiliated Fund will notify each Regulated Fund that holds an investment in the issuer of the proposed Disposition at the earliest practical time;

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to participation by such Regulated Fund in the Disposition; and

(iii) the Advisers will provide to the Board of each Regulated Fund that holds an investment in the issuer all information relating to the existing investments in the issuer of the Regulated Funds and Affiliated Fund, including the terms of such investments and how they were made, that is necessary for the Required Majority to make the findings required by this Condition.

(b) *Enhanced Board Approval.* The Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible

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[24] For example, procuring the Regulated Fund's investment in a Potential Co-Investment Transaction to permit an affiliate to complete or obtain better terms in a separate transaction would constitute an indirect financial benefit.

[25] This exception applies only to Follow-On Investments by a Regulated Fund in issuers in which that Regulated Fund already holds investments.

[26] ''Related Party'' means (i) any Close Affiliate and (ii) in respect of matters as to which any Adviser has knowledge, any Remote Affiliate. ''Close Affiliate'' means the Advisers, the Regulated Funds, the Affiliated Fund and any other person described in section 57(b) (after giving effect to rule 57b–1) in respect of any Regulated Fund (treating any registered investment company or series thereof as a BDC for this purpose) except for limited partners included solely by reason of the reference in section 57(b) to section 2(a)(3)(D). ''Remote Affiliate'' means any person described in section 57(e) in respect of any Regulated Fund (treating any registered investment company or series thereof as a BDC for this purpose) and any limited partner holding 5% or more of the relevant limited partner interests that would be a Close Affiliate but for the exclusion in that definition.

[27] Any FS Proprietary Account that is not advised by the Adviser is itself deemed to be an Adviser for purposes of Conditions 6(a)(i), 7(a)(i), 8(a)(i) and 9(a)(i).

[28] In the case of any Disposition, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the security in question immediately preceding the Disposition.

Trustees, and the Regulated Fund will participate in such Disposition solely to the extent that a Required Majority determines that:

(i) The Disposition complies with Condition 2(c)(i), (ii), (iii)(A), and (iv); and

(ii) the making and holding of the Pre-Boarding Investments were not prohibited by section 57 or rule 17d–1, as applicable, and records the basis for the finding in the Board minutes.

(c) *Additional Requirements.* The Disposition may only be completed in reliance on the Order if:

(i) *Same Terms and Conditions.* Each Regulated Fund has the right to participate in such Disposition on a proportionate basis, at the same price and on the same terms and Conditions as those applicable to the Affiliated Fund and any other Regulated Fund;

(ii) *Original Investments.* All of the Affiliated Fund's and Regulated Funds' investments in the issuer are Pre-Boarding Investments;

(iii) *Advice of counsel.* Independent counsel to the Board advises that the making and holding of the investments in the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b–1) or rule 17d–1, as applicable;

(iv) *Multiple Classes of Securities.* All Regulated Funds and Affiliated Funds that hold Pre-Boarding Investments in the issuer immediately before the time of completion of the Co-Investment Transaction hold the same security or securities of the issuer. For the purpose of determining whether the Regulated Funds and Affiliated Fund hold the same security or securities, they may disregard any security held by some but not all of them if, prior to relying on the Order, the Required Majority is presented with all information necessary to make a finding, and finds, that: (x) Any Regulated Fund's or Affiliated Fund's holding of a different class of securities (including for this purpose a security with a different maturity date) is immaterial [29] in amount, including immaterial relative to the size of the issuer; and (y) the Board records the basis for any such finding in its minutes. In addition, securities that differ only in respect of issuance date, currency, or denominations may be treated as the same security; and

(v) *No control.* The Affiliated Fund, the other Regulated Funds and their affiliated persons (within the meaning of section 2(a)(3)(C) of the Act), individually or in the aggregate, do not control the issuer of the securities (within the meaning of section 2(a)(9) of the Act).

8. *Standard Review Follow-Ons.*

(a) *General.* If any Regulated Fund or Affiliated Fund desires to make a Follow-On Investment in an issuer and the Regulated Funds and Affiliated Funds holding investments in the issuer previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to each such Regulated Fund or Affiliated Fund will notify each Regulated Fund that holds securities of the portfolio company of the proposed transaction at the earliest practical time; and

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to the proposed participation, including the amount of the proposed investment, by such Regulated Fund.

(b) *No Board Approval Required.* A Regulated Fund may participate in the Follow-On Investment without obtaining prior approval of the Required Majority if:

(i) (A) The proposed participation of each Regulated Fund and each Affiliated Fund in such investment is proportionate to its outstanding investments in the issuer or the security at issue, as appropriate,[30] immediately preceding the Follow-On Investment; and (B) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application); or

(ii) it is a Non-Negotiated Follow-On Investment.

(c) *Standard Board Approval.* In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Trustees and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority makes the determinations set forth in Condition 2(c). If the only previous Co-Investment Transaction with respect to the issuer was an Enhanced Review Disposition the Eligible Trustees must complete this review of the proposed Follow-On Investment both on a stand-alone basis and together with the Pre-Boarding Investments in relation to the total economic exposure and other terms of the investment.

(d) *Allocation.* If, with respect to any such Follow-On Investment:

(i) The amount of the opportunity proposed to be made available to any Regulated Fund is not based on the Regulated Funds' and the Affiliated Fund's outstanding investments in the issuer or the security at issue, as appropriate, immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Advisers to be invested in the Follow-On Investment by the participating Regulated Funds and any participating Affiliated Fund, collectively, exceeds the amount of the investment opportunity, then the Follow-On Investment opportunity will be allocated among them *pro rata* based on the size of the Internal Orders, as described in section III.A.1.b. of the application.

(e) *Other Conditions.* The acquisition of Follow-On Investments as permitted by this Condition will be considered a Co-Investment Transaction for all purposes and subject to the other Conditions set forth in the application.

9. *Enhanced Review Follow-Ons.*

(a) *General.* If any Regulated Fund or Affiliated Fund desires to make a Follow-On Investment in an issuer that is a Potential Co-Investment Transaction and the Regulated Funds and any Affiliated Fund holding investments in the issuer have not previously participated in a Co-Investment Transaction with respect to the issuer:

(i) The Adviser to each such Regulated Fund or Affiliated Fund will notify each Regulated Fund that holds securities of the portfolio company of the proposed transaction at the earliest practical time;

(ii) the Adviser to each Regulated Fund that holds an investment in the issuer will formulate a recommendation as to the proposed participation, including the amount of the proposed investment, by such Regulated Fund; and

[29] In determining whether a holding is ''immaterial'' for purposes of the Order, the Required Majority will consider whether the nature and extent of the interest in the transaction or arrangement is sufficiently small that a reasonable person would not believe that the interest affected the determination of whether to enter into the transaction or arrangement or the terms of the transaction or arrangement.

[30] To the extent that a Follow-On Investment opportunity is in a security or arises in respect of a security held by the participating Regulated Funds and any Affiliated Fund, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the security in question immediately preceding the Follow-On Investment using the most recent available valuation thereof. To the extent that a Follow-On Investment opportunity relates to an opportunity to invest in a security that is not in respect of any security held by any of the participating Regulated Funds or any Affiliated Fund, proportionality will be measured by each participating Regulated Fund's and Affiliated Fund's outstanding investment in the issuer immediately preceding the Follow-On Investment using the most recent available valuation thereof.

(iii) the Advisers will provide to the Board of each Regulated Fund that holds an investment in the issuer all information relating to the existing investments in the issuer of the Regulated Funds and Affiliated Fund, including the terms of such investments and how they were made, that is necessary for the Required Majority to make the findings required by this Condition.

(b) *Enhanced Board Approval.* The Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Trustees, and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority reviews the proposed Follow-On Investment both on a stand-alone basis and together with the Pre-Boarding Investments in relation to the total economic exposure and other terms and makes the determinations set forth in Condition 2(c). In addition, the Follow-On Investment may only be completed in reliance on the Order if the Required Majority of each participating Regulated Fund determines that the making and holding of the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b–1) or rule 17d–1, as applicable. The basis for the Board's findings will be recorded in its minutes.

(c) *Additional Requirements.* The Follow-On Investment may only be completed in reliance on the Order if:

(i) *Original Investments.* All of the Affiliated Fund's and Regulated Funds' investments in the issuer are Pre-Boarding Investments;

(ii) *Advice of counsel.* Independent counsel to the Board advises that the making and holding of the investments in the Pre-Boarding Investments were not prohibited by section 57 (as modified by rule 57b–1) or rule 17d–1, as applicable;

(iii) *Multiple Classes of Securities.* All Regulated Funds and Affiliated Funds that hold Pre-Boarding Investments in the issuer immediately before the time of completion of the Co-Investment Transaction hold the same security or securities of the issuer. For the purpose of determining whether the Regulated Funds and Affiliated Fund hold the same security or securities, they may disregard any security held by some but not all of them if, prior to relying on the Order, the Required Majority is presented with all information necessary to make a finding, and finds, that: (x) Any Regulated Fund's or Affiliated Fund's holding of a different class of securities (including for this purpose a security with a different maturity date) is immaterial in amount, including immaterial relative to the size of the issuer; and (y) the Board records the basis for any such finding in its minutes. In addition, securities that differ only in respect of issuance date, currency, or denominations may be treated as the same security; and

(iv) *No control.* The Affiliated Fund, the other Regulated Funds and their affiliated persons (within the meaning of section 2(a)(3)(C) of the Act), individually or in the aggregate, do not control the issuer of the securities (within the meaning of section 2(a)(9) of the Act).

(d) *Allocation.* If, with respect to any such Follow-On Investment:

(i) The amount of the opportunity proposed to be made available to any Regulated Fund is not based on the Regulated Funds' and the Affiliated Fund's outstanding investments in the issuer or the security at issue, as appropriate, immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Advisers to be invested in the Follow-On Investment by the participating Regulated Funds and any participating Affiliated Fund, collectively, exceeds the amount of the investment opportunity, then the Follow-On Investment opportunity will be allocated among them pro rata based on the size of the Internal Orders, as described in section III.A.1.b of the application.

(e) *Other Conditions.* The acquisition of Follow-On Investments as permitted by this Condition will be considered a Co-Investment Transaction for all purposes and subject to the other Conditions set forth in the application.

10. *Board Reporting, Compliance and Annual Re-Approval.*

(a) Each Adviser to a Regulated Fund will present to the Board of each Regulated Fund, on a quarterly basis, and at such other times as the Board may request, (i) a record of all investments in Potential Co-Investment Transactions made by any of the other Regulated Funds or any Affiliated Fund during the preceding quarter that fell within the Regulated Fund's then-current Objectives and Strategies and Board-Established Criteria that were not made available to the Regulated Fund, and an explanation of why such investment opportunities were not made available to the Regulated Fund; (ii) a record of all Follow-On Investments in and Dispositions of investments in any issuer in which the Regulated Fund holds any investments by any Affiliated Fund or other Regulated Fund during the prior quarter; and (iii) all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by other Regulated Funds or any Affiliated Fund that the Regulated Fund considered but declined to participate in, so that the Independent Trustees, may determine whether all Potential Co-Investment Transactions and Co-Investment Transactions during the preceding quarter, including those investments that the Regulated Fund considered but declined to participate in, comply with the Conditions.

(b) All information presented to the Regulated Fund's Board pursuant to this Condition will be kept for the life of the Regulated Fund and at least two years thereafter, and will be subject to examination by the Commission and its staff.

(c) Each Regulated Fund's chief compliance officer, as defined in rule 38a–1(a)(4), will prepare an annual report for its Board each year that evaluates (and documents the basis of that evaluation) the Regulated Fund's compliance with the terms and Conditions of the application and the procedures established to achieve such compliance.

(d) The Independent Trustees will consider at least annually whether continued participation in new and existing Co-Investment Transactions is in the Regulated Fund's best interests.

11. *Record Keeping.* Each Regulated Fund will maintain the records required by section 57(f)(3) of the Act as if each of the Regulated Funds were a BDC and each of the investments permitted under these Conditions were approved by the Required Majority under section 57(f).

12. *Trustee Independence.* No Independent Trustee of a Regulated Fund will also be a director, general partner, managing member or principal, or otherwise be an ''affiliated person'' (as defined in the Act) of any Affiliated Fund.

13. *Expenses.* The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the Securities Act) will, to the extent not payable by the Advisers under their respective advisory agreements with the Regulated Funds and the Affiliated Fund, be shared by the Regulated Funds and any participating Affiliated Fund in proportion to the relative amounts of the securities held or being acquired or disposed of, as the case may be.

14. *Transaction Fees.*[31] Any transaction fee (including break-up, structuring, monitoring or commitment fees but excluding brokerage or underwriting compensation permitted by section 17(e) or 57(k)) received in connection with any Co-Investment Transaction will be distributed to the participants on a pro rata basis based on the amounts they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by the Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1), and the account will earn a competitive rate of interest that will also be divided pro rata among the participants. None of the Advisers, the Affiliated Fund, the other Regulated Funds or any affiliated person of the Affiliated Fund or the Regulated Funds will receive any additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction other than (i) in the case of the Regulated Funds and the Affiliated Fund, the pro rata transaction fees described above and fees or other compensation described in Condition 2(c)(iii)(B)(z), (ii) brokerage or underwriting compensation permitted by section 17(e) or 57(k) or (iii) in the case of the Advisers, investment advisory compensation paid in accordance with investment advisory agreements between the applicable Regulated Fund(s) or Affiliated Fund(s) and its Adviser.

15. *Independence.* If the Holders own in the aggregate more than 25 percent of the Shares of a Regulated Fund, then the Holders will vote such Shares as directed by an independent third party when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) any other matter under either the Act or applicable State law affecting the Board's composition, size or manner of election.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

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[31] Applicants are not requesting and the Commission is not providing any relief for transaction fees received in connection with any Co-Investment Transaction.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89325; File No. SR–CBOE–2020–060]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of a Proposed Rule Change Relating to Adopt Related Futures Cross (''RFC'') Orders

July 15, 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 July 1, 2020, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to adopt Related Futures Cross (''RFC'') Orders. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[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

The Exchange proposes to adopt RFC orders on a permanent basis. On the Exchange's trading floor, floor brokers execute crosses of option combos (*i.e.,* synthetic futures) on the trading floor on behalf of market participants who were exchanging futures contracts for related options positions. Market participants enter into these exchanges in order to swap related exposures. For instance, if a market participant has positions in VIX options but would prefer to hold a corresponding position in VIX futures (such as, for example, to reduce margin or risk related to the option positions), that market participant may swap its VIX options positions with another market participant(s)'s VIX futures positions that have corresponding risk exposure.[3] The Exchange understands from customers that the need to reduce risk is prevalent in VIX and SPX, particularly when the markets are volatile, and that they often have corresponding futures that could make these exchanges possible. For example, Cboe Futures Exchange LLC (''CFE'') permit these types of exchanges with respect to VIX futures pursuant to CFE Rule 414.[4]

A key element to these exchanges is that both of the option and future transactions must occur between the same market participants. When a floor broker represented the cross of the option contracts on the trading floor in accordance with applicable rules,[5] while in-crowd market participants had the opportunity to bid or offer to participate on the trade, those participants generally declined to participate upon hearing that the cross was part of an exchange of related futures contracts. While not required by the Rules, the Rules permit in-crowd market participants to decline to accept contracts that would otherwise be allocated to them.[6] The Exchange understands these market participants decline this allocation voluntarily, as

[3] The transaction between the market participants for the futures positions occurs in accordance with the rules of the applicable designated contract market that lists the futures. *See, e.g.,* Cboe Futures Exchange LLC Rule 414.

[4] Currently, CME, which lists futures that correspond to SPX options, does not offer similar exchange opportunities. If CME implements a rule to permit them, the proposed rule change will permit TPHs to similar use RFC orders to swap exposure with corresponding futures that transact pursuant to CME's rules.

[5] *See* Rules 5.85 and 5.87.

[6] *See* Rule 5.85(a)(2)(C)(iv).

they are aware of the need for market participants to execute these crosses cleanly for the transfer of risk between participants to be effective.[7] These are riskless exchanges that carry no profit or loss for the market participants that are party to the transactions, but rather are intended to provide a seamless method for market participants to reduce margin and capital requirements while maintaining the same risk exposure within their portfolios.

From March 16 to June 12, 2020, the Exchange closed its trading floor in response to the coronavirus pandemic. During that time, the Exchange operated in an all-electronic configuration, which would have prevented market participants from executing these crosses. As a result, the Exchange adopted Rule 5.24(e)(1)(D) to permit Trading Permit Holders (''TPHs'') to execute RFC orders while the trading floor was closed.[8] When the trading floor reopened on June 15, 2020, RFC orders were no longer available. However, the Exchange has received feedback from customers regarding the benefits of RFC orders, including the efficiency it provided with respect to the execution of these crosses. Therefore, the Exchange proposes to adopt RFC orders that can be executed electronically or in open outcry on a permanent basis.

The proposed rule change adds RFC orders to the list of complex order instructions in Rule 5.33(b)(5). For purposes of electronic trading, a ''Related Futures Cross'' or ''RFC'' order is an SPX or VIX complex order comprised of an option combo order coupled with a contra-side order or orders totaling an equal number of option combo orders. For purposes of open outcry trading, an RFC order is an SPX or VIX complex order comprised of an option combo that may execute against a contra-side RFC order or orders totaling an equal number of option combo orders. An RFC order must be identified to the Exchange as being part of an exchange of option contracts for related futures positions.[9]

The proposed definition of RFC order for electronic trading purposes is identical to the current definition in Rule 5.24(e)(1)(D). The proposed definition of RFC order for open outcry trading is identical as well, except it contemplates RFC orders to be submitted as two separate orders rather than a paired order, as paired orders are currently unable to route to PAR for manual handling. This is merely a difference in form of submission—as two orders are submitted to the System in one order message for electronic and two orders are submitted to the System in separate messages for open outcry—but the criteria to be considered an RFC order and the terms of execution are the same for both. The Exchange notes that currently, if a TPH wants to execute a cross of options orders as part of an exchange for related futures positions, such cross occurs with two separate orders, so the proposed rule change is consistent with current practice on the trading floor, except it eliminates the need for exposure.

For purposes of the proposed RFC order instruction:

- An SPX or VIX option combo order is a two-legged order with one leg to purchase (sell) SPX or VIX calls and another leg to sell (purchase) the same number of SPX or VIX, respectively, puts with the same expiration date and strike price.[10]
- An exchange of option contracts for related futures positions is a transaction entered into by market participants seeking to swap option positions with related futures positions with related exposures.
- A related futures position is a position in a futures contract with either the same underlying as or a high degree of price correlation to the underlying of the option combo in the RFC order so that execution of the option combos in the RFC order would serve as an appropriate hedge for the related future positions.
- In an exchange of contracts for related positions, one party(ies) must be the buyer(s) of (or the holder(s) of the long market exposure associated with) the options positions and the seller(s) of corresponding futures contracts and the other party(ies) must be the seller(s) of (or holder(s) of the short market exposure associated with) the options positions and the buyer(s) of the corresponding futures contracts. The quantity of the option contracts executed as part of the RFC order must correlate to the quantity represented by the related futures position portion of the exchange.[11]

The proposed rule change adopts Rule 5.33(m) to describe how RFC orders may execute. Specifically, proposed subparagraph (m)(1) states an RFC order will execute automatically on entry without exposure if:

- Each option leg executes at a price that complies with Rule 5.33(f)(2),[12] provided that no option leg executes at the same price as a Priority Customer Order in the Simple Book; and
- each option leg executes at a price at or between the national best bid or offer (''NBBO'') for the applicable series; and
- the execution price is better than the price of any complex order resting in the complex order book (''COB''), unless the RFC order is a Priority Customer Order and the resting complex order is a non-Priority Customer Order, in which case the execution price may be the same as or better than the price of the resting complex order.

The System cancels an RFC order if it cannot execute.[13] This provision provides that RFC orders must execute in accordance with the same priority principles that apply to all other complex orders on the Exchange, with additional restrictions so that no leg may trade at the same price as a resting Priority Customer order, which protects Priority Customer orders in the simple book and COB and prohibits trades through prices available in the book.

Proposed paragraph (m) also provides the following:

- The execution of an RFC order must happen contemporaneously with the execution of the related futures position portion of the exchange.[14]

[7] Additionally, many market-makers in the crowd that decline their allocations in these crosses often similarly engage in these exchanges for similar purposes, so may similarly benefit from the ability to execute these clean crosses.

[8] Pursuant to current Rule 5.24(e)(1), RFC orders would be available until the earlier of the reopening of the trading floor or June 30, 2020. Because the proposed rule change proposes to adopt RFC orders on a permanent basis, the proposed rule change deletes the temporary RFC order rule in Rule 5.24(e)(1)(D).

[9] *See* current Rule 5.24(e)(1)(D).

[10] *See* current Rule 5.24(e)(1)(D)(4).

[11] *See* current Rule 5.24(e)(1)(D)(5).

[12] Rule 5.33(f)(2) requires complex orders, which would include an RFC order, which by definition contains two option legs, to execution only if the execution price: At a net price: (i) That would cause any component of the complex strategy to be executed at a price of zero; (ii) worse than the synthetic best bid or offer (''SBBO'') or equal to the SBBO when there is a Priority Customer Order at the SBBO, except all-or-none complex orders may only execute at prices better than the SBBO; (iii) that would cause any component of the complex strategy to be executed at a price worse than the individual component prices on the Simple Book; (iv) worse than the price that would be available if the complex order Legged into the Simple Book; or (v) that would cause any component of the complex strategy to be executed at a price ahead of a Priority Customer Order on the Simple Book without improving the BBO of at least one component of the complex strategy.

[13] *See* current Rule 5.24(e)(1)(D)(1)(b) and (2).

[14] *See* proposed Rule 5.33(m)(3); *see also* current Rule 5.24(e)(1)(D)(6). Current Rule 5.24(e)(1)(D)(6) provides that RFC orders may only execute during the Regular Trading Hours session. The purpose of that restriction was because the functionality was intended to temporarily replicate trading that only occurred on the trading floor, which is only available during Regular Trading Hours. With permanent availability of this order instruction, the Exchange believes it is appropriate to make electronic RFC orders available during the Global Trading Hours session as well. This will provide market participants with flexibility to execute these

• An RFC order may only be entered in the standard increment applicable to the class pursuant to Rule 5.33(f)(1)(A).[15] Therefore, RFC orders may only be submitted in the same increments as all other complex orders in VIX and SPX, as applicable.[16]

• The transaction involving the related futures position of the exchange must comply with all applicable rules of the designated contract market on which the futures are listed for trading.[17]

• Rule 5.9 (related to exposure of orders on the Exchange) does not apply to executions of RFC orders.[18] An RFC order is intended to provide a seamless mechanism to execute crosses without exposure, so proposed change is appropriate.

As noted above, market participants execute crosses related to an exchange for related positions in open outcry on the Exchange's trading floor. While in-crowd market participants have the opportunity to bid or offer to participate on the trade, those participants generally decline to participate upon hearing that the cross was part of an exchange of related futures contracts. Therefore, in practice, the orders execute as clean crosses. To provide for a seamless experience in open outcry, the Exchange proposes to add RFC orders to the list of complex orders it may make available in open outcry.[19]

RFC orders will execute in open outcry in a substantially similar manner as they do electronically. Specifically, proposed Rule 5.85(i) provides that an RFC orders execute against each other without representation on the trading floor if:

• Each option leg executes at a price that complies with Rule 5.85(b),[20] provided that no option leg executes at the same price as a Priority Customer Order in the Simple Book;

• each option leg executes at a price at or between the NBBO for the applicable series; and

• the execution price is better than the price of a complex order resting in the COB, unless the RFC order is a Priority Customer Order and the resting complex order is a non-Priority Customer Order, in which case the execution price may be the same as or better than the price of the resting complex order.[21]

RFC orders may not be executed unless the above criteria are satisfied. These execution criteria are the same as the proposed criteria for execution of RFC order electronically as described above, except the proposed rule change references the complex order priority applicable to open outcry trading rather than electronic trading. However, RFC orders, whether executed electronically or in open outcry may not trade, and may not have a leg trade, at the same price as a resting Priority Customer order.

Proposed Rule 5.85(i) adopts the following provision that correspond to criteria applicable to electronic RFC orders, as described above:

• An RFC order may only be entered in the standard increment applicable to the class pursuant to Rule 5.4(b).[22]

• The execution of an RFC order must happen contemporaneously with the execution of the related futures position portion of the exchange.[23]

• The transaction involving the related futures position of the exchange must comply with all applicable rules of the designated contract market on which the futures are listed for trading.[24]

• Rule 5.9 (related to exposure of orders on the Exchange) does not apply to executions of RFC orders.[25]

Allowing TPHs, and particularly market-makers, to exchange synthetic futures (long (short) call, short (long) put—combos) for listed futures replicates an execution opportunity available in an open outcry environment market participants often use to obtain relief from the effect of the current exposure method (''CEM'') on the options market. However, the proposed RFC order will provide market participants with opportunities to execute these necessary position reducing trades in VIX and SPX options in a more efficient and seamless manner, as it will not require exposure of these orders on the Exchange.

The Exchange believes there are multiple reasons that make the proposed rule change to make RFC orders available permanently is appropriate to maintain fair and orderly markets. First, existing margin models do not fully recognize similar risks present in VIX and SPX derivatives positions held by the Exchange's liquidity providing community. This results in an overestimation of risk causing Clearing TPHs to require out-sized margin deposits from their market-maker clients, which restricts the liquidity market-makers can provide to the markets. Second, because the Clearing TPHs carrying these positions are bank-owned broker/dealers they are subject to further bank regulatory capital requirements pursuant to CEM, which result in these additional punitive capital requirements being passed on to their market-maker clients.[26] Finally, market volatility, such as the recent extreme volatility experienced in the markets, can make providing liquidity in VIX and SPX options immensely more challenging. The execution of options trades independent of the underlying futures hedge introduces additional risk to these transactions, which further reduces available liquidity a liquidity provider may

orders at more times, particularly given that futures may trade nearly 24 hours a day. *See* CFE trading hours, *available at https://www.cboe.com/trading-resources/cfe-expiration-holiday-calendars.*

[15] *See* proposed Rule 5.33(m)(2). Rule 5.33(f)(1)(A) provides that the minimum increment for bids and offers on a complex order, and the increments at which components of a complex order may be executed, is set forth in Rule 5.4(b). Rule 5.4(b) states except as provided in Rule 5.33, the minimum increment for bids and offers on complex orders with any ratio equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) for equity and index options, and for Index Combo orders, is $0.01 or greater, which may be determined by the Exchange on a class-by-class basis, and the legs may be executed in $0.01 increments. The minimum increment for bids and offers on complex orders with any ratio less than one-to-three (.333) or greater than three-to-one (3.00) for equity and index options (except for Index Combo orders) is the standard increment for the class pursuant to paragraph (a), and the legs may be executed in the minimum increment applicable to the class pursuant to paragraph (a). Notwithstanding the foregoing, the minimum increment for bids and offers on complex orders in options on the S&P 500 Index (SPX) or on the S&P 100 Index (OEX and XEO), except for box/roll spreads, is $0.05 or greater, or in any increment, which may be determined by the Exchange on a class-by-class basis.

[16] *See* proposed Rule 5.33(m)(2); *see also* current Rule 5.24(e)(1)(D)(3).

[17] *See* proposed Rule 5.33(m)(4); *see also* current Rule 5.24(e)(1)(D)(7).

[18] *See* proposed Rule 5.33(m)(5); *see also* current Rule 5.24(e)(1)(D)(2).

[19] *See* proposed Rule 5.83(b)(2).

[20] Rule 5.85(b) provides that a complex order (1) with any ratio equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) or (2) that is an Index Combo order may be executed at a net debit or credit price without giving priority to equivalent bids (offers) in the individual series legs that are represented in the trading crowd or in the Book if the price of at least one leg of the order improves the corresponding bid (offer) of a Priority Customer order(s) in the Book by at least one minimum trading increment as set forth in Rule 5.4(b). A complex order with any ratio less than one-to-three (.333) and greater than three-to-one (3.00) (except for an Index Combo order) may be executed in open outcry on the trading floor at a net debit or credit price without giving priority to equivalent bids (offers) in the individual series legs that are represented in the trading crowd or in the Book if each leg of the order betters the corresponding bid (offer) of a Priority Customer order(s) in the Book on each leg by at least one minimum trading increment as set forth in Rule 5.4(b).

[21] *See* proposed Rule 5.85(i)(1).

[22] *See* proposed Rule 5.85(i)(1)(2).

[23] *See* proposed Rule 5.85(i)(1)(3).

[24] *See* proposed Rule 5.85(i)(1)(4).

[25] *See* proposed Rule 5.85(i)(1)(5).

[26] *See* Letter from Cboe, New York Stock Exchange, and Nasdaq, Inc., to the Honorable Randal Quarles, Vice Chair for Supervision of the Board of Governors of the Federal Reserve System, March 18, 2020.

provide to the market. The combination of these factors negatively impacts the market-making community, which reduces liquidity available in the market. This is particularly true in an extremely volatile market, which is when the market needs this liquidity the most.

The Exchange believes the proposed rule change will allow liquidity providers to execute trades tied to the underlying future (*i.e.,* ''delta-neutral'') in a substantially similar manner as they are currently only able to do on the trading floor, which the Exchange believes will considerably reduce the risk inherent in trying to maintain a hedged portfolio. The Exchange believes the proposed rule change will reduce existing inefficiencies in the execution of these risk-reducing trades and provide market participants with additional flexibility to execute them (either electronically or in open outcry). As a result, the Exchange believes the proposed rule change will provide an additional method for liquidity providers to free up much needed capital, which will benefit the entire market and all investors.

The proposed rule will require that the executing TPH identify these crosses as related to an exchange for related positions. As a result, the Exchange's Regulatory Division has put in place a regulatory review plan that will permit it to ensure any RFC orders that are executed are done in conjunction with an exchange of contract for related positions as required by the proposed rule.[27]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[28] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [29] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [30] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. The proposed rule change will provide liquidity providers and other market participants with the ability to exchange SPX and VIX options positions with corresponding futures positions electronically in a substantially similar manner as are able to do on the trading floor was open. Additionally, the proposed rule change will enhance the process by which market participants are currently able to effect these exchanges on the trading floor. These exchanges allow market participants to reduce options positions in their hedged portfolios while maintaining the same risk exposure, which would reduce the necessary capital associated with those positions and permit them to provide more liquidity in the market. This additional liquidity may result in tighter spreads and more execution opportunities, which benefits all investors, particularly in the current volatile markets.

The Exchange believes that its proposal is also consistent with the Act in that it seeks to mitigate the potentially negative effects of the bank capital requirements on liquidity in the VIX and SPX markets. As described above, current regulatory capital requirements could potentially impede efficient use of capital and undermine the critical liquidity role that Market-Makers and other liquidity providers play in the SPX and VIX options market by limiting the amount of capital Clearing TPHs (''CTPHs'') allocate to clearing member transactions. Specifically, the rules may cause CTPHs to impose stricter position limits on their clearing members. In turn, this could force Market-Makers to reduce the size of their quotes and result in reduced liquidity in the market. The Exchange believes that permitting TPHs to reduce options positions in SPX and VIX options that will permit them to maintain a hedged portfolio would likely contribute to the availability of liquidity in the SPX and VIX options market and help ensure that these markets retain their competitive balance. The Exchange believes that the proposed rule would serve to protect investors by helping to ensure consistent continued depth of liquidity, particularly given current market conditions when liquidity is needed the most by investors. As noted above, the Exchange temporarily offered RFC orders in an all-electronic trading environment while the trading floor was closed. During that time, TPHs executed 869,800 VIX contracts as RFC orders. The Exchange estimates this equates to more than $80 million in capital that market participants were able to free up using RFC orders, which capital they then had available to put back into the market.

The Exchange also believes the proposed rule change is consistent with the Act, because the proposed procedure is consistent with transactions that are otherwise permitted on the trading floor. The proposed rule would provide an electronic mechanism to replicate a process used on the trading floor and enhance the current process used on the trading floor. The proposed rule change will protect Priority Customer orders and orders on top of the book that comprise the BBO, as well as Priority Customer orders on the top of the COB. Additionally, the proposed rule change requires RFC orders to execute in the same increments as all other complex orders. While these crosses must currently be exposed on the trading floor, the Exchange observed that market participants generally deferred their allocations to permit a clean cross, as that is necessary for these transactions to achieve their intended effect. Because these orders were generally not broken up on the trading floor, and because the purpose of these trades is unrelated to profits and losses (making the price at which the transaction is executed relatively unimportant like competitive trades), the Exchange believes it is appropriate to not require exposure of these orders in an electronic or open outcry setting. The Exchange believes the proposed rule change, which is limited to two classes the Exchange believes are being significantly impacted by the inability to execute these crosses, and to option orders that qualify as combos tied to related futures positions, is narrowly tailored for the specific purpose of facilitating the ability of liquidity providers to reduce positions requiring significant capital as a result of current bank regulatory capital requirements and the current historic levels of market

[27] This will be a continuation of the plan implemented in connection with the temporary RFC orders that were available when the trading floor was closed, which will apply to electronic and open outcry RFC orders.

[28] 15 U.S.C. 78f(b).

[29] 15 U.S.C. 78f(b)(5).

[30] *Id.*

volatility. The Exchange believes the proposed rule change will protect investors by contributing to the continued depth of liquidity in the SPX and VIX options market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change will impose any burden on intramarket competition, RFC orders will be available to all market participants. As discussed above, while the proposed rule change is directed at market-makers, all market participants may use these orders in the same manner as long as all criteria of the proposed rule are satisfied. The Exchange does not believe the proposed rule change will impose any burden on intermarket competition, as it will apply only to products currently listed on the Exchange. Additionally, the proposed order is intended to accommodate riskless transactions for which parties are not seeking price improvement, but rather looking to swap risk exposure to free up capital that will permit those parties to continue to provide liquidity to the market, and thus is not intended to have a competitive impact.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2020–060 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–CBOE–2020–060. 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 offices 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–CBOE–2020–060, and should be submitted on or before August 11, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15687 Filed 7–20–20; 8:45 am]

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[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89324; File No. SR–NYSE–2020–59]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List

July 15, 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 July 1, 2020, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to (1) adopt a new Step Up Tier 4 Adding Credit, and (2) extend through July 2020 the waiver of equipment and related service charges and trading license fees for NYSE Trading Floor-based member organizations implemented for April, May and June 2020. The Exchange proposes to implement the fee changes effective July 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to (1) adopt a new Step Up Tier 4 Adding Credit, and (2) extend through July 2020 the waiver of equipment and related service charges and trading license fees for NYSE Trading Floor-based member organizations implemented for April, May and June 2020.

The proposed changes respond to the current competitive environment where order flow providers have a choice of where to direct liquidity-providing orders by offering further incentives for member organizations to send additional displayed liquidity to the Exchange, especially aggressively priced orders that improve the market by setting the National Best Bid and Offer (''NBBO'') on the Exchange. The proposed changes also respond to the current volatile market environment that has resulted in unprecedented average daily volumes and the temporary closure of the Trading Floor, which are both related to the ongoing spread of the novel coronavirus (''COVID–19'').

The Exchange proposes to implement the fee changes effective July 1, 2020.

Current Market and Competitive Environment

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.'' [4]

As the Commission itself recognized, the market for trading services in NMS stocks has become ''more fragmented and competitive.'' [5] Indeed, equity trading is currently dispersed across 13 exchanges,[6] 31 alternative trading systems,[7] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange has more than 20% market share (whether including or excluding auction volume).[8] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange's market share of trading in Tape A, B and C securities combined is less than 13%.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. With respect to non-marketable order flow that would provide displayed liquidity on an Exchange, member organizations can choose from any one of the 13 currently operating registered exchanges to route such order flow. Accordingly, competitive forces constrain exchange transaction fees that relate to orders that would provide liquidity on an exchange.

In response to the competitive environment described above, the Exchange has established incentives for its member organizations who submit orders that provide liquidity on the Exchange. The proposed fee change is designed to attract additional order flow to the Exchange by incentivizing member organizations to submit additional displayed liquidity to, and quote aggressively in support of the price discovery process on, the Exchange.

Moreover, beginning on March 16, 2020, in order to slow the spread of COVID–19 through social distancing measures, significant limitations were placed on large gatherings throughout the country. As a result, on March 18, 2020, the Exchange determined that beginning March 23, 2020, the physical Trading Floor facilities located at 11 Wall Street in New York City would close and that the Exchange would move, on a temporary basis, to fully electronic trading.[9] On May 14, 2020, the Exchange announced that on May 26, 2020 trading operations on the Trading Floor would resume on a limited basis to a subset of Floor brokers, subject to safety measures designed to prevent the spread of COVID–19.[10] On June 15, 2020, the Exchange announced that on June 17, 2020, the Trading Floor would reintroduce a subset of Designated Market Makers (''DMM''), also subject to safety measures designed to prevent the spread of COVID–19.[11]

The proposed rule change responds to these unprecedented events by extending the waiver of equipment and related service charges and trading license fees for NYSE Trading Floor-based member organizations for July 2020.

Proposed Rule Change

Step Up Tier 4 Adding Credit

The Exchange proposes to adopt a new ''Step Up Tier 4 Adding Credit'' that would offer an incremental credit for providing displayed liquidity to the Exchange in Tapes A, B and C Securities.

As proposed, the Exchange would provide an incremental $0.0006 credit in Tapes A, B and C securities for all orders from a qualifying member organization market participant identifier (''MPID'') or mnemonic [12] that sets the NBBO [13] or a new BBO [14] if the MPID or mnemonic:

- has adding average daily volume (''ADV'') in Tapes A, B and C Securities as a percentage of Tapes A, B and C CADV,[15] excluding any liquidity added

[4] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS'').

[5] *See* Securities Exchange Act Release No. 51808, 84 FR 5202, 5253 (February 20, 2019) (File No. S7–05–18) (Transaction Fee Pilot for NMS Stocks Final Rule) (''Transaction Fee Pilot'').

[6] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/. See generally https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[7] *See* FINRA ATS Transparency Data, available at *https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[8] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[9] *See* Press Release, dated March 18, 2020, available here: *https://ir.theice.com/press/press-releases/allcategories/2020/03-18-2020-204202110.*

[10] *See* Trader Update, dated May 14, 2020, available here: *https://www.nyse.com/traderupdate/history#110000251588.*

[11] *See* Trader Update, dated June 15, 2020, available here: *https://www.nyse.com/trader-update/history#110000272018.*

[12] Member organizations enter orders and order instructions, and receive information from the Exchange, by establishing a connection to a gateway that uses communication protocols that map to the order types and modifiers described in Exchange rules. These gateway connections, also known as logical port connections, are referred to as ''ports'' on the Exchange's Price List. Legacy ports connect with the Exchange via a Common Customer Gateway (known as ''CCG'') that accesses its equity trading systems (''Phase I ports''). Since July 2019, the Exchange has also made available ports using Pillar gateways to its member organizations (''Phase II ports''). For purposes of the Step Up Tier 4 Adding Credit, references to an ''MPID'' means the unique identifier assigned to member organizations communicating with the Exchange using Phase II ports, and references to ''mnemonic'' means the unique identifier issued by the Exchange to member organizations communicating with the Exchange using Phase I ports

[13] *See* Rule 1.1(q) (defining ''NBBO'' to mean the national best bid or offer).

[14] *See* Rule 1.1(c) (defining ''BBO'' to mean the best bid or offer on the Exchange).

[15] The terms ''ADV'' and ''CADV'' are defined in footnote * of the Price List.

by a DMM, that is at least 50% more than the MPID's or mnemonic's Adding ADV in Tapes A, B and C securities in June 2020 as a percentage of Tapes A, B and C CADV, and

• is affiliated with an Supplemental Liquidity Provider (''SLP'') that has an Adding ADV in Tape A securities at least 0.10% of NYSE CADV, and

• has Adding ADV in Tape A securities as a percentage of NYSE CADV, excluding any liquidity added by a DMM, that is at least 0.20%.

The proposed credit would be in addition to the MPID's or mnemonic's current credit for adding liquidity. The proposed credit also would not count toward the combined limit on SLP credits of $0.0032 per share provided for in the Incremental Credit per Share for affiliated SLPs whereby SLPs can qualify for incremental credits of $0.0001, $0.0002 or $0.0003.

For example, assume Member Organization A has two MPIDs, MPID1 and MPID2, and that MPID1 is a SLP with at least 0.10% SLP Adding ADV of NYSE CADV in the billing month. Further assume that MPID2 has an Adding ADV in Tape A, B and C Securities of 15 million shares when US CADV is 10 billion shares, or .15%.

If in the billing month MPID2 has an Adding ADV of 22.5 million shares with 10 million shares in Tape A securities, and that US CADV is again 10 billion shares, with 4 billion shares in NYSE CADV, Member Organization A's MPID2 would qualify for the incremental credit of $0.0006 per share for setting the NBBO and NYSE BBO because:

• MPID2's Adding ADV of 22.5 million shares when US CADV is 10 billion gives MPID2 an Adding ADV % of US CADV of 0.225%, a 50% increase over their 0.15% baseline;

• the 4 million shares in Adding ADV in Tape A when NYSE CADV is 4 billion shares gives MPID2 an Adding ADV of 0.25%; and

• MPID2 is affiliated with MPID1, which has at least 0.10% Adding ADV as a SLP in Tape A securities.

Further assume MPID2 meets the current Adding Tier 1 credit of $0.0022. In that case, Member Organization A would receive a credit of $0.0028 for MPID2 orders that set the NBBO or BBO, and $0.0022 for all other orders. If MPID2 was a SLP that qualified for the SLP Tier 1 adding credit of $0.0029, and also qualified for SLP Step Up credit of $.0003, MPID2 would receive $0.0038 for orders that set the NBBO or NYSE BBO, and $0.0032 for all other SLP orders that add liquidity to the Exchange.

The purpose of this proposed change is to incentivize member organizations to increase aggressively priced liquidity-providing orders that improve the market by setting the NBBO or a new BBO on the Exchange. The proposed step up tier is thus intended to encourage higher levels of liquidity, which would support the quality of price discovery on the Exchange and is consistent with the overall goals of enhancing market quality. As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, that adds liquidity to the Exchange. Because the proposed tier requires a member organization to receive an incremental per share credit if the member organization's eligible unique identifiers establish the NBBO or a new BBO on the Exchange and meet certain Adding ADV requirements directly and through affiliation with an SLP, the Exchange believes that the proposed credit would provide an incentive for such member organizations to send additional liquidity to the Exchange in order to qualify for it.

The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. Insofar as the tier, as proposed, requires a step up in Adding ADV from June 2020, there are currently no member organizations that would qualify for the proposed Step Up Tier 4 Adding Credit based on their current trading profile on the Exchange. The Exchange believes, however, that at least 5 member organizations could qualify for the tier if they so choose. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange in order for their MPIDs or mnemonics to qualify for the new tier.

Fee Waivers for Trading Floor-Based Member Organizations

As noted above, on March 18, 2020, the Exchange announced that it would temporarily close the Trading Floor, effective 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 equipment fees for the booth telephone system on the Trading Floor and associated service charges for the months of April and May.[16] On May 26, 2020, the Trading Floor reopened on a limited basis to a reduced number of Floor brokers to accommodate health-focused considerations. Following the partial reopening, the Exchange extended the equipment fee waiver for the month of June.[17] As noted above, on June 15, 2020, a limited number of DMMs returned to the Trading Floor. The Trading Floor continues to operate with reduced headcount and additional health and safety precautions.[18]

For the months of April, May and June, the Exchange waived the Annual Telephone Line Charge of $400 per phone number and the $129 fee for a single line phone, jack, and data jack. The Exchange also waived related service charges, as follows: $161.25 to install single jack (voice or data); $107.50 to relocate a jack; $53.75 to remove a jack; $107.50 to install voice or data line; $53.75 to disconnect data line; $53.75 to change a phone line subscriber; and miscellaneous telephone charges billed at $106 per hour in 15 minute increments.[19] These fees were waived for (1) member organizations with at least one trading license, a physical Trading Floor presence, and Floor broker executions accounting for 40% or more of the member organization's combined adding, taking, and auction volumes during March 1 to March 20, 2020, and (2) member organizations with at least one trading license that are Designated Market Makers with 30 or fewer assigned securities for the billing month of March 2020.

Because the Trading Floor will continue to operate with reduced capacity, the Exchange proposes to extend the waiver of these Trading Floor-based fees through July 2020. To effectuate this change, the Exchange proposes to add ''and July'' between ''June'' and ''2020'' in footnote 11 to the Price List.

In order to further reduce costs for member organizations with a Trading Floor presence, the Exchange also waived the April, May and June 2020 monthly portion of all applicable annual fees for (1) member organizations with

[16] *See* Securities Exchange Act Release No. 88602 (April 8, 2020), 85 FR 20730 (April 14, 2020) (SR–NYSE–2020–27); Securities Exchange Act Release No. 88874 (May 14, 2020), 85 FR 30743 (May 20, 2020) (SR–NYSE–2020–29). *See* footnote 11 of the Price List.

[17] *See* Securities Exchange Act Release No. 89050 (June 11, 2020), 85 FR 36637 (June 17, 2020) (SR–NYSE–2020–49).

[18] *See* Trader Update, dated June 15, 2020, available here: *https://www.nyse.com/trader-update/history#110000272018.* DMMs continue to support a subset of NYSE-listed securities remotely.

[19] The Service Charges also include an internet Equipment Monthly Hosting Fee that the Exchange did not waive for April, May and June 2020 and that the Exchange does not propose to waive for July 2020.

at least one trading license, a physical Trading Floor presence and Floor broker executions accounting for 40% or more of the member organization's combined adding, taking, and auction volumes during March 1 to March 20, 2020, and (2) member organizations with at least one trading license that are DMMs with 30 or fewer assigned securities for the billing month of March 2020.[20]

The Exchange proposes to also waive the July 2020 monthly portion of all applicable annual fees for member organizations with at least one trading license, a physical Trading Floor presence and Floor broker executions accounting for 40% or more of the member organization's combined adding, taking, and auction volumes during March 1 to March 20, 2020. The indicated annual trading license fees would also be waived for July 2020 for member organizations with at least one trading license that are DMMs with 30 or fewer assigned securities for the billing month of March 2020. To effectuate this change, the Exchange proposes to add ''and July'' between ''June'' and ''2020'' in footnote 15.

This proposed extension of the fee waivers would reduce monthly costs for member organizations with a Trading Floor presence whose operations were disrupted by the Floor closure, which lasted approximately two months, and remains partially closed. The Exchange believes that extension of the fee waiver would ease the financial burden associated with the ongoing partial Trading Floor closure. The Exchange believes that all member organization that conduct business on the Trading Floor would benefit from this proposed fee change.

The proposed changes are not otherwise intended to address other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[21] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[22] 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 Proposed Change is Reasonable

As discussed above, the Exchange operates in a highly fragmented and competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, 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.'' [23]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. With respect to non-marketable orders which provide liquidity on an Exchange, member organizations can choose from any one of the 13 currently operating registered exchanges to route such order flow. Accordingly, competitive forces constrain exchange transaction fees that relate to orders that would provide displayed liquidity on an exchange. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

Step Up Tier 4 Adding Credit

The Exchange believes that a new Step Up Tier 4 Adding Credit is reasonable. Specifically, the Exchange believes that the proposed Step Up Tier 4 Adding Credit would provide an incentive for member organizations to receive an incremental per share credit if the unique identifiers associated with the member organization for order entry and execution identification purposes establish the NBBO or a new BBO on the Exchange and meet certain Adding ADV requirements directly and through affiliation with an SLP. The proposed incremental credit would thus provide incentives to member organizations to provide aggressively priced orders that improve the market by setting the NBBO or a new BBO on the Exchange and to send additional liquidity providing orders to the Exchange in Tape A, B and C Securities. To the extent that the proposed change leads to an increase in overall liquidity activity on the Exchange and more competitive pricing, this will improve the quality of the Exchange's market, improve quote spreads and increase its attractiveness to existing and prospective participants.

As noted above, the Exchange operates in a highly competitive environment, particularly for attracting non-marketable order flow that provides liquidity on an exchange. The Exchange believes it is reasonable to provide higher credits for orders that provide additional liquidity. Moreover, the Exchange believes that providing an incrementally higher credit for adding orders that set the NBBO or a new BBO is reasonable because it would encourage additional aggressively priced displayed liquidity on the Exchange and because market participants benefit from the greater amounts of liquidity and price improvement present on the Exchange. Further, the Exchange believes that requiring member organizations to meet specific Adding ADV requirements at the MPID and mnemonic level in order to qualify for the incremental credit is also reasonable. Specifically, requiring all eligible unique identifiers to (1) have Adding ADV in Tapes A, B and C Securities as a percentage of Tapes A, B and C CADV, excluding any liquidity added by a DMM, that is at least 50% more than the MPID's or mnemonic's Adding ADV in Tapes A, B and C securities in June 2020 as a percentage of Tapes A, B and C CADV; (2) be affiliated with an SLP that has an Adding ADV in Tape A securities at least 0.10% of NYSE CADV; and (3) have Adding ADV in Tape A securities as a percentage of NYSE CADV, excluding any liquidity added by a DMM, that is at least 0.20%, is reasonable because it would encourage additional displayed liquidity on the Exchange and because market participants benefit from the greater amounts of liquidity and price improvement present on the Exchange.

Since the proposed Step Up Tier 4 would be new with a step up requirement, no member organization currently qualifies for the proposed pricing tier. As previously noted, there are a number of member organizations that could qualify for the proposed higher credit but without a view of member organization activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether the proposed rule change would result in any member organization qualifying for the tier. The Exchange believes the proposed credit is reasonable as it would provide an additional incentive for member organizations to direct their order flow

[20] *See* notes 16–17, *supra. See* footnote 15 of the Price List.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(4) & (5).

[23] *See* Regulation NMS, 70 FR at 37499.

to the Exchange and provide meaningful added levels of liquidity in order to qualify for the higher incremental credit, thereby contributing to depth and market quality on the Exchange.

The Exchange believes that requiring member organization's unique identifiers be affiliated with an SLP with an Adding ADV of at least 0.10% of NYSE CADV will encourage members to act as a SLP, which will benefit market participants from increased quoting as required for SLPs. The Exchange notes that Step Up Tier 2 has a similar SLP affiliation requirement.

Finally, the Exchange believes that excluding the incremental $0.0006 credit for NBBO and BBO setting adding volume from the $0.0032 limit for SLP Step Up credits will incentivize improved quoting and tighter spreads. The Exchange notes that all other adding orders from those qualifying MPIDs and mnemonics will continue to subject to the $0.0032 limit.

Fee Waivers for Trading Floor-Based Member Organizations

The proposed extension of the waiver of equipment and related service fees and the applicable monthly trading license fee for Trading Floor-based member organizations is reasonable in light of the partial continued closure of the NYSE Trading Floor. Beginning March 2020, markets worldwide have experienced unprecedented declines and volatility because of the ongoing spread of COVID–19 also resulted in the temporary closure of the NYSE Trading Floor. As noted, the Trading Floor was recently partially reopened on a limited basis to a subset of Floor brokers and DMMs, subject to safety measures designed to prevent the spread of COVID–19. The proposed change is designed to reduce costs for Floor participants for the month of July 2020 and therefore ease the financial burden faced by member organizations that conduct business on the Trading Floor while it continues to operate with reduced capacity.

The Proposal Is an Equitable Allocation of Fees

The Exchange believes the proposal equitably allocates its fees among its market participants by fostering liquidity provision and stability in the marketplace.

Step Up Tier 4 Adding Credit

The Exchange believes that the proposed Step Up Tier 4 will allocate the proposed credits fairly among market participants. The proposed tier will allow member organizations to qualify for a credit by adding liquidity and setting the NBBO or a new BBO. The Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more liquidity to the Exchange, thereby improving market-wide quality and price discovery. It is equitable for the Exchange to add additional incentives for member organizations to receive a credit when their orders add liquidity to the Exchange as a means of incentivizing increased liquidity adding activity. An increase in overall liquidity on the Exchange will improve the quality of the Exchange's market and increase its attractiveness to existing and prospective participants.

The Exchange believes that requiring member organization's unique identifiers to have specific Adding ADV requirements in order to qualify for the proposed credit would also encourage additional displayed liquidity on the Exchange. Moreover, it is equitable for the Exchange to require the unique identifiers to be affiliated with an SLP that meets an Adding ADV requirement in Tape A securities due to the Exchange's goal to specifically promoting increased liquidity in securities in Tape A. Since the proposed Step Up Tier would be new, no member organization currently qualifies for it. As noted, there are currently no member organizations that could qualify for the proposed higher credit, but without a view of member organization activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization qualifying for the tier. The Exchange believes the proposed incremental credit is reasonable as it would incentivize activity that encourages the setting of the NBBO or a new BBO, thereby contributing to depth and market quality and increased price improvement on the Exchange. The proposal neither targets nor will it have a disparate impact on any particular category of market participant. All member organizations would be eligible to qualify for the incremental credit proposed in Step Up Tier 4 if their unique identifier meets the Adding ADV requirements in Tapes A, B and C securities on its own and through affiliation with an SLP. Any market participant that is dissatisfied with the proposed new credit is free to shift order flow to competing venues that provide more favorable pricing or less stringent qualifying criteria.

The Exchange believes that offering an incremental step up credit for setting the NBBO or a new BBO will encourage higher levels of liquidity provision into the price discovery process and is consistent with the overall goals of enhancing market quality, thereby providing additional price improvement opportunities on the Exchange and benefiting investors generally. As to those market participants that do not presently qualify for the adding liquidity credits, the proposal will not adversely impact their existing pricing or their ability to qualify for other credits provided by the Exchange.

Fee Waivers for Trading Floor-Based Member Organizations

Finally, the proposed extension of the waiver of equipment and related service fees and the applicable monthly trading license fee for Trading Floor-based member organizations to July 2020 are also an equitable allocation of fees. The proposed waivers apply to all Trading Floor-based firms meeting specific requirements during the period that the Trading Floor is partially open. The proposed change is equitable as it merely continues the fee waiver granted in April, May and June 2020, and is designed to reduce monthly costs for Trading Floor-based member organizations that are unable to fully conduct Floor operations.

The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, member organizations are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value.

The proposal is not unfairly discriminatory because it neither targets nor will it have a disparate impact on any particular category of market participant.

Step Up Tier 4 Adding Credit

The Exchange believes it is not unfairly discriminatory to provide an additional per share step up credits for activity that encourages the setting of the NBBO or a new BBO as the proposed credit would be provided on an equal basis to all member organizations that add liquidity by meeting the new proposed Step Up Tier's requirements. As noted, the Exchange intends for the proposal to improve market quality for all members on the Exchange and by extension attract more liquidity to the market, thereby improving market wide quality and price discovery. The Exchange notes that there are currently tiers offering similar incentives. For example, NYSE Arca, Inc. (''NYSE Arca'') offers a BBO Setter tier for qualifying ETP IDs

that provides an incremental credit of $0.0004 per share in Tape A and Tape C securities and an incremental credit of $0.0002 in Tape B securities for orders that set a new NYSE Arca BBO.[24] The Exchange also believes that the proposed change is not unfairly discriminatory because it is reasonably related to the value to the Exchange's market quality associated with higher volume. Finally, the submission of orders to the Exchange is optional for member organizations in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard.

Fee Waivers for Trading Floor-Based Member Organizations

The proposed continuation of the waiver of equipment and related service fees and the applicable monthly trading license fee for Trading Floor-based member organizations during July 2020 is not unfairly discriminatory because the proposed waivers would benefit all similarly-situated market participants on an equal and non-discriminatory basis. The Exchange is not proposing to waive the Floor-related fixed indefinitely, but rather during the period that the Trading Floor is not fully open. The proposed fee change is designed to ease the financial burden on Trading Floor-based member organizations that cannot fully conduct Floor operations.

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.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[25] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for member organizations. As further discussed above, the Exchange believes that the proposed changes would encourage the continued participation of member organizations on the Exchange by providing certainty and fee relief during the unprecedented volatility and market declines caused by the continued spread of COVID–19. 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.'' [26]

Intramarket Competition. The proposed changes are designed to respond to the current competitive environment and to attract additional order flow to the Exchange. The Exchange believes that the proposed changes would continue to incentivize market participants to direct displayed order flow to the Exchange. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages member organizations to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants on the Exchange. The current and proposed credits would be available to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange. Further, the proposed continued waiver of equipment and related service fees and the applicable monthly trading license fee for Trading Floor-based member organizations during July 2020 provide a degree of certainty and ease the financial burden on Trading Floor-based member organizations impacted by the temporary closing and partial reopening of the Trading Floor. As noted, the proposal would apply to all similarly situated member organizations on the same and equal terms, who would benefit from the changes on the same basis. Accordingly, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As previously noted, the Exchange's market share of trading in Tape A, B and C securities combined is less than 13%. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition. The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to provide a degree of certainty and ease the financial burdens of the current unsettled market environment, and permit affected member organizations to continue to conduct market-making operations on the Exchange and avoid unintended costs of doing business on the Exchange while the Trading Floor is not fully open, which could 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) [27] of the Act and subparagraph (f)(2) of Rule 19b–4 [28] 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) [29] 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

[24] *See* NYSE Arca Equities Fees and Charges, available *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf.*

[25] 15 U.S.C. 78f(b)(8).

[26] Regulation NMS, 70 FR at 37498–99.

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f)(2).

[29] 15 U.S.C. 78s(b)(2)(B).

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–NYSE–2020–59 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–NYSE–2020–59. 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–NYSE–2020–59 and should be submitted on or before August 11, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15689 Filed 7–20–20; 8:45 am]

BILLING CODE 8011–01–P

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89320; File No. SR–MRX–2020–14]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Pricing Schedule at Options 7, Section 5, Other Options Fees and Rebates, in Connection With the Pricing for Orders Entered Into the Exchanges Price Improvement Mechanism

July 15, 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 July 1, 2020, Nasdaq MRX, LLC (''MRX'' 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 its Pricing Schedule at Options 7, Section 5, Other Options Fees and Rebates, in connection with the pricing for orders entered into the Exchange's Price Improvement Mechanism (''PIM'').[3] The Exchange also proposes an amendment to Options 7, Section 1, General Provisions.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/mrx/rules,* 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

The Exchange proposes to amend its Pricing Schedule at Options 7, Section 5, Other Options Fees and Rebates. Specifically, the Exchange proposes to amend Options 7, Section 5E, PIM Pricing for Regular and Complex Orders, to lower the Fees for PIM Contra-Side Orders, in both Penny Symbols and Non-Penny Symbols, for all market participants. The Exchange also proposes to eliminate note 1 within Options 7, Section 5E. Finally, the Exchange proposes to amend Options 7, Section 1, General Provisions. These changes will be described in greater detail below.

Options 7, Section 5E

For regular and complex PIM orders, the Exchange currently charges a PIM originating fee in Penny and Non-Penny Symbols of $0.20 per contract for Non-Priority Customers[4] and $0.00 per contract for Priority Customers.[5] The Exchange also charges all market participants a PIM contra-side fee in Penny and Non-Penny Symbols of $0.05 per contract. Members that execute an average daily volume (''ADV'') of 10,000 PIM originating contracts or greater within a month are eligible for a reduced PIM contra-side fee of $0.02 per contract (in lieu of $0.05 per contract). In addition, the Exchange presently charges PIM response fees of $0.50 per contract in Penny Symbols and $1.10 per contract in Non-Penny Symbols.

The Exchange proposes to lower the current regular and complex Fees for PIM Contra-Side Orders, for both Penny Symbols and Non-Penny Symbols, from $0.05 per contract to $0.02 per contract, for all market participants.[6] In

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] PIM is a process by which an Electronic Access Member (''EAM'') can provide price improvement opportunities for a transaction wherein the EAM seeks to facilitate an order it represents as agent, and/or a transaction wherein the EAM solicited interest to execute against an order it represents as agent. *See* Options 3, Section 13.

[4] Non-Priority Customers consist of Market Makers (including Market Maker orders sent to the Exchange by EAMs), Non-Nasdaq MRX Market Makers (FarMM), Firm Proprietary/Broker-Dealers, and Professional Customers.

[5] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq MRX Options 1, Section 1(a)(36).

[6] Today, Market Makers, Non-Nasdaq MRX Market Makers (FarMM), Firm Proprietary/Broker Dealers, Professional Customers and Priority

Continued

connection with lowering this fee, the Exchange proposes to eliminate note 1 within Options 7, Section 5E, which today provides, ''Members that execute an ADV of 10,000 PIM originating contracts or greater within a month will be assessed a fee of $0.02 per contract on the contra-side of a PIM auction (in lieu of $0.05 per contract).'' This incentive is no longer necessary as all market participants would be entitled to receive the lower regular and complex Fee for PIM Contra-Side Orders of $0.02 per contract for both Penny Symbols and Non-Penny Symbols.

Options 7, Section 1

The Exchange proposes an amendment to Options 7, Section 1, General Provisions. The Exchange proposes to replace the term ''Penny Pilot Program'' with ''Penny Interval Program.'' On April 1, 2020 the Commission approved the amendment to the OLPP to make permanent the Pilot Program (the ''OLPP Program'').[7] The Exchange recently filed a proposal to amend MRX Options 3, Section 3 to conform the rule to Section 3.1 of the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options (the ''OLPP'').[8] The Exchange's proposal amended MRX Options 3, Section 3 to refer to a Penny Interval Program instead of a Penny Pilot Program. This proposed change to Options 7, Section 1 conforms the name of the program.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] 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 Exchange's proposed changes to its Pricing Schedule are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[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'. . . .'' [11]

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.'' [12]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for options security transaction services. The Exchange is only one of sixteen options exchanges to which market participants may direct their order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

Options 7, Section 5E

The Exchange's proposal to lower the current regular and complex Fees for PIM Contra-Side Orders, for both Penny Symbols and Non-Penny Symbols, from $0.05 per contract to $0.02 per contract for all market participants, and eliminate note 1 [13] within Options 7, Section 5E is reasonable.[14] Lowering the regular and complex Fees for PIM Contra-Side Orders, for both Penny Symbols and Non-Penny Symbols, from $0.05 to $0.02 per contract, will incentivize Members to execute a greater number of PIM contracts on the Exchange. All market participants will benefit from a greater number of PIM contracts in that they will be able to interact with that order flow either by responding directly to a PIM or by submitting unrelated orders in the Order Book.

The Exchange's proposal to lower the current regular and complex Fees for PIM Contra-Side Orders, for both Penny Symbols and Non-Penny Symbols, from $0.05 per contract to $0.02 per contract for all market participants, and eliminate note 1 within Options 7, Section 5E is equitable and not unfairly discriminatory. All market participants will be uniformly assessed a regular and complex Fee for PIM Contra-Side Orders, for both Penny Symbols and Non-Penny Symbols, of $0.02 per contract.

Options 7, Section 1

The Exchange's proposal to amend Options 7, Section 1 to replace the term ''Penny Pilot Program'' with ''Penny Interval Program'' is reasonable, equitable and not unfairly discriminatory. This amendment seeks to conform the name of the program which governs the listing of certain standardized options.

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.

In terms of inter-market competition, 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

Customers are assessed the same regular and complex Fee for PIM Contra-Side Orders, for both Penny Symbols and Non-Penny Symbols of $0.05 per contract. These market participants have the opportunity to lower that fee to $0.02 per contract, pursuant to note 1 of Options 7, Section 5E, provided they execute the requisite volume.

[7] *See* Securities Exchange Act Release No. 88532 (April 1, 2020), 85 FR 19545 (April 7, 2020) (File No. 4–443) (''Approval Order'').

[8] *See* Securities Exchange Act Release No. 89163 (June 26, 2020) (SR–MRX–2020–13).

[9] 15 U.S.C. 78 f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[12] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[13] Options 7, Section 5E at note 1 provides, ''Members that execute an ADV of 10,000 PIM originating contracts or greater within a month will be assessed a fee of $0.02 per contract on the contra-side of a PIM auction (in lieu of $0.05 per contract).''

[14] Today, Market Makers, Non-Nasdaq MRX Market Makers (FarMM), Firm Proprietary/Broker Dealer, Professional Customer and Priority Customers are assessed the same regular and complex Fee for PIM Contra-Side Orders, for both Penny Symbols and Non-Penny Symbols of $0.05 per contract.

available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other options 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.

Moreover, as noted above, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and rebate changes. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing order execution venues to maintain their competitive standing in the financial markets.

Options 7, Section 5E

In terms of intra-market competition, the Exchange does not believe that its proposal will place any category of Exchange market participant at a competitive disadvantage. The proposed change is designed to incentivize market participants to direct PIM order flow to the Exchange. Specifically, the Exchange's proposal to lower the current regular and complex Fees for PIM Contra-Side Orders, for both Penny Symbols and Non-Penny Symbols, from $0.05 per contract to $0.02 per contract for all market participants, and eliminate note 1 within Options 7, Section 5E does not impose an undue burden on competition. All market participants would be uniformly assessed a regular and complex Fee for PIM Contra-Side Orders, for both Penny Symbols and Non-Penny Symbols, of $0.02 per contract.

Options 7, Section 1

The Exchange's proposal to amend Options 7, Section 1 to replace the term ''Penny Pilot Program'' with ''Penny Interval Program'' does not impose an undue burden on competition. This amendment seeks to conform the name of the program which governs the listing of certain standardized options.

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 [15] and Rule 19b–4(f)(2) [16] thereunder. 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–MRX–2020–14 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–MRX–2020–14. 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–MRX–2020–14 and should be submitted on or before August 11, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15690 Filed 7–20–20; 8:45 am]

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[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89322; File No. SR–NSCC–2020–013]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Remove the NSCC Equity Options and Bond Options Service From Addendum M of the NSCC Rules & Procedures

July 15, 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 July 10, 2020, National Securities Clearing Corporation (''NSCC'') 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 clearing agency. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(4) thereunder.[4] 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.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4).

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of modifications to NSCC's Rules & Procedures (''Rules'') in order to remove the NSCC Equity Options and Bond Options Service from Addendum M (''Addendum M'') of the Rules, as described in greater detail below.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background—Equity Options and Bond Options Service. In 2004, NSCC established a confirmation and matching service for over-the-counter (''OTC'') equity options transactions, called the NSCC Equity Options Service.[6] The NSCC Equity Options Service was created as a service by NSCC for NSCC's affiliate, DTCC Deriv/SERV LLC (''Deriv/SERV''), in connection with an OTC equity options confirmation and matching service developed and operated by Deriv/SERV (''OTC Matching and Confirmation Service'').[7] The NSCC Equity Options Service was added as Addendum M to the Rules.[8] In 2008, NSCC amended Addendum M to expand the NSCC Equity Options Service to include matching and confirmation for OTC bond option transactions and to rename the service the NSCC Equity Options and Bond Options Service.[9]

NSCC provided matching and confirmation services [10] to Deriv/SERV through its NSCC Equity Options and Bond Options Service pursuant to a service agreement between NSCC and Deriv/SERV. The NSCC Equity Options and Bond Options Service is limited to matching and confirmation of U.S. Equity Options or U.S. Bond Options.[11] The Equity Options and Bond Options Service does not involve settlement and is not a guaranteed service of NSCC. NSCC has provided the service only to its affiliate Deriv/SERV as contemplated by Addendum M.[12]

Deriv/SERV operated the OTC Matching and Confirmation Service from 2004 until 2009. From 2009 to 2013, the OTC Matching and Confirmation Service was operated by Deriv/SERV through a joint venture owned by Deriv/SERV and Markit North America, Inc. and its affiliates (collectively, ''Markit''), called MarkitSERV LLC (''MarkitSERV''). As part of the joint venture, Deriv/SERV contributed the OTC Matching and Confirmation Service to MarkitSERV and agreed to provide services to support the OTC Matching and Confirmation Service, including allowing the OTC Matching and Confirmation Service to operate on Deriv/SERV's mainframe platform and providing certain support services relating to the platform. In 2013, Deriv/SERV sold its interests in MarkitSERV to Markit and entered into a support agreement pursuant to which, among other things, Deriv/SERV continued to allow the OTC Matching and Confirmation Service to operate off of Deriv/SERV's mainframe platform and provide support services relating to the platform. In 2014, MarkitSERV began a process of moving the OTC Matching and Confirmation Service relating to equity options and bond options to its own mainframe platform which was completed by 2017. After MarkitSERV moved the OTC Matching and Confirmation Service relating to equity options and bond options to its own mainframe platform, Deriv/SERV ceased to provide support services relating to the OTC Matching and Confirmation Service with respect to equity options and bond options.

In 2010, Deriv/SERV began the Equity Derivative Cash Flow Matching Service (''Equity Cash Flow Matching Service'') which provided for matching payment information in OTC equity derivatives transactions. The Equity Cash Flow Matching Service was a separate service from the OTC Matching and Confirmation Service. Deriv/SERV discontinued the Equity Cash Flow Matching Service in April 2020.

Deriv/SERV used the Equity Options and Bond Options Service in connection with Deriv/SERV providing the OTC Matching and Confirmation Service and the Equity Cash Flow Matching Service. To the extent that the OTC Matching and Confirmation Service or the Equity Cash Flow Matching Service involved a transaction with U.S. Equity Options or U.S. Bond Options, NSCC would provide the matching and confirmation services to Deriv/SERV for that transaction pursuant to the Equity Options and Bond Options Service and service agreement between NSCC and Deriv/SERV.

Deriv/SERV no longer offers, operates or supports the OTC Matching and Confirmation Service or the Equity Cash Flow Matching Service and has no current plans to provide or support similar services relating to U.S. Equity Options or U.S. Bond Options. As a result, Deriv/SERV no longer utilizes the NSCC Equity Options and Bond Options Service.

Proposed Rule Change. NSCC has provided the NSCC Equity Options and Bond Options Service only to its affiliate, Deriv/SERV, and not to anyone else, as contemplated by Addendum M. Deriv/SERV no longer operates or supports the OTC Matching and Confirmation Service or the Equity Cash Flow Matching Service and does not utilize the NSCC Equity Options and Bond Options Service. Therefore, NSCC is proposing to discontinue the NSCC Equity Options and Bond Options Service and remove Addendum M from the Rules.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act requires, in part, that the Rules be designed to promote the prompt and

[5] Capitalized terms not defined herein are defined in the Rules *available at https://www.dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

[6] Securities Exchange Act Release No. 50652 (November 10, 2004), 69 FR 67377 (November 17, 2004) (SR–NSCC–2004–04). The Commission granted approval on a temporary basis through May 31, 2005. *Id.* A subsequent NSCC rule filing sought permanent approval of the service and was approved on May 26, 2005. Securities Exchange Act Release No. 51745 (May 26, 2005), 70 FR 33570 (June 8, 2005) (SR–NSCC–2005–04).

[7] *Id.* Deriv/SERV is a wholly owned subsidiary of The Depository Trust & Clearing Corporation (''DTCC'') which is the corporate parent of NSCC.

[8] Addendum M, *supra* note 5.

[9] Securities Exchange Act Release No. 58300 (August 4, 2008), 73 FR 46956 (August 12, 2008) (SR–NSCC–2008–06).

[10] Matching and confirmation involves comparison of trade information for a trade from two parties to determine whether trade information from both parties is the same. If it is determined to be the same, a confirmation will be sent to both trade parties confirming that the trade information matches.

[11] Addendum M provides that ''U.S. Equity Option'' means an over-the-counter equity option for which either the buyer or the seller of the equity option is a U.S. person and the equity option is issued by a U.S. issuer and a ''U.S. Bond Option'' means an over-the-counter bond option for which either the buyer or the seller of the bond option is a U.S. person and the bond option is issued by a U.S. issuer. Addendum M, *supra* note 5.

[12] *Id.* Addendum M provides that NSCC ''may provide to its affiliate DTCC Deriv/SERV LLC . . . a service through which U.S. Equity Option and U.S. Bond Option transactions and their associated cash flows are confirmed and matched.'' *Id.*

accurate clearance and settlement of securities transactions.[13] NSCC believes that the proposed rule change is consistent with this provision because it would provide enhanced clarity and transparency for its members with respect to services offered by NSCC, by updating the Rules to remove a service that was provided only to Deriv/SERV and that is no longer utilized by Deriv/SERV, as described above. Therefore, by providing enhanced clarity and transparency in the Rules regarding the services provided by NSCC, NSCC believes the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions, consistent with the requirements of the Act, in particular Section 17A(b)(3)(F), cited above.

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe that the proposed rule change would have any impact on competition. The NSCC Equity Options and Bond Options Service is a service offering provided by NSCC specifically to Deriv/SERV, and only to Deriv/SERV, in connection with Deriv/SERV providing and supporting the OTC Matching and Confirmation Service and the Equity Cash Flow Matching Service. Deriv/SERV no longer provides or supports the OTC Matching and Confirmation Service or the Equity Cash Flow Matching Service and is not expected to provide or support such services in the future. As such, Deriv/SERV does not utilize the NSCC Equity Options and Bond Options Service and is not likely to utilize the NSCC Equity Options and Bond Options Service in the future. Therefore, the proposed rule change should not have any impact on competition or on NSCC members other than to clarify the services that NSCC provides under the Rules.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. NSCC will notify the Commission of any written comments received by NSCC.

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) of the Act [14] and paragraph (f) of Rule 19b–4 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.

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–NSCC–2020–013 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–NSCC–2020–013. 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 NSCC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–NSCC–2020–013 and should be submitted on or before August 11, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–15691 Filed 7–20–20; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78q–1(b)(3)(F).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f).

[16] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16551 and #16552; Alabama Disaster Number AL–00109]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Alabama

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Alabama (FEMA–4555–DR), dated 07/10/2020.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 04/12/2020 through 04/13/2020.

DATES: Issued on 07/10/2020.

Physical Loan Application Deadline Date: 09/08/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 04/12/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 07/10/2020, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Blount, Cullman, De Kalb, Etowah, Jackson, Marshall, Walker.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.750
Non-Profit Organizations Without Credit Available Elsewhere	2.750
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16551C and for economic injury is 165520.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–15709 Filed 7–20–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16553 and #16554; Arkansas Disaster Number AR–00115]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Arkansas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Arkansas (FEMA–4556–DR), dated 07/10/2020.

Incident: Severe Storms and Straight-line Winds.

Incident Period: 04/12/2020.

DATES: Issued on 07/10/2020.

Physical Loan Application Deadline Date: 09/08/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 04/12/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 07/10/2020, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Arkansas, Bradley, Cleveland, Dallas, Desha, Drew, Grant, Jefferson, Lincoln, Ouachita.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.750
Non-Profit Organizations Without Credit Available Elsewhere	2.750
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16553B and for economic injury is 165540.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–15710 Filed 7–20–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16549 and #16550; Alabama Disaster Number AL–00108]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Alabama

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Alabama (FEMA–4554–DR), dated 07/10/2020.

Incident: Severe Storms, Straight-line Winds, and Tornadoes.

Incident Period: 04/19/2020.

DATES: Issued on 07/10/2020.

Physical Loan Application Deadline Date: 09/08/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 04/12/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 07/10/2020, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Barbour, Chilton, Coffee, Coosa, Covington, Crenshaw, Dale, Henry, Pike, Tallapoosa

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.750
Non-Profit Organizations Without Credit Available Elsewhere	2.750
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16549B and for economic injury is 165500.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–15708 Filed 7–20–20; 8:45 am]

BILLING CODE 8026–03–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Under the African Growth and Opportunity Act (AGOA)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The U.S. Trade Representative has determined that Mali has adopted an effective visa system and related procedures to prevent the unlawful transshipment of textile and apparel articles and the use of counterfeit documents in connection with the shipment of such articles, and has implemented and follows, or is making substantial progress towards implementing and following, the custom procedures required by the

African Growth and Opportunity Act (AGOA). Therefore, imports of eligible products from Mali qualify for the textile and apparel benefits provided under the AGOA.

DATES: This notice is applicable August 4, 2020.

FOR FURTHER INFORMATION CONTACT: Constance Hamilton, Assistant United States Trade Representative for Africa at *Constance_Hamilton@ustr.eop.gov* or (202) 395–9514.

SUPPLEMENTARY INFORMATION: The AGOA (Title I of the Trade and Development Act of 2000, Pub. L. 106–200, as amended) provides preferential tariff treatment for imports of certain textile and apparel products of beneficiary sub-Saharan African countries. The textile and apparel trade benefits under the AGOA are available to imports of eligible products from countries that the President designates as beneficiary sub-Saharan African countries, provided that these countries: (1) Have adopted an effective visa system and related procedures to prevent the unlawful transshipment of textile and apparel articles and the use of counterfeit documents in connection with shipment of such articles, and (2) have implemented and follow, or are making substantial progress towards implementing and following, certain customs procedures that assist U.S. Customs and Border Protection in verifying the origin of the products.

In Proclamation 9072 dated December 23, 2013, the President designated Mali as a beneficiary sub-Saharan African country and in Proclamation 9555 of October 25, 2019, proclaimed, for the purposes of section 112(c) of the AGOA, that Mali should be considered a lesser developed beneficiary sub-Saharan African country.

In Proclamation 7350 of October 2, 2000, the President authorized the U.S. Trade Representative to perform the function of determining whether eligible sub-Saharan countries have met the two requirements described above. The President directed the U.S. Trade Representative to announce determinations in the **Federal Register** and to implement them through modifications in the Harmonized Tariff Schedule of the United States (HTSUS).

Based on the actions Mali has taken, the U.S. Trade Representative has determined that Mali has satisfied the two requirements for eligibility for textile and apparel benefits under the AGOA. No modifications to the HTSUS are necessary in order to implement this determination. Imports claiming preferential tariff treatment under the AGOA for entries of textile and apparel articles should ensure that those entries meet the applicable visa requirements. *See* Visa Requirements Under the African Growth and Opportunity Act, 66 FR 7837 (January 25, 2001).

Edward Gresser,

Chair of the Trade Policy Staff Committee, Office of the United States Trade Representative.

[FR Doc. 2020–15730 Filed 7–20–20; 8:45 am]

BILLING CODE 3290–F0–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0076]

Trucking Safety Summit; Public Meeting

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of public meeting.

SUMMARY: FMCSA announces a public meeting: ''The FMCSA 2020 Trucking Safety Summit.'' This meeting will be held virtually on August 5, 2020, to solicit information on improving the safe operation of property-carrying commercial motor vehicles on our Nation's roadways. The virtual meeting will provide interested stakeholders—including motor carriers, drivers, safety technology developers and users, Federal and State partners, safety advocacy groups—as well as members of the public—an opportunity to share their ideas on improving trucking safety. The event will be hosted virtually by FMCSA from the U.S. Department of Transportation headquarters building in Washington, DC.

DATES: The virtual public meeting will be held Wednesday, August 5, 2020, from 9 a.m. to 4:30 p.m., EDT. A full agenda of the meeting is available online at *https://www.fmcsa.dot.gov/safety/fmcsa-truck-safety-summit.*

Public Comment: The virtual public meeting will include a brief public comment period in the mid to late afternoon. For information on registering for the Summit and providing oral comments during the public comment session, refer to the web page at *https://www.fmcsa.dot.gov/safety/fmcsa-truck-safety-summit.* Please limit oral public comments to 2 to 3 minutes. If all interested participants have had an opportunity to comment, the public comment period may conclude early. Presentations and public participation will be provided by electronic means to ensure compliance with Federal guidelines for public events during the COVID–19 public health emergency. Due to limitations on electronic participation, advance registration by the date specified at *https://www.fmcsa.dot.gov/safety/fmcsa-truck-safety-summit* is required. Those wishing to submit written comments, data, or analysis on trucking safety may do so here: Docket No. FMCSA–2020–0076 at *regulations.gov.*

ADDRESSES: The public meeting will be held via videoconference. Participation in the virtual public meeting is free, but advance registration is required. You may register at the web page *https://www.fmcsa.dot.gov/safety/fmcsa-truck-safety-summit.*

FOR FURTHER INFORMATION CONTACT: Ms. Janettarose L. Greene, (202) 366–5694, *FMCSA-PIO@dot.gov,* Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Services for Individuals with Disabilities: FMCSA is committed to providing equal access to this meeting for all. For information on services for individuals with disabilities, please contact Ms. Greene at the number or email address above by July 31 at *https://www.fmcsa.dot.gov/safety/fmcsa-truck-safety-summit.*

SUPPLEMENTARY INFORMATION:

Background

Data and analysis released by the National Highway Traffic Safety Administration show that over the last several years there has been an increase in fatalities resulting from crashes involving large trucks. See, for example, Large Truck Traffic Safety Fact Sheet (DOT HS # 812–663, available at *https://crashstats.nhtsa.dot.gov/#/*). To respond to this trend, FMCSA continues to work with State entities, industry, and others to identify new approaches to safety. These approaches can involve technology, company management practices, enforcement, outreach and education, and other techniques—encompassing a holistic approach to truck safety.

FMCSA is convening a virtual conference, ''The FMCSA 2020 Trucking Safety Summit,'' on August 5, 2020 (replacing a canceled conference scheduled for March 19), to solicit information on improving the safe operation of property-carrying commercial motor vehicles on our Nation's roadways. This event will provide diverse stakeholders—including motor carriers, drivers, safety technology developers and users, Federal and State partners, safety advocacy groups, and members of the

public—an opportunity to share their ideas on improving trucking safety. The sessions are intentionally structured to facilitate exchanges between experienced players in the trucking sphere who might not otherwise meet to collaborate. Senior FMCSA personnel will facilitate every session, selecting and posing questions to promote a productive discussion. FMCSA intends to record the session and will follow up with a record of proceedings or Safety Action Plan in the weeks following the event.

FMCSA will present and solicit information during six panel discussions. FMCSA will also provide a live streaming video of the Trucking Safety Summit for interested parties to share in the information being presented. To ensure compliance with Federal guidelines for public events during the COVID–19 public health emergency, the Agency will provide an opportunity for all participants and the public to take part virtually in the conference and the public comment session. The Agency will provide the public with all relevant details for participating in this meeting in advance at *https://www.fmcsa.dot.gov/safety/fmcsa-truck-safety-summit.*

Meeting participants must register in advance to participate and to gain access to the virtual public meeting. To register, please go to the website listed above. Oral comments from the public will be heard during the meeting. Members of the public may also submit written comments to the public docket referenced at the beginning of this notice using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590.

Hand Delivery: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., E.T. Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

James A. Mullen,

Deputy Administrator.

[FR Doc. 2020–15836 Filed 7–17–20; 12:00 pm]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2019–0109]

Virtual Public Meeting Port of Long Beach Pier B On-Dock Rail Support Facility Project; Virtual Meeting Access Information

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: This supplemental notice provides access information for Maritime Administration's virtual informational open house and public meeting related to the Draft Environmental Impact Statement (DEIS) for the Port of Long Beach (POLB or Port) Pier B On-Dock Rail Support Facility Project. Availability of the DEIS and virtual informational open house and public meeting was originally noticed in the **Federal Register** on July 8, 2020 (85 FR, No. 131, Page 41090). The Project is designed to address current traffic and cargo distribution bottlenecks into, out of, and within the POLB. The DEIS, supporting information, and comments are available for viewing and download at *http://www.regulations.gov* under docket number MARAD–2019–0109. The FEIS, when published, will be announced and available at this site as well.

DATES: There will be one virtual informational open house and public meeting held for the Project. The meeting will be held online and via teleconference Tuesday, July 28, 2020, from 6:00 p.m. to 8:00 p.m. Pacific Time (9:00 p.m.–11:00 p.m. Eastern). The public meeting will be preceded by an informational virtual open house from 4:00 p.m. to 6:00 p.m. Pacific Time (7:00 p.m.–9:00 p.m. Eastern). Interested parties are encouraged to attend and provide comments on the DEIS. The comment period for the DEIS has been extended and ends on August 31, 2020.

ADDRESSES: The public docket for MARAD–2019–0109 is maintained by the U.S. Department of Transportation, Docket Management Facility, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Alan Finio, Office of Environment, at telephone number: 202–366–8024 or by email at *Alan.Finio.ctr@dot.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during business hours. The FIRS is available twenty-four hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments or other Project documents are posted. Anonymous comments will be accepted.

SUPPLEMENTARY INFORMATION: The Port of Long Beach Pier B On-Dock Rail Support Facility Project includes consideration for anticipated future demand for cargo movement via on-dock rail; maximize on-dock intermodal operations to reach the long-term goal of 30 to 35 percent of cargo containers to be handled by on-dock rail; provide a facility that can accept and handle longer container trains; and provide a rail yard that is cost effective and fiscally prudent.

Virtual Public Meeting and Informational Open House

The virtual Port of Long Beach Pier B Public Meeting will be held via a ZOOM and telephone conference on July 28, 2020 from 4–8pm (Pacific). We encourage you to attend the virtual informational open house and public meeting to learn about, and comment on, the proposed Project.

Virtual Meeting Access

The meeting may be accessed by either one of the following ways:

- The events can be accessed online via WebEx using the following link, password and event number:
  - *https://icfmeetings.webex.com/icfmeetings/j.php?MTID=mf970a0b7ff857fb947ccd92ac701d634*
  - WebEx password: POLB
  - Event number: 160 225 3493 (When you connect through the WebEx link, you will be provided a telephone number or have the option to have WebEx call you.)
- The event can also be accessed by telephone using the following telephone number and access code:
  - 1–855–282–6330
  - Access Code: 160 225 3493

Those wishing to make verbal comments during the public meeting may register by email at *Alan.Finio.ctr@dot.gov.* Please including your full name, contact information and affiliation with your request. Individuals that have not registered ahead of time will be given the opportunity to make their statements after registered participants have finished. (*see* **FOR FURTHER INFORMATION CONTACT**). You may submit written

comments to the Federal eRulemaking Portal at *http://www.regulations.gov* under docket number MARAD–2019–0109, either in place of, or in addition to, speaking at the public meeting. Written material must include your name and address and will be included in the public docket (*http://www.regulations.gov*).

Privacy Act

In accordance with 5 U.S.C. 553(c), MARAD solicits comments from the public to better inform its administrative process. MARAD posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.* If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 42 U.S.C. 4321, *et seq.,* 40 CFR parts 1500–1508, Department of Transportation Order 5610.1C, and MARAD Administrative Order 600–1)

Dated: July 15, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–15682 Filed 7–20–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[NHTSA–2020–0074]

National Emergency Medical Services Advisory Council; Notice of Public Meeting

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the National Emergency Medical Services Advisory Council (NEMSAC).

DATES: The meeting will be held August 18, 2020, from 9 a.m. to 5:30 p.m. EST and August 19, 2020, from 9 a.m. to 5 p.m. EST.

Requests to attend the meeting must be received by August 13, 2020.

Requests for accommodations to a disability must be received by August 13, 2020.

If you wish to speak during the meeting, you must submit a written copy of your remarks to DOT by August 13, 2020.

Requests to submit written materials to be reviewed during the meeting must be received no later than August 13, 2020.

ADDRESSES: The proposed meeting will be held virtually on August 18–19, 2020. Individuals interested in participating may register online at *http://stream.sparkstreetdigital.com/20200818-nemsac.html?id=20200818-nemsac.* Copies of the meeting minutes will be available on the NEMSAC internet website at *EMS.gov.* The detailed agenda will be posted on the NEMSAC internet website at *EMS.gov* at least one week in advance of the meeting. You can visit the NEMSAC internet website at *EMS.gov.*

FOR FURTHER INFORMATION CONTACT: Eric Chaney, Emergency Medical Services Specialist, U.S. Department of Transportation, at *Eric.Chaney@DOT.gov* or 202.891.8825. Any committee related requests should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The NEMSAC was established pursuant to Section 31108 of the Moving Ahead for Progress in the 21st Century (MAP–21) Act of 2012, under the Federal Advisory Committee Act. The purpose of NEMSAC is to serve as a nationally recognized council of emergency medical services (EMS) representatives to provide advice and consult with:

a. The Federal Interagency Committee on Emergency Medical Services (FICEMS) on matters relating to EMS issues; and

b. The Secretary of Transportation on matters relating to EMS issues affecting DOT.

The NEMSAC provides an important national forum for the non-Federal deliberation of national EMS issues and serves as a platform for advice on DOT's national EMS activities. NEMSAC also provides advice and recommendations to the FICEMS. NEMSAC is authorized under Section 31108 of the MAP–21 Act of 2012.

II. Agenda

At the meeting, the agenda will cover the following topics:

- Updates from Federal Emergency Services Liaisons
- Emergency Services Personnel Safety and Wellness
- Information on FICEMS Initiatives
- Update on NHTSA Initiatives
- Committee Reports

III. Public Participation

The meeting will be open to the public. The proposed meeting will be held virtually on August 18–19, 2020. Individuals interested in participating may register online at *http://stream.sparkstreetdigital.com/20200818-nemsac.html?id=20200818-nemsac.* Members of the public who wish to present during the Public Comments Periods must RSVP to the person listed in the **FOR FURTHER INFORMATION CONTACT** section with your name and affiliation. Public Comment Periods will be held on August 18th from 16:15–16:30 EST and August 19th form 14:45 to 15:00 EST. The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than August 13, 2020.

There will be five (5) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for each commenter may be limited. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name, address, and organizational affiliation of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the NHTSA OEMS may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks for inclusion in the meeting records and for circulation to NHTSA members. All prepared remarks submitted on time will be accepted and considered as part of the record. Any member of the public may present a written statement to the committee at any time.

(Authority: 42 U.S.C. 300d–4(b); 49 CFR part 1.95(i)(4).)

Issued in Washington, DC.

Nanda Narayanan Srinivasan,

Associate Administrator, Research and Program Development.

[FR Doc. 2020–15674 Filed 7–20–20; 8:45 am]

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LIST OF PUBLIC LAWS

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