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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1200

[Doc. No. AMS–SC–19–0105]

Administrative Procedures Governing Formulation of a Research and Promotion Order

AGENCY: Agricultural Marketing Service, Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This rule establishes procedures to govern the formulation of new research and promotion programs—or orders—under the Commodity Promotion, Research, and Information Act of 1996 (Act). Research and promotion programs are administered by boards or councils with oversight by the United States Department of Agriculture (USDA). This rule specifies the process for proposing such programs to USDA. It also clarifies that USDA's Agricultural Marketing Service (AMS) will continue to require associations of producers or individuals proposing new programs to post a bond or other collateral to reimburse USDA for the costs of program development.

DATES: *Effective date:* August 27, 2020.

FOR FURTHER INFORMATION CONTACT: Heather Pichelman, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; telephone: (202) 720–9915; facsimile: (202) 205–2800; or electronic mail: *Heather.Pichelman@usda.gov.*

SUPPLEMENTARY INFORMATION: As authorized under the Act, this final rule adds a new subpart D to 7 CFR part 1200—Rules of Practice and Procedure Governing Proceedings Under Research, Promotion, and Information Programs. Subpart D addresses procedures specific to the formulation of new programs under the Act.

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. 7 U.S.C. 7423 provides that the Act shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Background

This final rule establishes procedures to govern the formulation of new research and promotion programs under the Act. This rule also clarifies that AMS will continue to require associations of producers or individuals proposing new programs to post a bond or other collateral to reimburse USDA for the costs of program development.

Title 7 U.S.C. 7413(b)(1)(B) authorizes associations of producers of an agricultural commodity or other individuals to petition USDA to establish a research, promotion, and/or information program with respect to that commodity. The purpose of such programs is to provide a framework for agricultural industries to pool their resources and combine efforts to develop new markets, strengthen existing markets, and conduct important research and promotion activities. *See* 7 U.S.C. 7411(b).

USDA's Agricultural Marketing Service (AMS) oversees these programs. With this final rule, AMS is establishing the following procedures for formulating new programs so interested parties are aware of the process and requirements.

Under § 1200.202(a), an industry association or individuals may file a written proposal for a new research and promotion program with the AMS Administrator (Administrator). Under § 1200.202(b), the Administrator will consider whether there is broad industry support for the proposed program and whether proposed provisions of the program are authorized under the Act. The Administrator will also evaluate anticipated benefits to the industry and the economic feasibility of the program. Finally, the Administrator will consider whether the proposed program would tend to effectuate the declared policy of the Act. Under § 1200.202(c), if the Administrator determined that the program will not effectuate the policy of the Act, AMS will deny the proposal and would notify the proponent(s), explaining the grounds for denial. Under § 1200.202(d), if the Administrator determined that the proposed program will likely effectuate the purposes of the Act by benefitting producers, handlers, and importers of the commodity, or others in the marketing chain, the Administrator will notify the proponent(s) that AMS will proceed with program development and, in accordance with § 1200.204, the proponent(s) will be required to post a bond or other collateral to cover AMS expenses to develop the program.

The Act provides that once a board is established under an order, the Secretary of Agriculture (Secretary) must be reimbursed for all expenses incurred in the implementation,

administration, and supervision of the order, including all referenda costs incurred in connection with the order. The board uses assessment funds collected from regulated entities to reimburse the Secretary for program oversight.

However, AMS incurs substantial expenses in the development process leading to program establishment. AMS may conduct industry outreach meetings, solicit public input, analyze economic data, draft rulemaking documents, and conduct initial referenda. These activities are necessary to progress toward program establishment. Typical expenses for these preliminary activities may include, but not be limited to, employee time and travel, supplies, printing, and mailing.

In some cases, the proponent industry may elect to defer an initial referendum for up to three years after the program is established. In other cases, despite all efforts of the proponent and AMS to develop a new program, ultimately the proposed program may not be established. Nevertheless, under either of these scenarios, AMS will have already incurred expenses related to program development.

Section 7417(a)(2) of the Act provides that the Secretary can require the industry seeking a new program to post a bond or other collateral to cover the cost of the initial referendum. In § 1200.201, this rule defines *cost of the referendum* to mean all the expenses AMS incurs in the development of a potential new program, including the cost of conducting an initial referendum.

The amount of the bond or collateral required under § 1200.204 will be based on unique factors like the projected number of staff hours involved, the amount of staff travel necessary for outreach, the size and complexity of the proposed program, and the number of industry members to be polled in an initial referendum. This will ensure that AMS will be reimbursed on a timely basis for all expenses related to program development, even if the initial referendum is deferred or if the program is not established.

Section 1200.202(e) of this rule specifies that once AMS has worked with industries or individuals to develop a proposed order, AMS will publish the proposal in the **Federal Register** to allow public comments on the proposed program. Based on comments, AMS will determine whether to proceed with program establishment.

Under § 1200.203 of this rule, if AMS determined to proceed with program establishment, the Administrator could conduct an initial referendum among the producers, handlers, and importers who would be subject to assessment under the program in order to determine whether they favor establishment of the program. The Act provides that USDA could also establish the program and defer the initial referendum for up to three years after the program is established. *See* 7 U.S.C. 7417(b). In either case, referendum voters will be those entities who, during a representative period determined by the Administrator, produced, handled, and/or imported the agricultural commodity. For referendum expenses incurred after a program is established, the Secretary will be reimbursed by the board appointed to administer the program, as provided by the Act. *See* 7 U.S.C. 7417(f).

Under § 1200.205 of this rule, if at any time during the development process, based on public comments, referendum votes, or other information available, AMS determines that the proposed program will not tend to effectuate the policy of the Act, the Administrator will terminate proceedings and will collect reimbursement for program development expenses from the bond or collateral posted by the program proponent(s).

This rule will also make other administrative provisions related to the establishment of a new program. Section 1200.201 will define other terms necessary for administration of the regulation. Section 1200.206 will provide for the issuance, effectuation, and publication of the new order.

Final Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) requires agencies to consider the economic impact of each rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The purpose of research and promotion programs is to benefit all sizes of producers, handlers, and importers of an agricultural commodity.

The Act makes it possible for producer associations or other individuals engaged in specific agricultural commodity industries to submit a proposal for a new program. It is impossible for AMS to determine which industries may seek research and promotion programs in the future or to determine the number or size of business entities that might propose such programs. The expenses necessary for each program's development depend on factors such as projected staff hours to develop the program, travel expenses related to outreach, size and complexity of the proposed program, and the size of the industry to be polled in a referendum. Based on its experience with past program proposals, AMS estimates that expenses for typical program development range from $80,000 to $150,000. Thus, under this rule, proponents could be required to post bonds or other collateral to cover those amounts if AMS agrees to proceed with program development. Costs to individuals or businesses will depend on the number of entities in each proponent group. Given that we don't know the identity or business size of future program proponents, AMS cannot determine what economic impact this rule might have on small entities. Based on experience with proponents seeking to establish new programs under the Act, AMS believes that this rule is unlikely to have a significant economic impact on a substantial number of small entities.

There will be no new direct costs associated with the implementation of this rule. This rule codifies procedures for proposing new research and promotion programs that have been practiced since the Act's adoption in 1996. In addition to specifying the program proposal process, the rule clarifies that the cost of the referendum to be covered by the required bond or collateral would include all the costs associated with program development.

Paperwork Reduction Act

No information collection or recordkeeping requirements are imposed on the public by this rule. Accordingly, OMB clearance is not required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, Chapter 35.

As with all Federal research and promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

E-Government Act

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

A proposed rule concerning this action was published in the **Federal Register** on April 27, 2020 (85 FR 23246). A 30-day comment period ending on May 27, 2020, was provided to allow interested persons to respond to the proposal. The proposal was also

made available through the internet by USDA and the Office of the Federal Register.

Analysis of Comments

Two comments were received in response to the proposed rule. Of those comments, only one was substantive and related to this proposed rule. This commenter expressed a concern about the proposal. The commenter called the proposed rule a ridiculous idea.

AMS initiated this rule because it incurs substantial expenses in the development process leading to program establishment. The Act already requires the Secretary to be reimbursed for all expenses incurred in the implementation, administration, and supervision of the order, including all referenda costs incurred in connection with the order after a board has been established. This rule added expenses AMS incurs to develop a program to this requirement.

AMS has been requiring associations of producers or individuals proposing new programs to post a bond or other collateral to reimburse USDA for the costs of program development. This rule codifies this procedure, along with others, for proposing new research and promotion programs. These procedures have been practiced since the Act's adoption in 1996. Therefore, no changes have been made to this rule based on the comment.

A definition of ''Secretary'' has been added to the Definitions section to provide clarity.

After consideration of all relevant matters presented, including the information and recommendation submitted by the Board, the comments received, and other relevant information, it is hereby found that this rule, as hereinafter set forth, is consistent with and would effectuate the purposes of the Act.

List of Subjects in 7 CFR Part 1200

Administrative practice and procedure, Agricultural research, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS amends 7 CFR part 1200 as follows:

PART 1200—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS UNDER RESEARCH, PROMOTION, AND INFORMATION PROGRAMS

■ 1. The authority citation for part 1200 continues to read as follows:

Authority: 7 U.S.C. 2101–2119, 2611–2627, 2701–2718, 2901–2911, 4501–4514, 4801–4819, 4901–4916, 6101–6112, 6301–6311, 6401–6417, 7411–7425, 7481–7491, and 7801–7813.

■ 2. Add subpart D, consisting of §§ 1200.200 through 1200.206, to read as follows:

Subpart D—Administrative Procedures Governing Formulation of a Research and Promotion Order

Sec.
1200.200 General.
1200.201 Definitions.
1200.202 Proposals.
1200.203 Initial referendum.
1200.204 Reimbursement of Secretary's expenses.
1200.205 Termination of proceedings.
1200.206 Execution of the order.

Authority: 7 U.S.C. 7411–7425.

§ 1200.200 General.

The terms defined/specified in this subpart shall apply to all research and promotion programs authorized under the Act.

§ 1200.201 Definitions.

Act means the Commodity Research, Promotion, and Information Act of 1996 (7 U.S.C. 7411–7425).

Administrator means the Administrator of the Agricultural Marketing Service or any officer or employee of the United States Department of Agriculture to whom authority has been delegated or may hereafter be delegated to act for the Administrator.

Cost of the Referendum means all USDA expenditures related to development of an order proposal, including, but not limited to, salaries, travel, supplies, printing, mailing, and shipping, and any costs related to an initial referendum.

Order means any order which may be issued pursuant to the Act.

Secretary means the United States Secretary of Agriculture or any officer or employee of the United States Department of Agriculture to whom authority has been delegated or may hereafter be delegated to act for the Secretary.

§ 1200.202 Proposals.

(a) An order may be proposed by any association of producers of an agricultural commodity, by any person that may be affected by the issuance of an order with respect to an agricultural commodity, or by the Secretary. Any person or organization other than the Secretary proposing an order shall file with the Administrator a written proposal.

(b) Upon receipt of a proposal, the Administrator shall investigate and evaluate the proposal.

(c) If the proposal is submitted by an association of producers of the agricultural commodity or by any person that may be affected by the issuance of an order, and the investigation and consideration lead the Administrator to conclude that the proposed order will not tend to effectuate the declared policy of the Act, the Administrator shall deny the proposal. The Administrator will promptly notify the proponent(s) of such denial, which will be accompanied by a brief statement of the grounds for the denial.

(d) If the proposal was submitted by an association of producers of the agricultural commodity or by any person that may be affected by the issuance of an order and the investigation and consideration lead the Administrator to conclude that an order will tend to effectuate the declared policy of the Act, the Administrator will promptly notify the proponent(s) of such conclusion, and the proponent(s) will be required to post a bond or other collateral in accordance with § 1200.204.

(e) If the Administrator concludes that an order will tend to effectuate the declared policy of the Act, the Administrator shall publish the proposed order in the **Federal Register** and give due notice and opportunity for public comment on the proposed order.

§ 1200.203 Initial referendum.

For the purpose of ascertaining whether the persons to be covered by an order favor the order going into effect, the Administrator may conduct an initial referendum among persons to be subject to an assessment under the order who, during a representative period determined by the Administrator, engaged in the production or handling of the agricultural commodity or the importation of the agricultural commodity.

§ 1200.204 Reimbursement of Secretary's expenses.

The Administrator may require any person or organization proposing an order to post a bond or other collateral to cover the cost of the referendum as defined in § 1200.201.

§ 1200.205 Termination of proceedings.

If at any time during development of a new program the Administrator concludes, based on public comments, referendum votes, or other available information, that an order will not tend to effectuate the declared policy of the Act, the Administrator shall terminate the proceedings and collect reimbursements from the bond or other

collateral posted pursuant to § 1200.204 for any expenses incurred in development of the proposed program.

§ 1200.206 Execution of the order.

(a) *Issuance of the order.* The Administrator shall, if the Administrator finds that it will tend to effectuate the purposes of the Act, issue the final order.

(b) *Effective date of order.* No order shall become effective in less than 30 days after its publication in the **Federal Register**, unless the Administrator, upon good cause found and published with the order, fixes an earlier effective date.

(c) *Notice of issuance.* After the Administrator issues the order, AMS will publish notice of the order's issuance in the **Federal Register**.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–15412 Filed 7–27–20; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, 524, and 558

[Docket No. FDA–2020–N–0002]

New Animal Drugs; Approval of New Animal Drug Applications; Withdrawal of Approval of New Animal Drug Applications; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the animal drug regulations to reflect application-related actions for new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) during January, February, and March 2020. FDA is informing the public of the availability of summaries of the basis of approval and of environmental review documents, where applicable. The animal drug regulations are also being amended to make technical amendments to improve the accuracy of the regulations.

DATES: This rule is effective July 28, 2020.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–5689, *george.haibel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Approvals

FDA is amending the animal drug regulations to reflect approval actions for NADAs and ANADAs during January, February, and March 2020, as listed in table 1. In addition, FDA is informing the public of the availability, where applicable, of documentation of environmental review required under the National Environmental Policy Act and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOI Summaries) under the Freedom of Information Act (FOIA). These public documents may be seen in the office of the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday. 240–402–7500. Persons with access to the internet may obtain these documents at the CVM FOIA Electronic Reading Room: *https://www.fda.gov/about-fda/center-veterinary-medicine/cvm-foia-electronic-reading-room.* Marketing exclusivity and patent information may be accessed in FDA's publication, Approved Animal Drug Products Online (Green Book) at: *https://www.fda.gov/animal-veterinary/products/approved-animal-drug-products-green-book.*

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING JANUARY, FEBRUARY, AND MARCH 2020

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
January 28, 2020 ...	141–466	Elanco US Inc., 2500 Innovation Way, Greenfield, IN 46140.	Narasin and nicarbazin and avilamycin Type C medicated broiler feeds.	Chickens	Supplemental approval of an increased age restriction and reduced withdrawal period in the use of MAXIBAN (narasin and nicarbazin) Type A medicated article) with INTEPRITY (avilamycin) Type A medicated articles in the manufacture of Type C medicated broiler feeds.	FOI Summary.
February 7, 2020 ...	200–614	Akorn Animal Health, Inc., 1925 West Field Ct., Suite 300, Lake Forest, IL 60045.	Pentobarbital Sodium and Phenytoin Sodium Injectable Solution.	Dogs	Original approval as a generic copy of NADA 119–807.	FOI Summary.
February 27, 2020	141–521	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	SIMPARICA TRIO (sarolaner, moxidectin, and pyrantel chewable tablets) Chewable Tablet.	Dogs	Original approval for the prevention of heartworm disease; kills adult fleas and is indicated for the treatment and prevention of flea infestations, the treatment and control of tick infestations, and the treatment and control of roundworm and adult hookworm infections for one month.	FOI Summary.
March 10, 2020	200–670	Chanelle Pharmaceuticals Manufacturing Ltd., Loughrea, County Galway, H62 FH90, Ireland.	SENERGY (selamectin) Topical Solution.	Dogs and cats	Original approval as a generic copy of NADA 141–152.	FOI Summary.

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING JANUARY, FEBRUARY, AND MARCH 2020—Continued

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
March 23, 2020	200–586	Dechra Veterinary Products, LLC, 7015 College Blvd., Suite 525, Overland Park, KS 66211.	MARBOQUIN (marbofloxacin) Tablets.	Dogs	Original approval as a generic copy of NADA 141–151.	FOI Summary.
March 27, 2020	141–322	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	IMPROVEST (gonadotropin release factor analog-diphtheria toxoid conjugate) Injectable Solution.	Swine	Supplemental approval for the temporary suppression of estrus in gilts intended for slaughter.	FOI Summary EA/FONSI.

II. Withdrawals of Approval

Hikma International Pharmaceuticals LLC, P.O. Box 182400, Bayader Wadi Seer, Amman, Jordan 11118 has requested that FDA withdraw approval of ANADA 200–323 for a 1-gram phenylbutazone bolus because the product is no longer manufactured or marketed. Following this withdrawal of approval, Hikma International Pharmaceuticals LLC is no longer the sponsor of an approved application. As provided in the regulatory text of this document, the animal drug regulations are amended to reflect this action. Elsewhere in this issue of the **Federal Register**, FDA gave notice that approval of ANADA 200–323, and all supplements and amendments thereto, is withdrawn.

III. Changes of Sponsor

Dechra Veterinary Products LLC, 7015 College Blvd., Suite 525, Overland Park, KS 66211 has informed FDA that it has transferred ownership of, and all rights and interest in, approved NADA 008–760 for ADRENOMONE (corticotropin) Injection to Dechra, Ltd., Snaygill Industrial Estate, Keighley Rd., Skipton, North Yorkshire, BD23 2RW, United Kingdom.

Kindred Biosciences, Inc., 1555 Bayshore Hwy., Suite 200, Burlingame, CA 94010 has informed FDA that it has transferred ownership of, and all rights and interest in, approved NADA 141–481 for MIRATAZ (mirtazapine) Transdermal Ointment to Dechra, Ltd., Snaygill Industrial Estate, Keighley Rd., Skipton, North Yorkshire, BD23 2RW, United Kingdom.

Accordingly, we are amending the regulations to reflect these changes.

IV. Technical Amendments

FDA is revising sections for efrotomycin, iodinated casein, maduramicin, mibolerone, nystatin, and poloxalene in 21 CFR part 558 to reflect a tabular format. The section for tiamulin oral dosage forms in 21 CFR part 520 is being revised to correct ownership of certain products. These amendments will improve the readability and accuracy of the animal drug regulations.

V. Legal Authority

This final rule is issued under section 512(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360b(i)), which requires **Federal Register** publication of ''notice[s] . . . effective as a regulation,'' of the conditions of use of approved new animal drugs. This rule sets forth technical amendments to the regulations to codify recent actions on approved new animal drug applications and corrections to improve the accuracy of the regulations, and as such does not impose any burden on regulated entities.

Although denominated a rule pursuant to the FD&C Act, this document does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a ''rule of particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808. Likewise, this is not a rule subject to Executive Order 12866, which defines a rule as ''an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency.''

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, and 524

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 510, 520, 522, 524, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

§ 510.600 [Amended]

■ 2. In § 510.600, in the table in paragraph (c)(1), remove the entry for ''Hikma International Pharmaceuticals LLC''; and in the table in paragraph (c)(2), remove the entry for ''059115''.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.1310 [Amended]

■ 4. In § 520.1310, in paragraph (b), remove ''No. 054771'' and in its place add '' Nos. 026637 and 054771''.

§ 520.1720a [Amended]

■ 5. In § 520.1720a, remove paragraphs (b)(4) and (5) and redesignate paragraph (b)(6) as paragraph (b)(4).

■ 6. Add § 520.2090 to read as follows:

§ 520.2090 Sarolaner, moxidectin, and pyrantel.

(a) *Specifications.* Each chewable tablet contains:

(1) 3.0 mg sarolaner, 0.06 mg moxidectin, and 12.5 milligrams (mg) pyrantel (as pamoate salt);

(2) 6.0 mg sarolaner, 0.12 mg moxidectin, and 25.0 mg pyrantel (as pamoate salt);

(3) 12.0 mg sarolaner, 0.24 mg moxidectin, and 50.0 mg pyrantel (as pamoate salt);

(4) 24.0 mg sarolaner, 0.48 mg moxidectin, and 100 mg pyrantel (as pamoate salt);

(5) 48.0 mg sarolaner, 0.96 mg moxidectin, and 200 mg pyrantel (as pamoate salt); or

(6) 72.0 mg sarolaner, 1.44 mg moxidectin, and 300 mg pyrantel (as pamoate salt).

(b) *Sponsor.* See No. 054771 in § 510.600(c) of this chapter.

(c) *Conditions of use in dogs*—(1) *Amount.* Administer orally, once a month, at the recommended minimum dose of 0.54 mg/lb (1.2 mg/kg) sarolaner, 0.011 mg/lb (24 µg/kg) moxidectin, and 2.27 mg/lb (5 mg/kg) pyrantel (as pamoate salt).

(2) *Indications for use.* Prevents heartworm disease caused by *Dirofilaria immitis,* kills adult fleas (*Ctenocephalides felis*) and is indicated for the treatment and prevention of flea infestations, the treatment and control of tick infestations with *Amblyomma americanum* (lone star tick), *Amblyomma maculatum* (Gulf Coast tick), *Dermacentor variabilis* (American dog tick), *Ixodes scapularis* (black-legged tick), and *Rhipicephalus sanguineus* (brown dog tick), and the treatment and control of roundworm (immature adult and adult *Toxocara canis* and adult *Toxascaris leonina*) and adult hookworm (*Ancylostoma caninum* and *Uncinaria stenocephala*) infections for 1 month in dogs and puppies 8 weeks of age and older, and weighing 2.8 pounds or greater.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 520.2455 [Amended]

■ 7. In § 520.2455, in paragraph (b)(2), remove ''paragraph (a)(1)'' and in its place add ''paragraphs (a)(1) and (a)(3)''.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 8. The authority citation for part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.480 [Amended]

■ 9. In § 522.480, in paragraph (b)(2), remove ''026637'' and in its place add ''043264''.

■ 10. In § 522.1083, revise paragraphs (a) and (c) to read as follows:

§ 522.1083 Gonadotropin releasing factor analog-diphtheria toxoid conjugate.

(a) *Specifications.* Each milliliter (mL) of solution contains 0.2 milligrams (mg) gonadotropin releasing factor analog-diphtheria toxoid conjugate.

* * * * *

(c) *Conditions of use in swine*—(1) *Amount.* Each intact male pig or gilt should receive two 2-mL (0.4 mg) doses by subcutaneous injection. Administer the first dose no earlier than 9 weeks of age. Administer the second dose at least 4 weeks after the first dose.

(2) *Indications for use.* (i) *Intact male pigs intended for slaughter:* For the temporary immunological castration (suppression of testicular function) and reduction of boar taint.

(ii) *Gilts intended for slaughter:* For the temporary suppression of estrus.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian. For reduction of boar taint, intact male pigs should be slaughtered no earlier than 3 weeks and no later than 10 weeks after the second dose.

§ 522.1697 [Amended]

■ 11. In § 522.1697, in paragraph (b), remove ''000061, 051311, and 054925'' and in its place add ''000061, 051311, 054925, and 059399''.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 12. The authority citation for part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 524.1448 [Amended]

■ 13. In § 524.1448, in paragraph (b), remove ''086078'' and in its place add ''043264''.

■ 14. In § 524.1484b, revise the section heading and paragraph (a) to read as follows:

§ 524.1484b Neomycin, isoflupredone, and tetracaine powder.

(a) *Specifications.* Each 15-gram insufflator bottle contains 5 milligrams (mg) neomycin sulfate (equivalent to 3.5 mg neomycin base), 1 mg isoflupredone acetate, and 5 mg tetracaine hydrochloride in a powder base.

* * * * *

§ 524.2098 [Amended]

■ 15. In § 524.2098, in paragraph (b), remove ''Nos. 054771 and 055529'' and in its place add ''Nos. 054771, 055529, and 061651''.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 16. The authority citation for part 558 continues to read as follows:

Authority: 21 U.S.C. 354, 360b, 360ccc, 360ccc–1, 371.

■ 17. In § 558.68, revise paragraph (e)(1)(iv) to read as follows:

§ 558.68 Avilamycin.

* * * * *

(e) * * *

(1) * * *

Avilamycin in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(iv) 13.6 to 40.9	Narasin, 27 to 45 plus nicarbazin, 27 to 45.	Broiler chickens: For the prevention of mortality caused by necrotic enteritis associated with *Clostridium perfringens;* and for the prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima*.	Feed as the sole ration for 21 consecutive days to chickens that are at risk of developing, but not yet showing clinical signs of, necrotic enteritis associated with *Clostridium perfringens.* Avilamycin has not been demonstrated to be effective in broiler chickens showing clinical signs of necrotic enteritis prior to the start of medication. To assure responsible antimicrobial drug use in broiler chickens, treatment administration must begin on or before 18 days of age. The safety of avilamycin has not been established in chickens intended for breeding purposes. Do not allow adult turkeys, horses, or other equines access to narasin formulations. Ingestion of narasin by these species has been fatal. Do not feed to chickens producing eggs for human consumption. Narasin and nicarbazin as provided by No. 058198 in § 510.600(c) of this chapter.	058198
*	*	*	*	*

* * * * *

■ 18. In § 558.235, revise paragraph (d) to read as follows:

§ 558.235 Efrotomycin.

* * * * *

(d) *Conditions of use in swine*—

Efrotomycin in grams/ton	Indications for use	Limitations	Sponsor
(1) 3.6	Swine: For improved feed efficiency	Feed continuously as sole ration. Not to be used in swine weighing more than 250 pounds.	000010
(2) 3.6 to 14.5	Swine: For increased rate of weight gain	Feed continuously as sole ration. Not to be used in swine weighing more than 250 pounds.	000010

■ 19. Revise § 558.295 to read as follows:

§ 558.295 Iodinated casein.

(a) Type A medicated articles containing grams iodinated casein per pound.

(b) *Sponsor. See* No. 017762 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Ducks*—

Amount in grams/ton	Indications for use	Limitations	Sponsor
(i) 100 to 200	Growing ducks: For increased rate of weight gain	.....	017762
(ii) [Reserved]			

(2) *Dairy cows*—

Amount in grams/pound	Indications for use	Limitations	Sponsor
(1) 0.5 to 1.5 per 100 lb of body weight. (2) [Reserved]	Dairy cows: For increased milk production	This drug is effective for limited periods of time, and the effectiveness is limited to the declining phase of lactation. Administration must be accompanied with increased feed intake. Administration may increase heat sensitivity of the animal.	017762

■ 20. Revise § 558.340 to read as follows:

§ 558.340 Maduramicin.

(a) *Specifications.* Type A medicated articles containing 4.54 grams maduramicin per pound.

(b) *Sponsor. See* No. 054771 in § 510.600(c) of this chapter.

(c) *Tolerances. See* § 556.375 of this chapter.

(d) *Conditions of use in chickens*—

Amount in grams/ton	Indications for use	Limitations	Sponsor
(1) 4.54 to 5.45 ..... (2) [Reserved]	Broiler chickens: For prevention of coccidiosis caused by *Eimeria acervulina, E. tenella, E. brunetti, E. maxima, E. necatrix,* and *E. mivati.*	Feed continuously as sole ration. For broiler chickens only. Do not feed to laying hens. Withdraw 5 days before slaughter.	054771

■ 21. Revise § 558.348 to read as follows:

§ 558.348 Mibolerone.

(a) *Specifications.* Each 6.5 ounce can contains 30 or 60 micrograms (µg) of mibolerone.

(b) *Sponsor. See* No. 054771 in § 510.600(c) of this chapter.

(c) *Conditions of use in dogs*—(1) *Amount.* 30 µg for animals weighing up to 25 pounds; 60 µg for animals weighing 26 to 50 pounds; 120 µg for animals weighing 51 to 100 pounds; 180 µg for animals weighing over 100 pounds, or German Shepherds or German Shepherd mix weighing 30 to 80 pounds. Administer daily at least 30 days before expected initiation of heat and continue as long as desired, but for not more than 12 months.

(2) *Indications for use.* For the prevention of estrus (heat) in adult female dogs not intended primarily for breeding purposes.

(3) *Limitations.* Mibolerone should not be used in bitches before first estrous period or in purebred Bedlington terriers. It is not intended for animals being used primarily for breeding purposes. Use orally in adult female dogs only. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 22. Revise In § 558.430, revise paragraph (d) to read as follows:

§ 558.430 Nystatin.

* * * * *

(d) *Conditions of use*—

Amount in grams/ton	Indications for use	Limitations	Sponsor
(1) 50	Growing and laying chickens and growing turkeys: As an aid in the control of crop mycosis and mycotic diarrhea (*Candida albicans*).	.....	054771
(2) 100	Growing and laying chickens and growing turkeys: For the treatment of crop mycosis and mycotic diarrhea (*Candida albicans*).	To be fed for 7 to 10 days	054771

■ 23. Revise § 558.465 to read as follows:

§ 558.465 Poloxalene.

(a) *Specifications.* Dry Type A medicated articles containing 53 percent poloxalene or liquid Type A medicated articles containing 99.5 percent poloxalene.

(b) *Sponsor.* See No. 066104 in § 510.600(c) of this chapter.

(c) *Tolerances.* See § 556.517 of this chapter.

(d) *Special considerations.* Poloxalene dry Type A article and liquid Type A article must be thoroughly blended and evenly distributed in feed prior to use. This may be accomplished by adding the Type A article to a small quantity of feed, mixing thoroughly, then adding this mixture to the remaining feed and again mixing thoroughly.

(e) *Conditions of use in cattle*—

Poloxalene in grams/ton	Indications for use	Limitations	Sponsor
(1) To deliver 1 to 2 grams per 100 pounds of body weight.	Cattle: For prevention of legume (alfalfa, clover) and wheat pasture bloat in cattle.	Dosage is 1 gram of poloxalene per 100 pounds of body weight daily and continued during exposure to bloat producing conditions. If bloating conditions are severe, the dose is doubled. Treatment should be started 2 to 3 days before exposure to bloat-producing conditions. Repeat dosage if animals are exposed to bloat-producing conditions more than 12 hours after the last treatment. Do not exceed the higher dosage levels in any 24-hour period.	054771
(2) [Reserved]			

§ 558. 500 [Amended]

■ 24. In § 558.500, remove reserved paragraphs (e)(1)(iii) and (iv).

Dated: July 15, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020–15760 Filed 7–27–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

[Docket No. FDA–2020–N–0002]

New Animal Drugs; Withdrawal of Approval of Abbreviated New Animal Drug Application

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of withdrawal.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of an abbreviated new animal drug application (ANADA) at the sponsor's request because the product is no longer manufactured or marketed.

DATES: Withdrawal of approval is effective July 28, 2020.

FOR FURTHER INFORMATION CONTACT: Sujaya Dessai, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–5761, *sujaya.dessai@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Hikma International Pharmaceuticals LLC, P.O. Box 182400, Bayader Wadi Seer, Amman, Jordan 11118, has requested that FDA withdraw approval of ANADA 200–323 for use of a 1-gram bolus of phenylbutazone in horses because the product is no longer manufactured or marketed.

Therefore, under authority delegated to the Commissioner of Food and Drugs and in accordance with § 514.116 *Notice of withdrawal of approval of application* (21 CFR 514.116), notice is given that approval of ANADA 200–323, and all supplements and amendments thereto, is hereby withdrawn, effective July 28, 2020.

Elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to reflect the voluntary withdrawal of approval of these applications.

Dated: July 15, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020–15761 Filed 7–27–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Office of Investment Security

31 CFR Parts 800 and 802

RIN 1505–AC63, 1505–AC64, 1505–AC65

Definition of ''Principal Place of Business''; Filing Fees for Notices of Certain Investments in the United States by Foreign Persons and Certain Transactions by Foreign Persons Involving Real Estate in the United States

AGENCY: Office of Investment Security, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The final rule makes a clarifying revision to the definition of ''principal place of business'' and adopts the interim rule establishing a fee for parties filing a formal written notice of a transaction for review by the Committee on Foreign Investment in the United States.

DATES: The final rule is effective on August 27, 2020.

FOR FURTHER INFORMATION CONTACT: For questions about this rule, contact: Laura Black, Director of Investment Security Policy and International Relations; Meena R. Sharma, Deputy Director of Investment Security Policy and International Relations; David Shogren, Senior Policy Advisor; or James Harris, Senior Policy Advisor, at U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220; telephone: (202) 622–3425; email: *CFIUS.FIRRMA@treasury.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

A. Definition of ''Principal Place of Business''

On January 17, 2020, the Department of the Treasury (Treasury Department) published two interim rules, each effective February 13, 2020, that provided a definition for the term ''principal place of business'' as applicable to transactions subject to review by the Committee on Foreign Investment in the United States (CFIUS or the Committee). 85 FR 3112 (January 17, 2020); 85 FR 3158 (January 17, 2020). The preambles to the interim rules provide background on this definition. While the definition took effect on February 13, 2020, the public was provided an opportunity to comment. The Treasury Department received several comments, which are discussed further below.

B. Filing Fees for Formal Written Notices

On March 9, 2020, the Treasury Department published a notice of proposed rulemaking amending 31 CFR part 800 and 31 CFR part 802 to establish a fee for ''covered transactions'' and ''covered real estate transactions,'' respectively, that are filed with CFIUS as formal written notices. 85 FR 13586 (March 9, 2020). The public was provided an opportunity to comment on the proposed rule and several comments were received. Following consideration of the public comments, on April 29, 2020, the Treasury Department published an interim rule establishing filing fees, effective May 1, 2020. 85 FR 23736 (April 29, 2020). As explained in the preamble to the interim rule, subpart K on filing fees was added to the

regulations at 31 CFR part 800 and 31 CFR part 802, and a limited number of revisions were made to other related sections of those regulations. Additionally, the preamble to the interim rule included a discussion of the public comments received on the proposed fee rule. While the Treasury Department began collecting fees on May 1, 2020, it determined that the public and the Committee would benefit from an additional comment period, which ended on June 1, 2020. Comments received during the additional comment period are discussed below.

The preambles to the proposed rule and the interim rule provide additional information on the Committee's statutory authority and requirements with respect to filing fees, and various factors that were considered in establishing the filing fee regulations.

II. Summary of Comments and Change From the Interim Rules

During the public comment periods for each of the interim rules discussed above, the Treasury Department received written submissions reflecting a range of views. All comments received by the end of each comment period are available on the public rulemaking dockets at *https://www.regulations.gov.* The section-by-section analysis below discusses the comments and describes a clarifying revision.

A. Definition of ''Principal Place of Business''—Sections 800.239 and 802.232

Several written submissions were received on the interim rules defining the term ''principal place of business.'' In general, commenters expressed support and offered suggestions to clarify or address specific types of investors or scenarios. As described below, in consideration of the comments, one clarifying revision is made in the final rule.

One commenter expressed strong support for the definition in the interim rules, noting that it provides clarity and aligns with business realities. Another commenter noted that paragraph (a) of the definition was reasonable, appropriate, and consistent with CFIUS's historic application of the term, but suggested that the phrase ''activities and investments'' with respect to investment funds be clarified. In response to this comment, the final rule removes ''and investments.'' The Treasury Department intends that, with respect to investment funds, the word ''activities'' is inclusive of ''investments;'' thus, directing and managing investments made by an investment fund would be captured by the word ''activities.''

Commenters also made suggestions with respect to paragraph (b) of the definition, which addresses the situation where an entity has made representations to a government that may be inconsistent with its assertion for CFIUS purposes that its principal place of business is in the United States under the criteria set forth in paragraph (a) of the definition. One commenter suggested removing the phrase ''or equivalent.'' Another commenter suggested that the criteria in paragraph (b) of the definition be narrowed to more closely match the language in paragraph (a).

No changes were made to paragraph (b) in response to these comments. Paragraph (b) includes a non-exhaustive list of representations an entity might make to a government, each of which approximate the criteria set forth in paragraph (a). One commenter suggested that an entity maintaining an offshore ''registered agent'' or ''place of business'' would preclude it from having a principal place of business in the United States under the definition. The Treasury Department disagrees because the focus of paragraph (b) is a representation of an entity's ''principal'' or ''headquarters'' location, or equivalent terms that capture the same concept. The Treasury Department also disagrees with suggestions made by commenters that additional examples of the application of the definition to specific scenarios—such as addressing investment funds with more particularity—would be beneficial, because the particular facts and circumstances would need to be considered.

B. Filing Fees for Formal Written Notices—Subpart K

Two responsive written submissions were received on the interim rule establishing filing fees. One commenter broadly supported the interim rule and the second commenter suggested changes, which are discussed below.

Sections 800.1101 and 802.1101—Amount of Fee

Consistent with the proposed rule and the interim rule, §§ 800.1101 and 802.1101 set forth the fee amount based on the value of the transaction.

One commenter proposed two alternatives to §§ 800.1101 and 802.1101. One suggestion was that the Treasury Department, during an initial phase of filing fee implementation, impose a flat $10,000 fee for all transactions above a certain threshold. The final rule does not make any change in response to this comment. The Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA) directs that the fee shall be based on the ''value of the transaction,'' and the approach in the final rule is consistent with the statute. Additionally, FIRRMA provides that the amount of the fee should take into account the expenses of the Committee associated with conducting its activities. The personnel and resource costs to the Committee of reviewing a notice are not insignificant and may often exceed the suggested flat fee. Finally, the fee structure set forth in the final rule provides for a low proportional cost (equal to or less than 0.15% of the transaction value) for all transactions.

The commenter also suggested, in the alternative, that additional fee bands be incorporated into the rule and the fee amounts be lowered. The commenter asserted that the fee structure in the interim rule may provide a disincentive to voluntary filings or encourage parties to restructure transactions to minimize fees. The final rule does not make any changes in response to this comment. In the event that a transaction is restructured to be effectuated in multiple phases, §§ 800.1103(e)(1) and 802.1103(h)(1) address calculation of a fee in such a circumstance.

The Treasury Department considered different approaches to the fee structure—including additional transaction value ranges and lower fee amounts—and decided that the structure in the final rule is the most appropriate for reasons including proportionality and administrability. The commenter's proposed fee structure would have the effect of raising fees on lower value transactions and reducing fees on higher value transactions, as compared to the fee schedule in the interim rule. Additionally, in considering the proposed fee structure, the Treasury Department evaluated that additional fee bands could increase complexity for parties and the Committee in terms of the analysis required to determine which fee amount is relevant to a particular transaction—especially where the precise transaction value may not be known at the time of the filing. The filing fee structure in the interim rule allows the Committee to appropriately generate funding—consistent with FIRRMA—in order to support the work of the Committee, but at the same time, keep the cost as a proportion of transaction value low. In terms of incentives to voluntarily file a notice with CFIUS where a fee is required, the Treasury Department notes that the benefit of filing a notice and paying the fee is the ''safe harbor'' that

may be obtained upon the conclusion of CFIUS review where there are no unresolved national security concerns. This is of considerable value to transaction parties, particularly those who have determined that filing a notice is appropriate given the circumstances of the transaction and the potential interest the Committee may have in the transaction if not notified. Finally, transaction parties can take advantage of the declaration process, which does not require a fee.

No additional comments were received. Therefore, the final rule adopts the interim rule as published.

III. Rulemaking Requirements

Executive Order 12866

This rule is not subject to the general requirements of Executive Order 12866, which covers review of regulations by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB), because it relates to a foreign affairs function of the United States, pursuant to section 3(d)(2) of that order. In addition, this rule is not subject to review under section 6(b) of Executive Order 12866 pursuant to section 7(c) of the April 11, 2018 Memorandum of Agreement between the Treasury Department and OMB, which states that CFIUS regulations are not subject to OMB's standard centralized review process under Executive Order 12866.

Paperwork Reduction Act

The collection of information contained in this rule was submitted to OMB for review along with the proposed rule, in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) under control number 1505–0121.

The notice requirements in 31 CFR part 800 and 31 CFR part 802 were approved under the Paperwork Reduction Act with a per respondent burden of 130 hours and 116 burden hours, respectively. In the proposed rule establishing filing fees, the Treasury Department invited public comments with respect to the amended reporting requirements under §§ 800.502(c)(1)(viii) and 802.502(b)(1)(ix). No comments were received. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* RFA) generally requires an agency to prepare an initial regulatory flexibility analysis unless the agency certifies that the rule will not, once implemented, have a significant economic impact on a substantial number of small entities. The RFA applies whenever an agency is required to publish a general notice of proposed rulemaking under section 553(b) of the Administrative Procedures Act (APA), or any other law. As set forth in the preamble to the proposed rule establishing filing fees at Section III, because rules issued pursuant to the Defense Production Act, such as this rule, are not subject to the APA or another law requiring the publication of a general notice of proposed rulemaking, the RFA does not apply. Nevertheless, for the reasons detailed in the RFA section of the proposed and interim rules, the Secretary of the Treasury certified that the rule, if implemented, ''will not have a significant economic impact on a substantial number of small entities,'' 5 U.S.C. 605(b). This final rule makes limited changes to interim rules already in effect that will not have a significant economic impact on a substantial number of small entities. The Treasury Department also invited public comment on how the proposed rule would affect small entities.

Congressional Review Act

This rule has been submitted to OIRA which has determined that the rule is not a ''major'' rule under the Congressional Review Act.

List of Subjects

31 CFR Part 800

Fees, Foreign investments in the United States, Investment companies, Investments, National defense.

31 CFR Part 802

Fees, Federal buildings and facilities, Foreign investments in the United States, Government property, Investigations, Investment companies, Investments, Land sales, National defense, Public lands, Real property acquisition, Reporting and recordkeeping requirements.

Accordingly, the interim rule amending 31 CFR parts 800 and 802 regarding the establishment of filing fees, which was published in the **Federal Register** at 85 FR 23736 on April 29, 2020, is adopted as final without change. The interim rules amending 31 CFR parts 800 and 802 that were published in the **Federal Register** at 85 FR 3112 and 85 FR 3158 on January 17, 2020 are adopted as final with the following changes:

PART 800—REGULATIONS PERTAINING TO CERTAIN INVESTMENTS IN THE UNITED STATES BY FOREIGN PERSONS

■ 1. The authority citation for part 800 continues to read as follows:

Authority: 50 U.S.C. 4565; E.O. 11858, as amended, 73 FR 4677.

Subpart B—Definitions

§ 800.239 [Amended]

■ 2. Amend § 800.239 in paragraph (a) by removing ''and investments'' after ''where the fund's activities''.

PART 802—REGULATIONS PERTAINING TO CERTAIN TRANSACTIONS BY FOREIGN PERSONS INVOLVING REAL ESTATE IN THE UNITED STATES

■ 3. The authority citation for part 802 continues to read as follows:

Authority: 50 U.S.C. 4565; E.O. 11858, as amended, 73 FR 4677.

Subpart B—Definitions

§ 802.232 [Amended]

■ 4. Amend § 802.232 in paragraph (a) by removing ''and investments'' after ''where the fund's activities''.

Dated: July 10, 2020.

Thomas Feddo,

Assistant Secretary for Investment Security.

[FR Doc. 2020–15336 Filed 7–27–20; 8:45 am]

BILLING CODE 4810–25–P

LIBRARY OF CONGRESS

36 CFR Part 701

[Docket No. 2020–2]

Amendments Regarding International Service

AGENCY: Library of Congress.

ACTION: Final rule.

SUMMARY: The Library of Congress is adopting amendments to allow for international service for loans of library materials for blind and other print disabled persons, as authorized by Title XIV of the Library of Congress Technical Corrections Act of 2019.

DATES: Effective July 28, 2020.

FOR FURTHER INFORMATION CONTACT: Emily Vartanian, Senior Counsel, Library of Congress Office of the General Counsel, 202–707–7205, *evar@loc.gov.*

SUPPLEMENTARY INFORMATION: The Librarian of Congress is authorized to make regulations with respect to the Library of Congress (2 U.S.C. 136). Since

neither the Federal Register Act nor the Administrative Procedure Act has binding effect on the legislative branch, the Library of Congress is not required to publish its regulations in the CFR. However, because the purpose of the CFR is to ''notify industry, general business, and the people'' (*Toledo, P & W.R.R.* v. *Stover,* 60 F. Supp. 587 (S.D. Ill. 1945)), it is appropriate for the Library to continue publishing those regulations which affect the rights and responsibilities of, and restrictions on, the public.

The Library of Congress is adopting amendments to allow for international service for loans of library materials for blind and other print disabled persons, as authorized by Title XIV of the Library of Congress Technical Corrections Act of 2019.

List of Subjects in 36 CFR Part 701

Libraries, Seals and insignia.

Final Regulation

For the reasons set forth in the preamble, the Library of Congress amends 36 CFR part 701 as follows:

PART 701—PROCEDURES AND SERVICES

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 2 U.S.C. 136; 18 U.S.C. 1017.

■ 2. Amend § 701.6 by redesignating paragraph (h) as paragraph (i) and adding a new paragraph (h) to read as follows:

§ 701.6 Loans of library materials for blind and other physically handicapped persons.

* * * * *

(h) *International service.* The Librarian of Congress is authorized by Public Law 116–94, Title XIV, the Library of Congress Technical Corrections Act of 2019, to provide literary works published in raised characters, on sound-reproduction recordings, or in any other accessible format, and musical scores, instructional texts, and other specialized materials used in furthering educational, vocational, and cultural opportunities in the field of music published in any accessible format, to authorized entities located in a country that is a party to the Marrakesh Treaty, if any such items are delivered to authorized entities through online, not physical, means. The Librarian may contract or otherwise arrange with such authorized entities to deliver such items to eligible persons located in their countries in any accessible format and consistent with section 121A of title 17, United States Code. ''Eligible persons'' for the purpose of this paragraph (h) has the meaning given it in 17 U.S.C. 121. Each authorized entity shall be contractually required to ensure that items originating from the Library of Congress are distributed only to eligible persons.

* * * * *

Dated: July 22, 2020.

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2020–16270 Filed 7–27–20; 8:45 am]

BILLING CODE 1410–30–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3040

[Docket No. RM2020–8]

Update to Product Lists

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is announcing an update to the market dominant and competitive product lists. This action reflects a publication policy adopted by Commission rules. The referenced policy assumes periodic updates. The updates are identified in the body of this document. The market dominant and competitive product lists, which are re-published in their entirety, includes these updates.

DATES: This rule is effective September 11, 2020, without further action, unless adverse comment is received by August 27, 2020. If adverse comment is received, the Commission will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: For additional information, this document can be accessed electronically through the Commission's website at *https://www.prc.gov.*

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6800.

SUPPLEMENTARY INFORMATION:

I. Introduction

Pursuant to 39 U.S.C. 3642(d)(2) and 39 CFR 3040.103, the Commission provides a Notice of Update to Product Lists by listing all modifications to both the market dominant and competitive product lists between April 1, 2020 and July 1, 2020.

II. Commission Process

Pursuant to 39 CFR part 3040, the Commission maintains a Mail Classification Schedule (MCS) that includes rates, fees, and product descriptions for each market dominant and competitive product, as well as product lists that categorize Postal Service products as either market dominant or competitive. *See generally* 39 CFR part 3040. The product lists are published in the Code of Federal Regulations as 39 CFR Appendix A to Subpart A of Part 3040—Market Dominant Product List and Appendix B to Subpart A of Part 3040—Competitive Product List pursuant to 39 U.S.C. 3642(d)(2). *See* 39 U.S.C. 3642(d)(2). Both the MCS and its product lists are updated by the Commission on its website on a quarterly basis.[1] In addition, these quarterly updates to the product lists are also published in the **Federal Register** pursuant to 39 CFR 3040.103. *See* 39 CFR 3040.103.

III. Authorization

Pursuant to 39 CFR 3040.103(d)(1), this Notice of Update to Product Lists identifies any modifications made to the market dominant or competitive product list, including product additions, removals, and transfers.[2] Pursuant to 39 CFR 3040.103(d)(2), the modifications identified in this document result from the Commission's most recent MCS update posted on the Commission's website on July 2, 2020, and supersede all previous product lists.[3]

IV. Modifications

The following list of product is being added to 39 CFR Appendix A to Subpart A of Part 3040—Market Dominant Product List:

1. Commercial P.O. Box Redirect Service

The following list of products are being added to 39 CFR Appendix B to Subpart A of Part 3040—Competitive Product List:

1. First-Class Package Service Contract 107
2. First-Class Package Service Contract 108

[1] *See https://www.prc.gov/mail-classification-schedule* in the Current MCS section.

[2] 39 CFR 3040.103(d)(1). More detailed information (*e.g.,* Docket Nos., Order Nos., effective dates, and extensions) for each market dominant and competitive product can be found in the MCS, including the ''Revision History'' section. *See, e.g.,* file ''*MCSRedline03312020.docx,*'' available at: *https://www.prc.gov/mail-classification-schedule.*

[3] Previous versions of the MCS and its product lists can be found on the Commission's website, available at: *https://www.prc.gov/mail-classification-schedule* in the MCS Archives section.

3. First-Class Package Service Contract 109
4. First-Class Package Service Contract 110
5. Global Expedited Package Services (GEPS)—Non-Published Rates 15
6. International Priority Airmail Contract 1
7. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service with Reseller Contracts 1
8. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service with Reseller Contracts 2
9. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service with Reseller Contracts 3
10. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service with Reseller Contracts 4
11. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service with Reseller Contracts 5
12. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service Contracts 1
13. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service Contracts 2
14. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service Contracts 1
15. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service Contracts 2
16. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service Contracts 3
17. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service Contracts 4
18. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service Contracts 5
19. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service Contracts 6
20. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service Contracts 7
21. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service Contracts 8
22. International Priority Airmail, Commercial ePacket, Priority Mail Express International, Priority Mail International, First-Class Package International Service Contracts 9
23. Parcel Return Service Contract 18
24. Priority Mail & First-Class Package Service Contract 144
25. Priority Mail & First-Class Package Service Contract 145
26. Priority Mail & First-Class Package Service Contract 146
27. Priority Mail & First-Class Package Service Contract 147
28. Priority Mail & First-Class Package Service Contract 148
29. Priority Mail & First-Class Package Service Contract 149
30. Priority Mail & First-Class Package Service Contract 150
31. Priority Mail & First-Class Package Service Contract 151
32. Priority Mail Contract 597
33. Priority Mail Contract 598
34. Priority Mail Contract 599
35. Priority Mail Contract 600
36. Priority Mail Contract 601
37. Priority Mail Contract 602
38. Priority Mail Contract 603
39. Priority Mail Contract 604
40. Priority Mail Contract 605
41. Priority Mail Contract 606
42. Priority Mail Contract 607
43. Priority Mail Contract 608
44. Priority Mail Contract 609
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51. Priority Mail Contract 616
52. Priority Mail Contract 617
53. Priority Mail Contract 618
54. Priority Mail Contract 619
55. Priority Mail Contract 620
56. Priority Mail Contract 621
57. Priority Mail Contract 622
58. Priority Mail Contract 623
59. Priority Mail Contract 624
60. Priority Mail Contract 625
61. Priority Mail Contract 626
62. Priority Mail Contract 627
63. Priority Mail Express & Priority Mail Contract 113
64. Priority Mail Express & Priority Mail Contract 114
65. Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 2
66. Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 3
67. Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 4
68. Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 5
69. Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 6
70. Priority Mail Express, Priority Mail & First-Class Package Service Contract 69
71. Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 5
72. Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 6
73. Priority Mail—Non-Published Rates 2

The following list of products are being removed from 39 CFR Appendix B to Subpart A of Part 3040—Competitive Product List:

1. First-Class Package Service Contract 45
2. First-Class Package Service Contract 55
3. First-Class Package Service Contract 97
4. Parcel Return Service Contract 6
5. Parcel Select Contract 32
6. Priority Mail & First-Class Package Service Contract 24
7. Priority Mail & First-Class Package Service Contract 35
8. Priority Mail & First-Class Package Service Contract 43
9. Priority Mail & First-Class Package Service Contract 50
10. Priority Mail & First-Class Package Service Contract 58
11. Priority Mail & First-Class Package Service Contract 78
12. Priority Mail & First-Class Package Service Contract 89
13. Priority Mail & First-Class Package Service Contract 101
14. Priority Mail & First-Class Package Service Contract 106

15. Priority Mail & First-Class Package Service Contract 107
16. Priority Mail & First-Class Package Service Contract 135
17. Priority Mail & First-Class Package Service Contract 136
18. Priority Mail Contract 150
19. Priority Mail Contract 258
20. Priority Mail Contract 272
21. Priority Mail Contract 274
22. Priority Mail Contract 277
23. Priority Mail Contract 282
24. Priority Mail Contract 298
25. Priority Mail Contract 299
26. Priority Mail Contract 305
27. Priority Mail Contract 307
28. Priority Mail Contract 310
29. Priority Mail Contract 312
30. Priority Mail Contract 317
31. Priority Mail Contract 320
32. Priority Mail Contract 323
33. Priority Mail Contract 326
34. Priority Mail Contract 328
35. Priority Mail Contract 329
36. Priority Mail Contract 330
37. Priority Mail Contract 372
38. Priority Mail Contract 382
39. Priority Mail Contract 411
40. Priority Mail Contract 423
41. Priority Mail Contract 447
42. Priority Mail Contract 448
43. Priority Mail Contract 456
44. Priority Mail Contract 475
45. Priority Mail Contract 492
46. Priority Mail Contract 506
47. Priority Mail Contract 528
48. Priority Mail Contract 537
49. Priority Mail Contract 545
50. Priority Mail Contract 548
51. Priority Mail Express & Priority Mail Contract 39
52. Priority Mail Express & Priority Mail Contract 45
53. Priority Mail Express & Priority Mail Contract 63
54. Priority Mail Express & Priority Mail Contract 65
55. Priority Mail Express & Priority Mail Contract 69
56. Priority Mail Express & Priority Mail Contract 74
57. Priority Mail Express & Priority Mail Contract 91
58. Priority Mail Express & Priority Mail Contract 98
59. Priority Mail Express & Priority Mail Contract 100
60. Priority Mail Express Contract 46
61. Priority Mail Express Contract 47
62. Priority Mail Express Contract 48
63. Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 1
64. Priority Mail Express International, Priority Mail International & Commercial ePacket Contract 1
65. Priority Mail Express, Priority Mail & First-Class Package Service Contract 60
66. Royal Mail Group Inbound Air Parcel Post Agreement

The above-referenced changes to the market dominant product list and the competitive product list are incorporated into 39 CFR Appendix A and B to Subpart A of Part 3040—Competitive Product List.

V. Ordering Paragraphs

It is ordered:

1. Part 3040 of title 39, Code of Federal Regulations, is amended as set forth below the signature of this Notice, effective 45 days after the date of publication of the Notice in the **Federal Register** without further action, unless adverse comments are received.

2. The Secretary shall arrange for publication of this rule in the **Federal Register**.

3. Interested persons may submit adverse comments no later than 30 days from the date of the publication of this Notice in the **Federal Register**.

4. If adverse comments are received, the Secretary will publish a timely withdrawal of the Notice in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

List of Subjects in 39 CFR Part 3040

Administrative practice and procedure, Postal Service.

For the reasons discussed in the preamble, the Postal Regulatory Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3040—PRODUCT LISTS

■ 1. The authority citation for part 3040 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix A to Subpart A of Part 3040 to read as follows:

Appendix A to Subpart A of Part 3040—Market Dominant Product List

(An asterisk (*) indicates an organizational class or group, not a Postal Service product.)

First-Class Mail *
- Single-Piece Letters/Postcards
- Presorted Letters/Postcards
- Flats
- Outbound Single-Piece First-Class Mail International
- Inbound Letter Post

USPS Marketing Mail (Commercial and Nonprofit) *
- High Density and Saturation Letters
- High Density and Saturation Flats/Parcels
- Carrier Route
- Letters
- Flats
- Parcels
- Every Door Direct Mail—Retail

Periodicals *
- In-County Periodicals
- Outside County Periodicals

Package Services *
- Alaska Bypass Service
- Bound Printed Matter Flats
- Bound Printed Matter Parcels
- Media Mail/Library Mail

Special Services *
- Ancillary Services
- International Ancillary Services
- Address Management Services
- Caller Service
- Credit Card Authentication
- International Reply Coupon Service
- International Business Reply Mail Service
- Money Orders
- Post Office Box Service
- Customized Postage
- Stamp Fulfillment Services

Negotiated Service Agreements *
- Domestic *
- International *
- Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators

Nonpostal Services *
- Alliances with the Private Sector to Defray Cost of Key Postal Functions
- Philatelic Sales

Market Tests *
- Plus One
- Commercial PO Box Redirect Service

■ 3. Revise Appendix B to Subpart A of Part 3040 to read as follows:

Appendix B to Subpart A of Part 3040—Competitive Product List

(An asterisk (*) indicates an organizational class or group, not a Postal Service product.)

Domestic Products *
- Priority Mail Express
- Priority Mail
- Parcel Select
- Parcel Return Service
- First-Class Package Service
- USPS Retail Ground

International Products *
- Outbound International Expedited Services
- Inbound Parcel Post (at UPU rates)
- Outbound Priority Mail International
- International Priority Airmail (IPA)
- International Surface Air Lift (ISAL)
- International Direct Sacks–M-Bags
- Outbound Single-Piece First-Class Package International Service
- Inbound Letter Post Small Packets and Bulky Letters

Negotiated Service Agreements *
- Domestic *

Priority Mail Express Contract 53
Priority Mail Express Contract 54
Priority Mail Express Contract 55
Priority Mail Express Contract 56
Priority Mail Express Contract 57
Priority Mail Express Contract 60
Priority Mail Express Contract 61
Priority Mail Express Contract 62
Priority Mail Express Contract 64
Priority Mail Express Contract 65
Priority Mail Express Contract 74
Priority Mail Express Contract 75
Priority Mail Express Contract 77
Priority Mail Express Contract 78
Priority Mail Express Contract 79
Priority Mail Express Contract 80
Parcel Return Service Contract 11
Parcel Return Service Contract 13
Parcel Return Service Contract 14
Parcel Return Service Contract 15
Parcel Return Service Contract 16
Parcel Return Service Contract 17
Parcel Return Service Contract 18
Priority Mail Contract 80
Priority Mail Contract 125
Priority Mail Contract 153
Priority Mail Contract 203
Priority Mail Contract 231
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Priority Mail Express & Priority Mail Contract 114
Parcel Select & Parcel Return Service Contract 3
Parcel Select & Parcel Return Service Contract 7
Parcel Select & Parcel Return Service Contract 8
Parcel Select & Parcel Return Service Contract 9
Parcel Select & Parcel Return Service Contract 10
Parcel Select Contract 9
Parcel Select Contract 20
Parcel Select Contract 25
Parcel Select Contract 27
Parcel Select Contract 29
Parcel Select Contract 34
Parcel Select Contract 35
Parcel Select Contract 36
Parcel Select Contract 37
Priority Mail—Non-Published Rates 1
Priority Mail—Non-Published Rates 2
First-Class Package Service Contract 75
First-Class Package Service Contract 78
First-Class Package Service Contract 79
First-Class Package Service Contract 82
First-Class Package Service Contract 85
First-Class Package Service Contract 87
First-Class Package Service Contract 89
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Priority Mail & First-Class Package Service Contract 151
Priority Mail Express & First-Class Package Service Contract 1
Priority Mail Express & First-Class Package Service Contract 3
Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 1
Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 2
Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 3
Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 4
Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 5
Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 6
Outbound International*
Global Expedited Package Services (GEPS) Contracts
GEPS 3
GEPS 5
GEPS 6
GEPS 7
GEPS 8
GEPS 9
GEPS 10
Global Bulk Economy (GBE) Contracts
Global Plus Contracts
Global Plus 1C
Global Plus 1D
Global Plus 1E
Global Plus 2C
Global Plus 3
Global Plus 4
Global Plus 5
Global Plus 6
Global Reseller Expedited Package Contracts
Global Reseller Expedited Package Services 1
Global Reseller Expedited Package Services 2
Global Reseller Expedited Package Services 3
Global Reseller Expedited Package Services 4
Global Expedited Package Services (GEPS)—Non-Published Rates
Global Expedited Package Services (GEPS)—Non-Published Rates 2
Global Expedited Package Services (GEPS)—Non-Published Rates 3
Global Expedited Package Services (GEPS)—Non-Published Rates 4
Global Expedited Package Services (GEPS)—Non-Published Rates 5
Global Expedited Package Services (GEPS)—Non-Published Rates 6
Global Expedited Package Services (GEPS)—Non-Published Rates 7
Global Expedited Package Services (GEPS)—Non-Published Rates 8
Global Expedited Package Services (GEPS)—Non-Published Rates 9
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Licensing of Intellectual Property other than Officially Licensed Retail Products (OLRP)
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[FR Doc. 2020–15048 Filed 7–27–20; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 721

[EPA–HQ–OPPT–2019–0529; FRL–10009–89]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (19–6.B)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing 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 requires persons to notify EPA 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 rule. The required notification initiates EPA's evaluation of the chemical under the conditions of use within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA

has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required as a result of that determination.

DATES: This rule is effective on September 28, 2020. For purposes of judicial review, this rule shall be promulgated at 1 p.m. (e.s.t.) on August 11, 2020.

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 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 certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and Orders under TSCA. Importers of chemicals subject to these SNURs must certify their compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of this rule are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see 40 CFR 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. How can I access the docket?

The docket includes information considered by the Agency in developing the proposed and final rules. The docket for this action, identified by the docket identification (ID) number listed at the top of this document, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/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.*

II. Background

A. What action is the Agency taking?

EPA is finalizing the SNURs as proposed under TSCA section 5(a)(2) for chemical substances which were the subject of PMNs P–17–109, P–17–234, P–17–400, P–18–92, P–18–105, P–18–295, and P–19–113. These SNURs 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.

Previously, in the **Federal Register** of October 8, 2019 (84 FR 53663) (FRL–10000–60), EPA proposed SNURs for these chemical substances and established the record for these SNURs in the docket under docket ID number EPA–HQ–OPPT–2019–0529. That docket includes information considered by the Agency in developing the proposed and final rules.

EPA only received anonymous public comments on the proposed rule that were general in nature and did not pertain to the proposed rule; therefore, no response is required. EPA is finalizing the SNURs as proposed.

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 bulleted 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. According to 40 CFR 721.1(c), persons subject to these SNURs must comply with the same significant new use notice (SNUN) requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1), the exemptions authorized by TSCA sections 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the significant new use is not likely to present an unreasonable risk of injury 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 significant new 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 addition to these factors enumerated in TSCA section 5(a)(2), the statute authorizes EPA to consider any other relevant factors. 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 finalizing its proposed designation of those reasonably foreseen conditions of use as well as certain other circumstances of use as significant new uses.

IV. Public Comments on Proposed Rule and EPA Responses

EPA only received anonymous public comments on the proposed rule that were general in nature and did not pertain to the proposed rule; therefore, no response is required. EPA made no changes to the proposed SNURs based on these comments.

V. Substances Subject to This Rule

EPA is establishing significant new use and recordkeeping requirements for chemical substances in 40 CFR part 721, subpart E. In Unit IV. of the proposed SNUR (see Unit II.A.), EPA provided the following information for each chemical substance:

- PMN number.
- Chemical name (generic name, if the specific name is claimed as confidential business information (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 rules.

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

The chemical substances that are the subject of these SNURs completed premanufacture review. In addition to those conditions of use intended by the submitter, EPA has identified certain other reasonably foreseen conditions of use and/or other circumstances 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 designating 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.

VI. Rationale and Objectives of the Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are the subject of these SNURs and as further discussed in Unit IV. of the proposed rule, EPA identified certain reasonably foreseen conditions of use as well as certain other circumstances of use different from the intended conditions of use identified in the PMNs and determined that those changes could result in changes in the type or form of exposure to the chemical substances and/or increased exposures to the chemical substances and/or changes in the reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of the chemical substances.

B. Objectives

EPA is issuing these SNURs because the Agency wants:

- To receive notice of any person's intent to manufacture or process a listed chemical substance for the described significant new use before that activity begins.
- 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 the significant new 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.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *http://www.epa.gov/opptintr/existingchemicals/pubs/tscainventory/index.html.*

VII. Applicability of the Significant New Use Designation

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule have undergone premanufacture review. 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 chemical substances for which an NOC has not been submitted EPA concludes that the designated significant new uses are not ongoing.

EPA designated October 2, 2019 (the date of web posting of the proposed rule) as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach has been to ensure that a person could not defeat a SNUR by initiating a significant new use before the effective date of the final rule.

In the unlikely event that a person began commercial manufacture or processing of the chemical substances for a significant new use identified as of that date, that person will have to cease any such activity upon the effective date of the final rule. To resume their activities, that person would have to first comply with all applicable SNUR notification requirements and wait until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination.

VIII. 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. of the proposed rule lists potentially useful information for the SNURs listed in this document. Descriptions are provided for informational purposes. The information identified in Unit IV. of the proposed rule will be potentially 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

EPA strongly encourages persons, before performing any testing, to consult with the Agency. 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. of the proposed rule 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 that provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

IX. Procedural Determinations

By this rule, EPA is establishing certain significant new uses which have been claimed as CBI subject to Agency confidentiality regulations at 40 CFR part 2 and 40 CFR part 720, subpart E. Absent a final determination or other disposition of the confidentiality claim under 40 CFR part 2 procedures, EPA is required to keep this information confidential. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI, at 40 CFR 721.1725(b)(1).

Under these procedures, a manufacturer or processor may request EPA to determine whether a proposed use would be a significant new use under the rule. The manufacturer or processor must show that it has a *bona fide* intent to manufacture or process the chemical substance and must identify the specific use for which it intends to manufacture or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the chemical substances subject to these SNURs are also CBI, manufacturers and processors can combine the *bona fide* submission under the procedure in 40 CFR 721.1725(b)(1) with that under 40 CFR 721.11 into a single step.

If EPA determines that the use identified in the *bona fide* submission would not be a significant new use, *i.e.,* the use does not meet the criteria specified in the rule for a significant new use, that person can manufacture or process the chemical substance so long as the significant new use trigger is not met. In the case of a production volume trigger, this means that the aggregate annual production volume does not exceed that identified in the *bona fide* submission to EPA. Because of confidentiality concerns, EPA does not typically disclose the actual production volume that constitutes the use trigger. Thus, if the person later intends to exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use.

X. 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 721.25. E-PMN software is available electronically at *http://www.epa.gov/opptintr/newchems.*

XI. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this rule. EPA's complete economic analysis is available in the docket under docket ID number EPA–HQ–OPPT–2019–0529.

XII. Statutory and Executive Order Reviews

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

This action establishes SNURs for several 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 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. EPA is amending the table in 40 CFR part 9 to list the OMB approval number for the information collection requirements contained in this action. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320. This Information Collection Request (ICR) was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to amend this table without further notice and comment.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under 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 Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that promulgation of this SNUR would 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, the number of SNUNs received was seven in Federal fiscal year (FY) 2013, 13 in FY2014, six in FY2015, 10 in FY2016, 14 in FY2017, and 11 in FY2018 and only a fraction of these 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. 1501 *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, entitled ''Federalism'' (64 FR 43255, August 10, 1999).

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

This action does not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This action does not significantly nor 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 Risks 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).

XIII. Congressional Review Act (CRA)

Pursuant to the CRA (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 721

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

Dated: June 23, 2020.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR parts 9 and 721 are amended as follows:

PART 9—[AMENDED]

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

Authority: 7 U.S.C. 135 *et seq.,* 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.,* 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.,* 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 9.1, add §§ 721.11412 through 721.11419 in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
Significant New Uses of Chemical Substances	
* * * * *	
721.11412	2070–0012
721.11413	2070–0012
721.11414	2070–0012
721.11415	2070–0012
721.11416	2070–0012
721.11417	2070–0012
721.11419	2070–0012
* * * * *	

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PART 721—[AMENDED]

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

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

■ 4. Add §§ 721.11412 through 721.11419 to subpart E to read as follows:

Subpart E—Significant New Uses for Specific Chemical Substances

Sec.

* * * * *

721.11412 Alkyldiamine, aminoalkyl dimethylaminoalkyl dimethyl- (generic).
721.11413 Oxirane, 2-(chloromethyl)-, polymer with 2-methyloxirane polymer with oxirane bis(2-aminopropyl) ether.
721.11414 Terpolymer of vinylidene fluoride, tetrafluoroethylene and 2,3,3,3-tetrafluoropropene (generic).
721.11415 Phosphonium, tributylmethyl-, iodide (1:1).
721.11416 Phosphorous acid, triisotridecyl ester.
721.11417 1,3-Butanediol, (3R)-.
721.11418 [Reserved]
721.11419 Metal oxide-chloro (generic).

* * * * *

§ 721.11412 Alkyldiamine, aminoalkyl dimethylaminoalkyl dimethyl- (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkyldiamine, aminoalkyl dimethylaminoalkyl dimethyl- (PMN P-17-109) 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, processing or use of the PMN substance in a 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=660.

(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) are applicable to manufacturers, importers, and processors of this substance.

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

§ 721.11413 Oxirane, 2-(chloromethyl)-, polymer with 2-methyloxirane polymer with oxirane bis(2-aminopropyl) ether.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as oxirane, 2-(chloromethyl)-, polymer with 2-methyloxirane polymer with oxirane bis(2-aminopropyl) ether (PMN P-17-234, CAS No. 78390–60–0) 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(g). It is a significant new use to manufacture, processing or use of the PMN substance in a 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=27.

(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) are applicable to manufacturers, importers, and processors of this substance.

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

§ 721.11414 Terpolymer of vinylidene fluoride, tetrafluoroethylene and 2,3,3,3-tetrafluoropropene (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as terpolymer of vinylidene fluoride, tetrafluoroethylene and 2,3,3,3-tetrafluoropropene (PMN P–17–400) 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(f), (j), (v)(1) and (2), (w)(1) and (2), and (x)(1) and (2).

(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)(i) of this section.

§ 721.11415 Phosphonium, tributylmethyl-, iodide (1:1).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as phosphonium, tributylmethyl-, iodide (1:1) (PMN P–18–92, CAS No. 1702–42–7) 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, processing or use of the PMN substance in a 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=56.

(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) 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.

§ 721.11416 Phosphorous acid, triisotridecyl ester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as phosphorous acid, triisotridecyl ester (PMN P–18–105, CAS No. 77745–66–5) 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) *Protection in the workplace.* Requirements as specified in § 721.63(a)(4) through (6), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(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 § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50, or 1000 if spray applied. For purposes of § 721.63(a)(6), the airborne form(s) of the substance include particulate, and for § 721.63(b), the concentration is set at 1.0%.

(ii) *Industrial, commercial, and consumer activities.* It is a significant new use to use the chemical substance for other than as PVC additive and coatings additive.

(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, importers, and processors of this substance.

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

§ 721.11417 1,3-Butanediol, (3R)-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,3-butanediol, (3R)-(PMN P–18–295, CAS No. 6290–03–5) 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(g). It is a significant new use to use the chemical substance for other than as an ingredient in consumer cleaning 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, importers, and processors of this substance.

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

§ 721.11418 [Reserved]

§ 721.11419 Metal oxide-chloro (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as metal oxide-chloro (PMN P–19–113) 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(j). It is a significant new use to manufacture, processing or use of the PMN substance in a 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=13.

(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) are applicable to manufacturers, importers, 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)(i) of this section.

[FR Doc. 2020–14513 Filed 7–27–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R09–OAR–2019–0344; FRL–10001–01–Region 9]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Arizona; Control of Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a state plan submitted by the State of Arizona. This state plan submittal pertains to the regulation of landfill gas and its components, including methane, from existing municipal solid waste (MSW) landfills. Arizona's state plan was submitted in response to the EPA's promulgation of Emissions Guidelines and Compliance Times for MSW landfills. This action is being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on August 27, 2020. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register as of August 27, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2019–0344. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Jeffrey Buss, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4152 or by email at *buss.jeffrey@epa.gov.*

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

Table of Contents

I. Proposed Action

On July 8, 2019 (84 FR 32363), the EPA proposed to approve a section 111(d) plan submitted by the Arizona Department of Environmental Quality (ADEQ) for existing municipal solid waste landfills. The submitted section 111(d) plan was in response to the August 29, 2016 promulgation of Federal NSPS and emission guidelines requirements for MSW landfills, 40 CFR part 60, subparts XXX and Cf, respectively (81 FR 59332 and 81 FR 59276). Included within the section 111(d) plan are regulations under the Arizona Administrative Code (A.A.C.), specifically at A.A.C. R18–2–731 entitled, ''Standards of Performance for Existing Municipal Solid Waste Landfills,'' and A.A.C. R18–2–901(79), entitled ''Standards of Performance for New Stationary Sources,'' effective July 6, 2018. A detailed explanation of the rationale behind this proposed approval is available in the Technical Support Document (TSD).

We proposed to approve this plan because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the plan and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving the plan submitted by the ADEQ.

IV. Incorporation by Reference

In accordance with the requirements of 1 CFR 51.5, EPA is finalizing regulatory text that includes the incorporation by reference of A.A.C. R18–2–731, entitled ''Standards of Performance for Existing Municipal Solid Waste Landfills,'' and A.A.C. R18–2–901(80), entitled ''Standards of Performance for New Stationary Sources,'' effective August 10, 2018, which is part of the CAA section 111(d) plan applicable to existing MSW landfills in Arizona as discussed in section I of this preamble. These regulatory provisions in the section 111(d) plan establish emission standards and compliance times for the control of methane and other organic compounds from certain existing MSW landfills located in Arizona that commenced construction, modification, or reconstruction on or before July 17, 2014. These provisions set forth requirements meeting criteria promulgated by EPA at 40 CFR part 60, subpart Cf. EPA has made, and will continue to make, the entire Arizona plan, generally available through *www.regulations.gov,* Docket No. EPA–R03–OAR–2019–0344, and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). This incorporation by reference has been approved by the Office of the Federal Register and the plan is federally enforceable under the CAA as of the effective date of this final rulemaking.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve section 111(d) state plan submissions that comply with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7411(d); 40 CFR part 60, subparts B and Cf; and 40 CFR part 62, subpart A. Thus, in reviewing CAA section 111(d) state plan submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Act and implementing regulations. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

In addition, the CAA section 111(d) Plans are not approved to apply in Indian country, as defined at 18 U.S.C. 1151, located in the state. As such, this rule does not have tribal implications, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), and it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 28, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Landfills, Methane, Ozone, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Note: The EPA fully approved Arizona's state plan on August 30, 2019, when the EPA signed an unpublished hard copy of a Notice of Final Rulemaking that is identical to this electronically signed notice. Arizona's state plan will become effective on the date set forth herein.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 62 as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart D—Arizona

■ 2. Section 62.600 is revised to read as follows:

§ 62.600 Identification of plan.

(a) The Arizona Department of Environmental Quality submitted on June 17, 1997, and June 29, 1999, the State of Arizona's Section 111(d) Plan for Existing Municipal Solid Waste Landfills.

(b) Control of landfill gas emissions from existing municipal solid waste landfills, submitted by the Arizona Department of Environmental Quality on July 24, 2018, to implement 40 CFR part 60, subpart Cf. The Plan includes the regulatory provisions cited in paragraph (d) of this section, which the EPA incorporates by reference.

(c) After August 27, 2020, the substantive requirements of the municipal solid waste landfills state plan are contained in paragraph (b) of this section and owners and operators of municipal solid waste landfills in Arizona must comply with the requirements in paragraph (b) of this section.

(d)(1) The material incorporated by reference in this section was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies at the EPA Region 9 office, 75 Hawthorne Street, San Francisco, California 94105, 415–947–8000 or from the source listed in this paragraph (d). Copies may be inspected 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: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(2) State of Arizona, Arizona Secretary of State, 1700 W Washington St Floor 7, Phoenix, AZ 85007.

(i) Title 18 Arizona Administrative Code, Title 2. Department of Environmental Quality—Air Pollution Control:

(A) Article 7. Existing Stationary Source Performance Standards R18–2–731 Standards of Performance for Existing Municipal Solid Waste Landfills, effective August 10, 2018.

(B) Article 9. New Source Performance Standards R18–2–901 Standards of Performance for New Stationary Sources, paragraph (80), effective August 10, 2018.

(ii) [Reserved]

■ 3. Section 62.601 is revised to read as follows:

§ 62.601 Identification of sources.

(a) The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, as described in 40 CFR part 60, subpart Cc.

(b) The plan in § 62.600(b) applies to all existing municipal solid waste landfills under the jurisdiction of the Arizona Department of Environmental Quality for which construction, reconstruction, or modification was commenced on or before July 17, 2014.

■ 4. Section 62.602 is revised to read as follows:

§ 62.602 Effective date.

(a) The effective date of EPA approval of the plan is November 19, 1999.

(b) The effective date of the plan submitted on July 24, 2018, by the Arizona Department of Environmental Quality for municipal solid waste landfills is August 27, 2020.

[FR Doc. 2020–15499 Filed 7–27–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2018–0683; FRL–10009–45]

Permethrin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of permethrin in or on multiple commodities which are identified and discussed later in this document. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 28, 2020. Objections and requests for hearings must be received on or before September 28, 2020 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0683, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Please 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), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2018–0683 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before September 28, 2020. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2018–0683, by one of the following methods:

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

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of March 18, 2019 (84 FR 9737) (FRL–9989–71), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 8E8703) by IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested to establish tolerances in 40 CFR 180.378 for the combined residues of the insecticide *cis-* and *trans-*permethrin isomers [*cis-*(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate] and [*trans-*(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate] in or on the following agricultural commodities: Celtuce at 5.0 parts per million (ppm); cherry subgroup 12–12A at 4.0 ppm; fennel, Florence at 5.0 ppm; leaf petiole vegetable subgroup 22B at 5.0 ppm; peach, subgroup 12–12B at 2.0 ppm; tea, plucked leaves at 20 ppm; vegetable, tuberous and corm, subgroup 1C at 0.05 ppm; and a regional tolerance in/on fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 2.0 ppm. Additionally, the petition requested, upon approval of the above tolerances, to remove the existing tolerances in 40 CFR 180.378 in/on the following agricultural commodities: Cherry, sweet at 4.0 ppm; cherry, tart at 4.0 ppm; leaf petioles subgroup 4B at 5.0 ppm; peach at 1.0 ppm; and potato at 0.05 ppm. That document referenced a summary of the petition prepared by FMC, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA is establishing tolerances that vary from what was requested. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for permethrin including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with permethrin follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Behavioral changes and neurotoxic effects, which are characteristic of Type I pyrethroids, were the primary effects seen in most toxicity studies. In addition, permethrin has been re-classified from ''Likely to be Carcinogenic to Humans'' to ''Suggestive Evidence of Carcinogenic Potential'' based on lung adenomas in female mice. Based on a re-evaluation of available data, EPA concluded that a non-linear approach to assessing

carcinogenicity would be appropriate because the selected acute reference dose would be protective of potential carcinogenicity. A complete discussion of the toxicological profile for permethrin and the Agency's cancer conclusion as well as specific information on the studies received and the nature of the adverse effects caused by permethrin as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found in the document titled ''*Permethrin: Human Health Risk Assessment for New Use on ''Fruit, Small, Vine Climbing, Except Fuzzy Kiwifruit, Subgroup 13–07F''; Multiple Crop Group Conversions/Expansions; and the Establishment of a Tolerance without a U.S. Registration for Tea, AND the Revised Draft Risk Assessment (DRA) for Registration Review*'' (hereinafter ''Permethrin Human Health Risk Assessment'') in docket ID number EPA–HQ–OPP–2018–0683 in *Regulations.gov*.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which the NOAEL are the LOAEL are identified. Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for permethrin used for human risk assessment can be found in the Permethrin Human Health Risk Assessment.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to permethrin, EPA considered exposure under the petitioned-for tolerances as well as all existing permethrin tolerances in 40 CFR 180.378. EPA assessed dietary exposures from permethrin in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for permethrin. In estimating acute dietary exposure, EPA used 2003–2008 food consumption information from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, the acute assessment was refined using distributions and point estimates derived from pesticide data program (PDP) monitoring data, field trial data, percent crop treated (PCT) data, and empirical processing factors.

ii. *Chronic exposure.* A chronic dietary endpoint has not been selected for permethrin because repeated exposure does not result in a point of departure lower than that resulting from acute exposure; therefore, the acute dietary risk assessment is protective of chronic dietary risk. However, since there are residential uses of permethrin, a highly refined chronic dietary exposure assessment was conducted to calculate average dietary (food and drinking water) exposure estimates to support the permethrin aggregate risk assessment. The average assessment was refined using point estimates derived from PDP monitoring data, field trial data, PCT data, and empirical processing factors.

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. Cancer risk is quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized.

Since the last permethrin risk assessment, the carcinogenic potential of permethrin was reevaluated in response to new information submitted. Based on the review of these data, permethrin is now classified as ''Suggestive Evidence of Carcinogenic Potential'' and quantification of risk using a non-linear approach (*i.e.,* reference dose (RfD)) will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to permethrin. A separate cancer dietary exposure and risk assessment is not required.

iv. *Anticipated residue and PCT information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- *Condition a:* The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- *Condition b:* The exposure estimate does not underestimate exposure for any significant subpopulation group.
- *Condition c:* Data are available on pesticide use and food consumption in a particular area, and the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The acute dietary assessment used the following maximum PCT estimates: Apples (10%); asparagus (45%); broccoli (15%); cabbage (30%); cantaloupes (15%); cauliflower (20%); celery (90%); cherries (15%); corn (2.5%); cucumbers (10%); garlic (50%); hazelnuts (2.5%); lettuce (65%); onions (25%); peaches (20%); pears (10%);

peppers (20%); potatoes (10%); pumpkins (20%); soybeans (2.5%); spinach (75%); squash (20%); sweet corn (15%); tomatoes (10%); and watermelons (15%). 100 PCT was used for the remaining commodities.

The following average PCT estimates were used in the chronic dietary exposure assessment for the following crops that are currently registered for permethrin: Apples (5%); artichoke (35%); asparagus (30%); broccoli (10%); cabbage (15%); cantaloupes (10%); cauliflower (10%); celery (60%); cherries (10%); corn (1%); cucumbers (5%); garlic (20%); hazelnuts (2.5%); lettuce (50%); onions (15%); peaches (10%); pears (2.5%); peppers (10%); potatoes (10%); pumpkins (15%); soybeans (1%); spinach (55%); squash (10%); sweet corn (10%); tomatoes (5%); and watermelons (10%). Additionally, a PCT value of 100% from almond was used for all livestock commodities since almonds have the highest PCT estimate of the commodities that may be fed to livestock. 100 PCT was used for the remaining commodities.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and California Department of Pesticide Regulation (CalDPR) Pesticide Use Reporting (PUR) for the chemical/crop combination for the most recent 10 years. EPA uses an average PCT for chronic dietary risk analysis and a maximum PCT for acute dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than 1% or less than 2.5%. In those cases, the Agency would use less than 1% or less than 2.5% as the average PCT value, respectively. The maximum PCT figure is the highest observed maximum value reported within the most recent 10 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%, except where the maximum PCT is less than 2.5%, in which case, the Agency uses less than 2.5% as the maximum PCT.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which permethrin may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for permethrin in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of permethrin. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Using the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Pesticide Root Zone Model Ground Water (PRZM GW) models, EPA calculated the estimated drinking water concentrations (EDWCs) of permethrin for acute and chronic exposures in surface water. Residues are not expected to reach groundwater due to permethrin's high partition coefficient (K_d). EPA used the modeled EDWCs directly in the dietary exposure model to account for the contribution of permethrin residues in drinking water as follows: 10.0 ppb was used in the acute assessment; 1.60 ppb was used in the chronic assessment.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Permethrin is currently registered for the following uses that could result in residential exposures: Control of insects in indoor and outdoor residential sites, including use indoors as a direct spot treatment (with some residential site restrictions), crack and crevice application, aerosol space spray, and total release fogger. Outdoor applications can be made as a direct or spot treatment to buildings/household perimeters, landscaping, or lawns via aerosol cans, handheld equipment, and trigger sprays. EPA assessed residential exposure using the following assumptions: Several permethrin products require personal protective equipment (PPE) to be worn by applicators. As such, EPA assumes those products are not used by homeowners, so exposures from those products have been considered only for residential post-application exposure assessment. Permethrin product labels with residential use sites that do not require specific clothing (*e.g.,* long-sleeved shirt/long pants) and/or PPE, have been considered in the residential handler assessment. Residential handler exposure assessments were performed for adult homeowners applying permethrin dusts/powders, dips, ready-to-use products, and pump/trigger spray products to cats and dogs. For spot-on applications to pets, inhalation exposure is negligible. Since there is no dermal hazard for permethrin, the residential handler assessment includes only inhalation exposures. All exposure scenarios are short-term in nature.

As no dermal hazard has been identified for permethrin, a quantitative post-application dermal assessment has not been conducted. Short-term post-application inhalation is expected for adults. The short-term post-application exposure scenarios for children 1 to less than 2 years old and 3–6 years old (hand-to-mouth and inhalation exposures) were combined for each lifestage. This combination should be considered a protective estimate of children's exposure. In order to combine these exposures, an aggregate risk index (ARI) was used since the LOCs for children's hand-to-mouth exposure (100) and inhalation exposure (30) are different. The target ARI is 1; therefore, ARIs of less than 1 are risk estimates of concern. The ARIs were calculated as follows.

Aggregate Risk Index (ARI) = 1 ÷ [(Incidental Oral LOC ÷ Incidental Oral MOE) + (Inhalation LOC ÷ Inhalation MOE)].

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA

requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

The Agency has determined that the pyrethroids and pyrethrins share a common mechanism of toxicity (*http://www.regulations.gov;* EPA–HQ–OPP–2011–0746–0045). As explained in that document, the members of this group share the ability to interact with voltage-gated sodium channels ultimately leading to neurotoxicity. In 2011, after establishing a common mechanism grouping for the pyrethroids and pyrethrins, the Agency conducted a cumulative risk assessment (CRA) which is available at *http://www.regulations.gov;* EPA–HQ–OPP–2011–0746–0003. In that document, the Agency concluded that cumulative exposures to pyrethroids (based on pesticidal uses registered at the time the assessment was conducted) did not present risks of concern. For information regarding EPA's efforts to evaluate the risk of exposure to this class of chemicals, refer to *https://www.epa.gov/ingredients-used-pesticide-products/pyrethrins-and-pyrethroids.*

Since the 2011 CRA, for each new pyrethroid and pyrethrin use, the Agency has conducted a screen to evaluate any potential impacts on the CRA prior to registration of that use. A new turf use for the pyrethroid, tau-fluvalinate, was assessed after completion of the cumulative, which did impact the worst-case non-dietary risk estimates identified in the 2011 CRA for the turf scenario. However, the overall finding (*i.e.,* that the pyrethroid cumulative risk is below the Agency's level of concern) did not change upon registration of this new use.

Prior to a final registration review decision for permethrin, the Agency will determine whether the 2011 CRA needs to be updated based on the availability of any new hazard, use, or exposure information that could potentially change the conclusions of or otherwise impact the 2011 CRA.

To account for the additional uses requiring tolerances in this rule, the Agency has conducted an additional screen, taking into account all previously approved uses and these proposed new uses. The additional uses will not significantly impact the cumulative assessment because dietary exposures make a minor contribution to total pyrethroid exposure relative to residential exposures in the 2011 cumulative risk assessment. Therefore, the results of the 2011 CRA are still valid and there are no cumulative risks of concern for the pyrethroids/pyrethrins.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10x) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10x, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There was no evidence of increased qualitative or quantitative susceptibility in guideline developmental toxicity studies in the rat and rabbit and a three-generation reproductive toxicity study in the rat. Maternal toxicity included neurological effects such as tremors in the rat and decreased body weights in the rat and rabbit. Increased post-implantation loss, decreased offspring size, and decreased ossification were observed in the studies, but all effects occurred at maternally toxic doses or above.

3. *Conclusion.* The Agency considers the FQPA SF as having two components, with 3x assigned to pharmacokinetic (PK) and 3x to pharmacodynamic (PD) differences. Previously, the Agency retained a 3x FQPA SF (1x for PD and 3x for PK differences) for children less than 6 years old based on concerns for PK differences between adults and children. EPA has re-evaluated the need for an FQPA SF for human health risk assessments for pyrethroid pesticides based on a review of the available guideline and literature studies as well as data from the Council for the Advancement of Pyrethroid Human Risk Assessment (CAPHRA) program. Because no new information of suitable quality was available on the age-related PD properties of the pyrethroids, the PD contribution to the FQPA safety factor remains at 1x. Regarding PK, recent data including human physiologically based pharmacokinetic (PBPK) models as well as *in vivo* and *in vitro* data on protein binding, enzyme ontogeny, and metabolic clearance, support the conclusion that the PK contribution to the FQPA SF can be reduced to 1x for all populations. For further information about the Agency's determination to reduce this FQPA safety factor, please see Re-Evaluation of the FQPA Safety Factor for Pyrethroids: Updated Literature and CAPHRA Program Data Review, which can be found at *https://www.epa.gov/ingredients-used-pesticide-products/2019-evaluation-fqpa-safety-factor-pyrethroids.* Therefore, the Agency concludes that the default 10x FQPA SF can be reduced to 1x for all populations for the pyrethroid pesticides.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to permethrin will occupy 12% of the aPAD for all infants less than 1 year old, the population group receiving the greatest exposure.

2. *Chronic risk.* A chronic dietary endpoint has not been selected for permethrin because repeated exposure does not result in a point of departure lower than that resulting from acute exposure; therefore, the acute dietary risk assessment is protective of chronic dietary risk.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Permethrin is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to permethrin.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate ARIs of 80 for adults and 2.9 for children 1 to less than 2 years old.

Because EPA's level of concern for permethrin is an ARI of 1 or below, these ARIs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because no intermediate-term adverse effect was identified, permethrin is not expected to pose an intermediate-term risk.

5. *Aggregate cancer risk for U.S. population.* As stated in Unit III.A., EPA has concluded that the acute reference dose (RfD) will adequately account for all repeated exposure/chronic toxicity, including carcinogenicity, which could result from exposure to permethrin. Based on the lack of acute risk at regulated levels of exposure, EPA concludes that exposure to permethrin will not pose an aggregate cancer risk.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to permethrin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate gas chromatography (GC) electron capture detection (GC/ECD) methods are available for enforcing tolerances of permethrin *per se* and are listed in PAM Vol. II (Section 180.378). Method I is a GC/ECD method for determining permethrin in plant matrices and has a limit of quantitation (LOQ) of 0.05 ppm for each isomer. Method II is a GC/ECD method for determining permethrin in animal matrices that has a LOQ of 0.01 ppm for each isomer. In addition, permethrin is completely recovered using FDA Multiresidue Methods (PAM Vol. I Sections 302 and 304).

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established any MRLs for permethrin in or on celtuce, Swiss chard or Florence fennel. Therefore, harmonization is not an issue for these commodities.

The Codex has established MRLs for permethrin in or on tea, green, black (black, fermented and dried) at 20 ppm; potato at 0.05 ppm; and gooseberry and grapes at 2 ppm which are the same as the U.S. tolerances being established by this document and are therefore harmonized.

The Codex has established MRLs for permethrin in or on stone fruit at 2 ppm. The U.S. tolerance for peach subgroup 12–12B is harmonized with the Codex MRL. Harmonization of the U.S. tolerance for cherry subgroup 12–12A at 4 ppm is not possible because the U.S. tolerance is higher. Reducing the U.S. tolerance could cause U.S. growers to have violative residues despite legal use of permethrin.

The Codex has established MRLs for permethrin in or on celery at 2 ppm. This MRL is lower than the tolerance of 5 ppm being established for permethrin in or on leaf petiole vegetable subgroup 22B in the United States. Harmonization is not feasible because the tolerance is based on field trial data that resulted in residues that necessitated the higher limit.

C. Revisions to Petitioned-For Tolerances

All trailing zeroes have been removed from the proposed tolerances to be consistent with Organization for Economic Cooperation and Development (OECD) Rounding Class Practice.

A tolerance is currently established for residues of permethrin in/on the leaf petioles subgroup 4B at 5.0 ppm, which includes Swiss chard. Crop subgroup 4B is being converted to the leaf petiole vegetable subgroup 22B, which does not include Swiss chard. Therefore, the Agency is establishing an individual tolerance of 5 ppm for Swiss chard based on the currently established tolerance for this commodity as part of crop subgroup 4B.

The commodity definition for Florence fennel has been revised to read fennel, Florence, fresh leaves and stalks.

V. Conclusion

Therefore, tolerances are established for residues of permethrin in or on celtuce at 5 ppm; cherry subgroup 12–12A at 4 ppm; fennel, Florence, fresh leaves and stalks at 5 ppm; leaf petiole vegetable subgroup 22B at 5 ppm; peach subgroup 12–12B at 2 ppm; Swiss chard at 5 ppm; tea, plucked leaves at 20 ppm; vegetable, tuberous and corm, subgroup 1C at 0.05 ppm; and a tolerance for regional registration for fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 2 ppm.

Additionally, the following tolerances are removed as unnecessary due to the establishment of the above tolerances: Cherry, sweet at 4.0 ppm; cherry, tart at 4.0 ppm; leaf petioles subgroup 4B at 5.0 ppm; peach at 1.0 ppm; potato at 0.05 ppm.

Lastly, EPA has revised the tolerance expression in paragraphs (a) and (c) to clarify (1) that, as provided in FFDCA section 408(a)(3), the tolerance covers metabolites and degradates of permethrin not specifically mentioned; and (2) that compliance with the specified tolerance levels is to be determined by measuring only the specific compounds mentioned in the tolerance expression.

The revised tolerance expression makes clear that the tolerances cover residues of permethrin and its metabolites and degradates, but that compliance with the tolerance levels will be determined by measuring only permethrin [(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate], as the sum of its *cis-* and *trans-* isomers in or on the commodity. EPA has determined that it is reasonable to make this change final without prior proposal and opportunity for comment, because public comment is not necessary, in that the change has no substantive effect on the tolerance, but rather is merely intended to clarify the existing tolerance expression.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health

Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

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

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

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

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: June 12, 2020.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, the EPA amends 40 CFR part 180 as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.378:

■ a. Amend paragraph (a) by:

■ i. Revising the introductory text;

■ ii. In the table, adding, in alphabetical order, the commodities ''celtuce; cherry subgroup 12–12A'', ''fennel, Florence, fresh leaves and stalks'', ''leaf petiole vegetable subgroup 22B'', ''peach subgroup 12–12B'', ''Swiss chard'', ''tea, plucked leaves; and vegetable, tuberous and corm, subgroup 1C''; and

■ iii. In the table, removing the commodities ''cherry, sweet'', ''cherry, tart'', ''leaf petioles subgroup 4B'', ''peach'', and ''potato''.

■ b. Amend paragraph (c) by:

■ i. Revising the introductory text; and

■ ii. In the table, adding, in alphabetical order, the commodity ''fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F''.

The revisions and additions read as follows:

§ 180.378 Permethrin; tolerances for residues.

(a) *General.* Tolerances are established for residues of permethrin, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only permethrin [(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate], as the sum of its *cis*- and *trans*- isomers in or on the commodity.

Commodity	Parts per million
* * * * * * *	
Celtuce	5
Cherry subgroup 12–12A	4
* * * * * * *	
Fennel, Florence, fresh leaves and stalks	5
* * * * * * *	
Leaf petiole vegetable subgroup 22B	5
* * * * * * *	
Peach subgroup 12–12B	2
* * * * * * *	
Swiss chard	5
Tea, plucked leaves [1]	20
* * * * * * *	
Vegetable, tuberous and corm, subgroup 1C	0.05

Commodity	Parts per million
* * * * * * *	

[1] There are no United States registrations for use of permethrin on tea, plucked leaves as of July 28, 2020.

* * * * *

(c) Tolerances with regional registrations. Tolerances with regional registrations, as defined in § 180.1(l), are established for residues of permethrin, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only permethrin [(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate], as the sum of its *cis*- and *trans*- isomers in or on the commodity.

Commodity	Parts per million
* * * * * * *	
Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F	2
* * * * * * *	

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[FR Doc. 2020–14419 Filed 7–27–20; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2019–0135; FRL–10008–20]

Ethalfluralin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation decreases the tolerance for residues of ethalfluralin in or on potato. Gowan Company requested this tolerance modification under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 28, 2020. Objections and requests for hearings must be received on or before September 28, 2020, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0135, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael L. Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2019–0135 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 28, 2020. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2019–0135, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/where-send-comments-epa-dockets.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of May 9, 2019 (84 FR 20320) (FRL–9992–36), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 8F8721) by Gowan Company, P.O. Box 5569, Yuma, AZ 85366. The petition requested that the tolerance in 40 CFR 180.416 for residues of the herbicide ethalfluralin in or on potato be reduced from 0.05 parts per million (ppm) to 0.01 ppm. That document referenced a summary of the petition prepared by Gowan Company, the registrant, which is available in the docket, *http://www.regulations.gov.* No relevant comments were received on the notice of filing.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for ethalfluralin including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with ethalfluralin follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Ethalfluralin has low acute toxicity by the oral, dermal, and inhalation routes of exposure. It is moderately irritating to the eye and produces moderate to severe skin irritation. It is a dermal sensitizer.

The hazard database for ethalfluralin indicates that the liver is the primary target organ in rats and mice, with hematological effects also observed in rats and dogs. No systemic toxicity up to the limit dose was seen in the 21-day dermal toxicity study in rabbits. There were no signs of immunotoxicity or neurotoxicity in the database.

No reproductive or developmental effects were observed in rats, and although there were developmental effects (sternal variations, incomplete cranial development and resorptions) in rabbits, these were seen in the presence of maternal toxicity.

Ethalfluralin has been classified as a possible human carcinogen (Group C) based on positive genotoxicity assays (two positive Salmonella assays and a positive assay for chromosomal aberrations) and the findings from a two-year chronic carcinogenicity study in rats (showing an increased incidence of mammary gland fibroadenomas and combined adenomas/fibroadenomas in female rats).

Specific information on the studies received and the nature of the adverse effects caused by ethalfluralin as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document *Ethalfluralin. Human Health Risk Assessment for the Section 3 Registration on Potato* in docket ID number EPA–HQ–OPP–2019–0135.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for ethalfluralin used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR ETHALFLURALIN FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (Females 13–50 years of age).	NOAEL = 75 mg/kg/day .... UF_A = 10x ..... UF_H = 10x ..... FQPA SF = 1x	Acute RfD = 0.75 mg/kg/day. aPAD = 0.75 mg/kg/day	Rabbit Developmental Toxicity Study. MRID: 00129057, 00250596. Developmental LOAEL = 150 mg/kg/day based on increased number of resorptions and increased sternal and cranial variations.
Acute dietary ..... (General population including infants and children).	A single dose effect relevant to the general US population including infants and children was not identified in the toxicity studies conducted with ethalfluralin.		
Chronic dietary (All populations).	NOAEL= 4 mg/kg/day ..... UF_A = 10x ..... UF_H = 10x ..... FQPA SF = 1x	Chronic RfD = 0.04 mg/kg/day. cPAD = 0.04 mg/kg/day	Dog Chronic Oral Toxicity Study. MRID: 00153371, 92062014. LOAEL = 20 mg/kg/day based on increased urinary bilirubin, variations in erythrocyte morphology, increased thrombocyte count, and increased erythroid series of the bone marrow.
Cancer (Oral, dermal, inhalation).	Ethalfluralin has been classified as a possible human carcinogen (Group C) based on increased mammary gland fibro-adenomas & combined adenomas/fibro-adenomas in female rats. $Q_1^* = 8.9 \times 10^{-2}$ (mg/kg/day)$^{-1}$.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. mg/kg/day = milligram/kilogram/day. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to ethalfluralin, EPA considered exposure under the petitioned-for tolerance as well as all existing ethalfluralin tolerances in 40 CFR 180.416. EPA assessed dietary exposures from ethalfluralin in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for ethalfluralin. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA used tolerance-level residues and assumed 100 percent crop treated (PCT) for all commodities.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 2003–2008 NHANES/WWEIA. As to residue levels in food, EPA used tolerance-level residues and assumed 100 PCT for all commodities.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that ethalfluralin should be classified as a ''Possible human carcinogen (Group C)'' and a linear approach has been used to quantify cancer risk.

A refined ethalfluralin chronic cancer dietary (food and drinking water) analysis was conducted using half the field trial limit of detection (LOD) value for all potato commodities, monitoring data generated by USDA's Pesticide Data Program (PDP) for most commodities (soybean grain; soy infant formula; canned black, kidney, pinto, and garbanzo beans; cantaloupe; watermelon; cucumber; summer squash; winter squash; and peanut butter), average PCT data for some commodities, and tolerance-level residues and 100 PCT for remaining commodities.

iv. *Anticipated residues and percent crop treated (PCT) information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- *Condition a:* The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- *Condition b:* The exposure estimate does not underestimate exposure for any significant subpopulation group.
- *Condition c:* Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency estimated the PCT for existing uses as follows:

Canola/rapeseed (2.5%); cantaloupe (5%); cucumber (55%); peanut (15%); pumpkin (20%); squash (20%); sunflower (5%); and watermelon (15%). The remaining commodities assumed 100% CT.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and California Department of Pesticide Regulation (CalDPR) Pesticide Use Reporting (PUR) for the chemical/crop combination for the most recent 10 years. EPA uses an average PCT for

chronic dietary risk analysis and a maximum PCT for acute dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than 1% or less than 2.5%. In those cases, the Agency would use less than 1% or less than 2.5% as the average PCT value, respectively. The maximum PCT figure is the highest observed maximum value reported within the recent 10 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%, except where the maximum PCT is less than 2.5%, in which case, the Agency uses less than 2.5% as the maximum PCT.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which ethalfluralin may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for ethalfluralin in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of ethalfluralin. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Surface Water Concentration Calculator (SWCC) and the Pesticide Root Zone Model for GroundWater (PRZM–GW) models, the estimated drinking water concentrations (EDWCs) of ethalfluralin for acute exposures are estimated to be 26.1 parts per billion (ppb) for surface water and <0.001 ppb for ground water. The EDWCs for chronic exposures are estimated to be 0.57 ppb for surface water and <0.001 ppb for ground water. The surface water EDWC for cancer exposure was estimated to be 0.36 ppb; the groundwater EDWC is the same as for acute and chronic exposures, <0.001 ppb.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 26.1 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 0.57 ppb was used to assess the contribution to drinking water. For cancer dietary risk assessment, the water concentration of value 0.36 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Ethalfluralin is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found ethalfluralin to share a common mechanism of toxicity with any other substances, and ethalfluralin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that ethalfluralin does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10x) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* As summarized in Unit III.A., no reproductive or developmental effects were observed in rats, and although there were developmental effects (sternal variations, incomplete cranial development and resorptions) in rabbits, these were seen in the presence of maternal toxicity. The resorptions are considered a maternal and developmental effect and the skeletal effects are minor, so these are not considered evidence of qualitative susceptibility.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for ethalfluralin is adequate to characterize potential prenatal and postnatal risk for infants and children.

ii. There is no indication that ethalfluralin is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that ethalfluralin results in increased susceptibility in *in utero* rats in the prenatal developmental study or in young rats in the 2-generation reproduction study. Although there were developmental effects (sternal variations, incomplete cranial development and resorptions) seen in the rabbit prenatal study, there is low concern for increased susceptibility, as these effects were seen in the presence of maternal toxicity. Additionally, the dose and endpoints chosen for risk assessment are protective of the developmental effects observed in the rabbit developmental toxicity studies.

iv. There are no residual uncertainties identified in the exposure databases. The acute and chronic dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. The refined cancer dietary exposure assessment was based on USDA PDP monitoring data, field trial data for potatoes, and average PCT estimates. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to ethalfluralin in drinking water. These assessments will not underestimate the exposure and risks posed by ethalfluralin.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to ethalfluralin will occupy <1% of the aPAD for females 13 to 49 years old, the population group receiving the greatest exposure. There are no residential uses for ethalfluralin.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to ethalfluralin from food and water will utilize <1% of the cPAD for all population subgroups. There are no residential uses for ethalfluralin.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because there are no residential uses, ethalfluralin is not expected to pose short- or intermediate-term risk.

4. *Aggregate cancer risk for U.S. population.* The cancer aggregate risk assessment combines exposures to ethalfluralin in food and drinking water only. The most highly-exposed population subgroups in the dietary (food and drinking water) cancer assessment were adults 20 to 49 years old and females 13 to 49 years old with a cancer risk estimate of $\leq 8.8 \times 10^{-7}$. EPA generally considers cancer risks (expressed as the probability of an increased cancer case) in the range of 1 in 1 million (or 1×10^{-6}) or less to be negligible.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to ethalfluralin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology [gas chromatography (GC) with electron capture detection (ECD); Pesticide Analytical Manual (PAM, Vol. II, section 180.416 Methods I and II)] is available to enforce the tolerance expression. Method I and II are applicable for the analysis of ethalfluralin residues in/on plant and animal commodities, respectively.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established an MRL for ethalfluralin on potato.

C. International Trade Considerations

In this Final Rule, EPA is reducing the existing tolerance for residues of ethalfluralin on potato from 0.05 ppm to 0.01 ppm. Available residue data demonstrate that tolerances at 0.01 ppm are sufficient to cover residues on potato.

In accordance with the World Trade Organization's (WTO) Sanitary and Phytosanitary Measures (SPS) Agreement, EPA intends to notify the WTO of this revision in order to satisfy its obligation. In addition, the SPS Agreement requires that Members provide a ''reasonable interval'' between the publication of a regulation subject to the Agreement and its entry into force to allow time for producers in exporting Member countries to adapt to the new requirement. At this time, EPA is establishing an expiration date for the existing tolerances to allow those tolerances to remain in effect for a period of six months after the effective date of this final rule, in order to address this requirement. After the six-month period expires, residues of ethalfluralin on potato cannot exceed the new tolerance of 0.01 ppm.

This reduction in tolerance levels is not discriminatory; the same food safety standard contained in the FFDCA applies equally to domestically produced and imported foods.

V. Conclusion

Therefore, the tolerance is decreased for residues of ethalfluralin in or on potato from 0.05 ppm to 0.01 ppm.

VI. Statutory and Executive Order Reviews

This action modifies an existing tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory

Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

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

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

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: June 7, 2020.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.416, amend the table in paragraph (a) as follows:

■ i. Add an entry for ''Potato'' after ''Pea, dry, seed'' and before the current entry for ''Potato''; and

■ ii. Revise the current entry for ''Potato''.

The addition and revision read as follows:

§ 180.416 Ethalfluralin; tolerances for residues

(a) * * *

Commodity	Parts per million
* * * * * * *	
Potato	0.01
Potato [1]	0.05
* * * * * * *	

[1] This tolerance expires on January 28, 2021.

* * * * *

[FR Doc. 2020–16266 Filed 7–27–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 200427–0121]

RTID 0648–XW034

Pacific Halibut Fisheries; Catch Sharing Plan; Inseason Action

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

ACTION: Temporary rule; inseason adjustment; request for comments.

SUMMARY: This document announces additional season dates for the Washington and Columbia River Pacific halibut recreational fisheries in the International Pacific Halibut Commission's regulatory Area 2A off Washington, Oregon, and California. This action is intended to conserve Pacific halibut and provide angler opportunity where available.

DATES: This action is effective July 27, 2020, through December 31, 2020. Submit comments on or before August 12, 2020.

ADDRESSES: Submit your comments, identified by NOAA–NMFS–2019–0120, by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0120,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Barry Thom, c/o Kathryn Blair, West Coast Region, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post them for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Docket: This rule is accessible via the internet at the Office of the Federal Register website at *https://www.federalregister.gov/.* Background information and documents are available at the NOAA Fisheries website at *https://www.fisheries.noaa.gov/action/2020-pacific-halibut-catch-sharing-plan* and at the Council's website at *http://www.pcouncil.org.* Other comments received may be accessed through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kathryn Blair, phone: 503–231–6858,

fax: 503–231–6893, or email: *kathryn.blair@noaa.gov.*

SUPPLEMENTARY INFORMATION: On May 1, 2020, NMFS published a final rule approving changes to the Pacific halibut Area 2A Catch Sharing Plan and recreational (sport) management measures for 2020 (85 FR 25317), as authorized by the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773–773(k)). The 2020 Catch Sharing Plan provides a recommended framework for NMFS' annual management measures and subarea allocations based on the 2020 Area 2A Pacific halibut catch limit of 1,500,000 pounds (lb) (680.4 metric tons (mt)). These Pacific halibut management measures include recreational fishery season dates and subarea allocations.

Federal regulations at 50 CFR 300.63(c), ''Flexible Inseason Management Provisions for Sport Halibut Fisheries in Area 2A,'' allow the NMFS' Regional Administrator, after consultation with the Chairman of the Pacific Fishery Management Council (Council), the Executive Director of the International Pacific Halibut Commission (IPHC), and the Fisheries Directors affected states, or their designees, to modify annual regulations during the season. These inseason provisions allow the Regional Administrator to modify sport fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, if it is determined it is necessary to meet the allocation objectives and the action will not result in exceeding the catch limit.

NMFS has determined that inseason action to modify the 2020 annual regulations is warranted at this time to ensure the Area 2A allocations as published in Table 1 of the final rule (85 FR 25317, May 1, 2020) are met. As stated above, inseason modification of the fishing season is authorized by Federal regulations at 50 CFR 300.63(c). After consultation with IPHC, the Council, the Washington Department of Fish and Wildlife (WDFW), and the Oregon Department of Fish and Wildlife (ODFW), NMFS determined the following inseason actions are necessary to meet the management objective of attaining the quota, and fall under inseason management provisions allowing for the modification of sport fishing periods and sport fishing days per calendar week. Notice of these additional dates and closure of the fisheries will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

Inseason Action

Inseason Action #1

Description of the action: Inseason action #1 implements additional season dates for the Puget Sound, North and South Coast subareas in the State of Washington.

Reason for the action: The purpose of this inseason action is to provide additional opportunity for anglers in Washington's Puget Sound, North and South Coast subareas to achieve the catch limit. Since late April, Washington anglers have been unable to access boat ramps and other facilities needed for recreational fishing in many coastal areas, resulting in lower than normal landings. For reference, in 2018 and 2019, 92 percent of the available recreational quota was attained during the fishing season that concluded in June. Through June 2020, anglers in the Washington recreational fisheries have caught 17 percent of the available quota. Without additional season days, the season dates implemented in the May 1, 2020 (85 FR 25317) final rule would likely result in substantial unharvested quota.

Therefore, in order for anglers to have the opportunity to achieve the subarea allocation, and with little risk of the quota being exceeded, through this action NMFS is announcing new season dates in August and September that were not previously announced in the May 1, 2020 final rule (85 FR 25317). Specifically, the additional season dates for the Puget Sound and North Coast subareas are August 6–8, 13–15, 20–22, 27–29, September 3–5, 10–12, 17–19, and 24–26, 2020. For the South Coast, the additional season dates are August 6, 13, 16, 20, 23, 27, 30, September 3, 6, 10, 13, 17, 20, 24, and 27, 2020. If catch and effort are lower than anticipated, NMFS may also announce additional fishing days for the South Coast on the NMFS hotline at 206–526–6667 or 800–662–9825, that may include August 28, September 4, and September 11, 2020.

These dates were determined in consultation with WDFW, the Council, and IPHC. Notice of these and potential additional dates and closure of the fisheries will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

Inseason Action #2

Description of the action: Inseason action #2 implements additional season dates for the Columbia River subarea, an area that includes waters off both the States of Washington and Oregon.

Reason for the action: The purpose of this inseason action is to provide additional opportunity for anglers in the Columbia River subarea to achieve the catch limit. Since late April, Washington and Oregon anglers have been unable to access boat ramps and other facilities needed for recreational fishing in the Columbia River subarea, and have therefore not attained any of the 18,450 lb (8.37 mt) allocation. As a result, NMFS is adding season dates in addition to those implemented in the May 1, 2020 final rule (85 FR 25317). For reference, in 2018 and 2019, anglers harvested all of the available quota during May and June. Without additional days, the fishery would likely result in substantial unharvested quota.

Therefore, in order for anglers to have the opportunity to achieve the subarea allocation, NMFS is adding season dates to August and September. Specifically, the additional season dates for the all-depth fishery in the Columbia River subarea are August 6, 13, 16, 20, 23, 27, 30, September 3, 6, 10, 13, 17, 20, 24, and 27, 2020. If catch and effort are lower than anticipated, NMFS may also announce additional fishing days for the Columbia River on the NMFS hotline at 206–526–6667 or 800–662–9825, that may include August 28, September 4, and September 11, 2020. For the nearshore fishery in the Columbia River subarea, the fishery will be open August 10, 2020, and continue on Monday, Tuesday, and Wednesday each week until the nearshore allocation is taken or September 30, 2020, whichever is earlier.

Weekly quota monitoring reports for the recreational fisheries in Washington, Oregon, and California are available on their respective websites. NMFS and the IPHC will continue to monitor recreational catch obtained via state sampling procedures, and, if necessary, will make inseason adjustments to the Pacific halibut recreational fishery. NMFS will provide notice of inseason changes on the NMFS hotline at 206–526–6667 or 800–662–9825. The IPHC will announce inseason changes via news release on their website at *https://iphc.int/.*

Classification

NMFS issues this action pursuant to the Northern Pacific Halibut Act of 1982. This action is required by 50 CFR 300.63(c) and authorized by IPHC regulations published March 13, 2020 (85 FR 14586), which is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(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. Prior notice and

opportunity for public comment was impracticable because NMFS had insufficient time between when adequate landings information became available to determine if additional days would be necessary, and when those dates needed to occur within the season. To ensure the regulated public is fully aware of this action, notice of this regulatory action will also be provided to anglers through a telephone hotline, news release, and by the relevant state fish and wildlife agencies. This notice complies with the requirements of the annual management measures for Pacific halibut recreational fisheries published May 1, 2020 (85 FR 25317) and IPHC regulations published March 13, 2020 (85 FR 14586). While there is not time for prior notice and comment, NMFS will receive public comments for 15 days after publication of this action, in accordance with 50 CFR 300.63(c)(4)(ii). No aspect of this action is controversial, and changes of this nature were anticipated in the final rule for the Pacific halibut Catch Sharing Plan and annual management measures which published May 1, 2020 (85 FR 25317).

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make this action effective immediately upon publication, as a delay in effectiveness of this action would constrain fishing opportunity and be inconsistent with the goals of the Catch Sharing Plan and current management measures, as well as potentially cause economic harm to the associated fishing communities. Regulations allow the Regional Administrator to modify sport fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, provided that the action allows allocation objectives to be met and will not result in exceeding the catch limit for the area. NMFS recently received information on the progress of landings in the recreational fisheries in Washington and the Columbia River subareas, necessitating new dates be added to the fishery to ensure optimal and sustainable harvest of the quota. A delay in the effectiveness of these new dates would not allow the allocation objectives of this fishery to be met, as the fishery is scheduled to conclude by September 30, according to both the May 1, 2020 final rule (85 FR 25317) and the Council's Catch Sharing Plan.

Dated: July 23, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020–16345 Filed 7–27–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200221–0062]

RTID 0648–XA314

Fisheries of the Exclusive Economic Zone Off Alaska; Reapportionment of the 2020 Gulf of Alaska Pacific Halibut Prohibited Species Catch Limits for the Trawl Deep-Water and Shallow-Water Fishery Categories

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

ACTION: Temporary rule; reapportionment.

SUMMARY: NMFS is reapportioning the seasonal apportionments of the 2020 Pacific halibut prohibited species catch (PSC) limits for the trawl deep-water and shallow-water species fishery categories in the Gulf of Alaska. This action is necessary to account for the actual halibut PSC use by the trawl deep-water and shallow-water species fishery categories from May 15, 2020 through June 30, 2020. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), July 23, 2020 through 2400 hours, A.l.t., December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Gulf of Alaska (GOA) exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020) apportions the 2020 Pacific halibut PSC limit for trawl gear in the GOA to two trawl fishery categories: A deep-water species fishery and a shallow-water species fishery. The halibut PSC limit for these two trawl fishery categories is further apportioned by season, including four seasonal apportionments to the shallow-water species fishery and four seasonal apportionments to the deep-water species fishery. The two fishery categories also are apportioned a combined, fifth seasonal halibut PSC limit. Unused seasonal apportionments are added to the next season apportionment during a fishing year.

Regulations at § 679.21(d)(4)(iii)(D) require NMFS to combine management of the available trawl halibut PSC limits in the second season (April 1 through July 1) deep-water and shallow-water species fishery categories for use in either fishery from May 15 through June 30 of each year. Furthermore, NMFS is required to reapportion the halibut PSC limit between the deep-water and shallow-water species fisheries after June 30 to account for actual halibut PSC use by each fishery category during May 15 through June 30. As of July 22, 2020, NMFS has determined that the trawl deep-water and shallow-water fisheries used 128 metric tons (mt) and 43 mt of halibut PSC, respectively, from May 15 through June 30. Accordingly, pursuant to § 679.21(d)(4)(iii)(D), the Regional Administrator is reapportioning the combined first and second seasonal apportionments (860 mt) of halibut PSC limit between the trawl deep-water and shallow-water fishery categories to account for the actual PSC use (533 mt) in each fishery from January 1, 2020 through June 30, 2020. Therefore, Table 15 of the final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020) is revised consistent with this adjustment.

TABLE 15—FINAL 2020 AND 2021 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE TRAWL GEAR DEEP-WATER SPECIES FISHERY AND THE SHALLOW-WATER SPECIES FISHERY CATEGORIES

[Values are in metric tons]

Season	Shallow-water	Deep-water [1]	Total
January 20–April 1	20	156	177
April 1–July 1	63	294	356
Subtotal, combined first and second season limit (January 20–July 1)	83	450	533
July 1–August 1	203	586	789
August 1–October 1	53	75	128
Subtotal January 20–October 1	339	1,111	1,450
October 1–December 31 [2]	.....	.....	256
Total	.....	.....	1,706

[1] Vessels participating in cooperatives in the Central GOA Rockfish Program will receive 191 mt of the third season (July 1 through September 1) deep-water species fishery halibut PSC apportionment.

[2] There is no apportionment between trawl shallow-water and deep-water species fishery categories during the fifth season (October 1 through December 31).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, 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. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would allow for harvests that exceed the originally specified apportionment of the halibut PSC limits to the deep-water and shallow-water fishery categories. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 23, 2020.

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

Dated: July 23, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020–16346 Filed 7–23–20; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 145
Tuesday, July 28, 2020

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0713 Product Identifier 2019–CE–061–AD]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Gulfstream Aerospace Corporation GVII–G500 airplanes. This proposed AD was prompted by a report of a fuel quantity disparity between the overhead panel touch screens and the touch screen controllers. This proposed AD would require incorporating operating limitations into the airplane flight manual (AFM) until the fuel quantity management system (FQMS) software is updated. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 11, 2020.

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

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- For service information identified in this NPRM, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, GA 31402–2206, telephone: 800–810–GULF (4853), email: *pubs@gulfstream.com,* internet: *https://www.gulfstream.com/en/customer-support/.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call 816–329–4148.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0713; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jared Meyer, Aerospace Engineer, Atlanta ACO Branch, FAA, 107 Charles W. Grant Pkwy., Atlanta, GA 30354; phone: 404–474–5534; fax: 404–474–5605; email: *jared.meyer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0713; Product Identifier 2019–CE–041–AD'' at the beginning of your comments. The FAA will consider all comments received by the closing date and may amend this proposed AD because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments we receive, without change, to *https://regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact it receives about this proposed AD.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Jared Meyer, Aerospace Engineer, Atlanta ACO Branch, FAA, 107 Charles W. Grant Pkwy., Atlanta, GA 30354. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA was alerted by the manufacturer that certain Model GVII–G500 airplanes have exhibited a disparity between the fuel quantities displayed on the overhead panel touch screens and the fuel quantities displayed on the touch screen controllers. Investigation revealed two known failure conditions that the Model GVII–G500 FQMS does not properly detect and report to the crew. These failure conditions are fuel quantity probe drift and an FQMS over-current condition, which could result in erroneous and misleading fuel quantity indications, and could also result in erroneous and misleading fuel imbalance indications. These conditions could cause a false annunciation of a fuel imbalance, a failure to annunciate an actual fuel imbalance, and a condition where the actual fuel quantity is less than or greater than the indicated fuel quantity. The FQMS software logic does not properly detect or compensate for these failure conditions.

This condition, if not addressed, could result in fuel starvation during flight, performance impacts of the airplane having more fuel than

indicated, and a roll moment due to a fuel imbalance.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Gulfstream Aerospace Corporation Aircraft Service Change (ASC) No. 025, Revision A, dated October 16, 2019; and GVII–G500 Airplane Flight Manual Supplement No. GVII–G500–2019–05, Revision 2, dated October 1, 2019. The service information updates the fuel quantity signal conditioner software to version 10003–42130–01–19.03, which resolves a known issue with potential erroneous fuel quantity readings and requires incorporating operating limitations into the airplane flight manual (AFM) until the fuel quantity management system (FQMS) software is updated. The AFM Supplement includes revisions to the airplane operating limitations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The FAA estimates that this proposed AD would affect 39 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Software update	26 work-hours × $85 per hour = $2,210	Not applicable	$2,210	$86,190
Airplane flight manual revision	1 work-hour × $85 per hour = $85	Not applicable	85	3,315

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Gulfstream Aerospace Corporation: Docket No. FAA–2020–0713; Product Identifier 2019–CE–061–AD.

(a) Comments Due Date

The FAA must receive comments by September 11, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Gulfstream Aerospace Corporation Model GVII–G500 airplanes, serial numbers 72001 through 72049, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code: 2840, Fuel Indicating System.

(e) Unsafe Condition

This AD was prompted by a fuel quantity disparity between the overhead panel touch screens and the touch screen controllers, which could result in inaccurate fuel indications. The FAA is issuing this AD to ensure a software update occurs correcting fuel quantity monitoring system software logic to compensate for a failed fuel quantity measuring sensor. The unsafe condition, if not addressed, could result in fuel starvation during flight.

(f) Compliance

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

(g) Actions

(1) Within 30 days after the effective date of this AD, revise the airplane flight manual for your airplane by incorporating the operating limitations in Gulfstream Aerospace GVII–G500 Airplane Flight Manual Supplement No. GVII–G500–2019–05, Revision 2, dated October 1, 2019.

(2) Within 12 months after the effective date of this AD, update the Fuel Quantity Signal Conditioner software to version

10003–42130–01–19.03 and perform an operational test in accordance with the Modification Instructions in Gulfstream GVII–G500 Aircraft Service Change No. 025, Revision A, dated October 16, 2019, except you are not required to report information to the manufacturer.

(3) The operating limitations required by paragraph (g)(1) of this AD, if installed, may be removed after completing the software update required by paragraph (g)(2) of this AD.

(h) Credit for Previous Actions

If you updated the Fuel Quantity Signal Conditioner software before the effective date of this AD using Gulfstream GVII–G500 Aircraft Service Change No. 025, dated July 19, 2019, you met the requirements of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in the Related Information section of this AD.

(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.

(j) Related Information

(1) For more information about this AD, contact Jared Meyer, Aerospace Engineer, Atlanta ACO Branch, FAA, 107 Charles W. Grant Pkwy., Atlanta, GA 30354; phone: 404–474–5534; fax: 404–474–5605; email: *jared.meyer@faa.gov.*

(2) For service information identified in this AD, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, GA 31402, telephone: 800–810–4853, email: *pubs@gulfstream.com,* internet: *https://www.gulfstream.com/en/customer-support/.* You may review this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust St., Kansas City, MO 64106. For information on the availability of this material at the FAA, call 816–329–4148.

Issued on July 22, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–16211 Filed 7–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0710; Product Identifier 2019–CE–037–AD]

RIN 2120–AA64

Airworthiness Directives; Air Tractor, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Air Tractor, Inc. (Air Tractor) Models AT–250, AT–300, AT–301, AT–302, AT–400, AT–400A, AT–401, AT–401A, AT–401B, AT–402, AT–402A, AT–402B, AT–501, AT–502, AT–502A, AT–502B, AT–503, AT–503A, AT–504, AT–602, AT–802, and AT–802A airplanes. This proposed AD was prompted by reports of cracks in the flap torque tube actuator attachment brackets that may cause the flap actuator to detach from the flap torque tube. This proposed AD would require repetitive visual and dye penetrant inspections of the flap actuator attachment bracket welds for cracks and replacement if cracks are identified. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 11, 2020.

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

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

For service information identified in this NPRM, contact Air Tractor, Inc., P.O. Box 485, Olney, TX 76374: telephone: 940–564–5616: email: *info@airtractor.com:* internet: *https://airtractor.com/.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust St, Kansas City, MO 64106. For information on the availability of this material at the FAA, call 816–329–4148.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0710; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Cook, Aerospace Engineer, Fort Worth ACO Branch, AIR–7F0, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; phone: 817–222–5475; email: *kenneth.a.cook@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0710; Product Identifier 2019–CE–037–AD'' at the beginning of your comments. The FAA will consider all comments received by the closing date and may amend this proposed AD because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments we receive, without change, to *https://regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact it receives about this proposed AD

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such

marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to [insert name and address of aerospace engineer listed above]. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA has received multiple reports of cracks in the brackets attaching the flap actuator motor to the flap torque tube on several models of Air Tractor airplanes.

One of the reports was on a Model AT–802A airplane where the brackets separated from the torque tube at the welds. The flaps suddenly retracted while maneuvering, and the pilot temporarily lost control of the airplane. The pilot was able to regain control of the airplane before it impacted the ground. Since then, there have been 13 reported airplanes with cracks in the flap torque tube attachment brackets.

The design of the flap actuator motor brackets on the Model AT–802A airplane is the same as on Models AT–250, AT–300, AT–301, AT–302, AT–400, AT–400A, AT–401, AT–401A, AT–401B, AT–402, AT–402A, AT–402B, AT–501, AT–502, AT–502A, AT–503, AT–503A, AT–504, AT–602, and AT–802 airplanes.

This condition, if not addressed, could result in the flap actuator attachment brackets detaching from the flap torque tube and lead to an uncommanded retraction of the flaps with consequent loss of airplane control.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Air Tractor, Inc. Service Letter #347, Revision A, dated December 9, 2019 (Air Tractor SL #347, Rev A). The service letter contains procedures for repetitive visual inspections and dye penetrant inspections of the flap torque tube brackets for cracks and instructs operators to replace the torque tube as necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require, within 300 hours time-in-service (TIS) after the effective date of this AD and thereafter at intervals not to exceed 900 hours TIS, performing a dye penetrant inspection by following Air Tractor SL #347, Rev A. Within 300 hours TIS after the first dye penetrant inspection and thereafter at intervals not to exceed 300 hours TIS, this proposed AD would require performing a visual inspection by following Air Tractor SL #347, Rev A.

Differences Between This Proposed AD and the Service Information

Air Tractor SL #347, Rev A provides an allowance (plus or minus 15 percent) for the 300-hour visual inspections, and this proposed AD would not. Air Tractor SL #347, Rev A specifies performing the dye penetrant inspection within 900 hours TIS, and this proposed AD would require the initial dye penetrant inspection within 300 hours TIS. Air Tractor SL #347, Rev A specifies replacing a cracked torque tube, while this proposed AD would require replacing a cracked torque tube with a torque tube that has zero hours TIS. Air Tractor SL #347, Rev A specifies reporting any cracked welds identified during the inspections to Air Tractor, and this proposed AD would not.

Costs of Compliance

The FAA estimates that this proposed AD affects 1,662 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Dye penetrant inspection.	4 work-hours × $85 per hour = $340 per inspection cycle.	Not applicable	$340 per inspection cycle.	$565,080 per inspection cycle.
Visual inspection	.5 work-hour × $85 per hour = $42.50 per inspection cycle.	Not applicable	42.50	70,635 per inspection cycle.

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. The FAA has no way of determining the number of aircraft that might need this replacement.

ON-CONDITION COSTS FOR MODEL AT–802 AND AT–802A

[Potential 485 airplanes]

Action	Labor cost	Parts cost	Cost per product
Replacement of torque tube	3 work-hours × $85 per hour = $255	$1,292	$1,547

ON-CONDITION COSTS FOR MODEL AT–602

[Potential 236 Airplanes]

Action	Labor cost	Parts cost	Cost per product
Replacement of torque tube	3 work-hours × $85 per hour = $255	$1,140	$1,395

ON-CONDITION COSTS FOR MODELS AT–501, AT–502, AT–502A, AT–502B, AT–503, AT–503A, AND AT–504

[Potential 512 Airplanes]

Action	Labor cost	Parts cost	Cost per product
Replacement of torque tube	3 work-hours × $85 per hour = $255	$955	$1,210

ON-CONDITION COSTS FOR MODELS AT–250, AT–300, AT–301, AT–302, AT–400, AT–400A, AT–401, AT–401A, AT–401B, AT–402, AT–402A, AND AT–402B

[Potential 429 Airplanes]

Action	Labor cost	Parts cost	Cost per product
Replacement of torque tube	3 work-hours × $85 per hour = $255	$927	$1,182

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Air Tractor, Inc.: Docket No. FAA–2020–0710; Product Identifier 2019–CE–037–AD.

(a) Comments Due Date

The FAA must receive comments by September 11, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Air Tractor, Inc. (Air Tractor), Models AT–250, AT–300, AT–301, AT–302, AT–400, AT–400A, AT–401, AT–401A, AT–401B, AT–402, AT–402A, AT–402B, AT–501, AT–502, AT–502A, AT–502B, AT–503, AT–503A, AT–504, AT–602, AT–802, and AT–802A airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) of America Code: 2750, TE flap control system.

(e) Unsafe Condition

This AD was prompted by reports from Air Tractor that the flap actuator attachment brackets can crack and detach from the torque tube. The FAA is issuing this AD to detect and correct cracks in the flap actuator attachment brackets. The unsafe condition, if not addressed, could lead to the brackets detaching from the torque tube, which could result in an uncommanded retraction of the flaps with consequent loss of airplane control.

(f) Compliance

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

(g) Actions

(1) Within 300 hours time-in-service (TIS) after the effective date of this AD and thereafter at intervals not to exceed 900 hours TIS, perform a dye penetrant inspection of each flap torque tube actuator attachment bracket for cracks in accordance with steps 4B(2) through (7) of Air Tractor, Inc., Service Letter #347, Revision A, dated December 9, 2019 (Air Tractor SL #347, Rev A).

(i) If there is a crack, before further flight, replace the flap torque tube with a flap torque tube that has zero hours TIS.

(ii) If there are no cracks, before further flight, complete the actions in steps 4B(9) and (10) of Air Tractor SL #347, Rev A.

(2) Within 300 hours TIS after the inspection required by paragraph (g)(1) of this AD and thereafter at intervals not to exceed 300 hours TIS, visually inspect each

flap torque tube actuator attachment bracket for cracks in accordance with steps 4A(1) through (3) of Air Tractor SL #347, Rev A. If there is a crack, before further flight, replace the flap torque tube with a flap torque tube that has zero hours TIS.

(3) Replacing a flap torque tube does not terminate the repetitive visual inspections or dye penetrant inspections required by this AD.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, of the Fort Worth ACO Branch, AIR–7F0, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, sent it to the attention of: Kenneth A. Cook, Aerospace Engineer, Fort Worth ACO Branch, AIR–7F0, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; phone: 817–222–5475; email: *kenneth.a.cook@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector (PI), or lacking a PI, your local Flight Standards District Office.

(i) Related Information

For more information about this AD, contact Kenneth A. Cook, Aerospace Engineer, Fort Worth ACO Branch, AIR–7F0, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; phone: 817–222–5475; email: *kenneth.a.cook@faa.gov.*

Issued on July 22, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–16209 Filed 7–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0673; Product Identifier 2020–NM–076–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A330–200 series, Model A330–200 Freighter series, Model A330–300 series, Model A330–900 series, Model A340–200 series, Model A340–300 series, Model A340–500 series, Model A340–600 series, Model A380–800 series airplanes; and Model A350–941 and –1041 airplanes. This proposed AD was prompted by a report of a quality issue with a certain repair method of damage-through honeycomb core cargo linings by speed patches applied to both sides. This proposed AD would require a detailed inspection of each affected part and, depending on findings, repair of each affected part, or replacement with a serviceable part, as specified in a European Union Aviation Safety Agency (EASA) AD, which will be incorporated by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 11, 2020.

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

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

For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* internet: *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0673.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0673; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3225; email: *dan.rodina@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0673; Product Identifier 2020–NM–076–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this NPRM based on those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments the FAA receives, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact the FAA receives about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to the person identified in the **FOR FURTHER INFORMATION CONTACT** section. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0100, dated May 5, 2020 (''EASA AD 2020–0100'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A330–200 series, Model A330–200 Freighter series, Model A330–300 series, Model A330–900 series, Model A340–200 series, Model A340–300 series, Model A340–500 series, Model A340–600 series, Model A380–800 series airplanes; and Model A350–941 and –1041 airplanes.

This proposed AD was prompted by a report of a quality issue with a certain repair method (known as Speedpatch AF800) of damage-through honeycomb core cargo linings by speed patches applied to both sides. Speedpatch AF800 is not compliant with the flame penetration tests. The FAA is proposing this AD to address reduced ability of repaired linings to contain smoke or fire, resulting in an increased risk of an uncontained fire in the cargo compartment and consequent structural damage to the airplane. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0100, dated May 5, 2020, describes procedures for a detailed inspection of each affected part and, depending on findings, repair of each affected part, or replacement with a serviceable part. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0100 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0100 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0100 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0100 that is required for compliance with EASA AD 2020–0100 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0673 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 127 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
20 work-hours × $85 per hour = $1,700	$0	$1,700	$215,900

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
2 work-hours × $85 per hour = $170	*	$170

* The FAA has received no definitive data that would enable us to provide cost estimates for the parts required for the on-condition repairs specified in this proposed AD.

The FAA has received no definitive data that would enable us to provide cost estimates for the on-condition replacements specified in this proposed AD.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2020–0673; Product Identifier 2020–NM–076–AD.

(a) Comments Due Date

The FAA must receive comments by September 11, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all the Airbus SAS airplanes identified in paragraphs (c)(1) through (10), certificated in any category.

(1) Model A330–201, –202, –203, –223, and –243 airplanes.

(2) Model A330–223F and –243F airplanes.

(3) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(4) Model A330–941 airplanes.

(5) Model A340–211, –212, and –213 airplanes.

(6) Model A340–311, –312, and –313 airplanes.

(7) Model A340–541 airplanes.

(8) Model A340–642 airplanes.

(9) Model A350–941 and –1041 airplanes.

(10) Model A380–841, –842, and –861 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Reason

This AD was prompted by a report of a quality issue with a certain repair method of damage-through honeycomb core cargo linings by speed patches applied to both sides. The FAA is issuing this AD to address reduced ability of repaired linings to contain smoke or fire, resulting in an increased risk of an uncontained fire in the cargo compartment and consequent structural damage to the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0100, dated May 5, 2020 (''EASA AD 2020–0100'').

(h) Exceptions to EASA AD 2020–0100

(1) Where EASA AD 2020–0100 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0100 does not apply to this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(3) *Required for Compliance (RC*): For any service information referenced in EASA AD 2020–0100 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information

(1) For information about EASA AD 2020–0100, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0673.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3225; email: *dan.rodina@faa.gov.*

Issued on July 21, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–16170 Filed 7–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0712; Product Identifier 2019–CE–013–AD]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Piper Aircraft, Inc. Model PA–34–220T airplanes. This proposed AD was prompted by a report of damage to the rudder flight control cables and the emergency power supply (EPS) system wiring due to inadequate clearance from the EPS wiring harness. This proposed AD would require inspecting the rudder flight control cables and the EPS wiring for damage, replacing damaged cables and wires if necessary, and re-routing the EPS wiring harness to ensure proper clearance between the EPS and the rudder flight control cables. The FAA is issuing this proposed AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 11, 2020.

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

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

For service information identified in this NPRM, contact Piper Aircraft, Inc. 2916 Piper Drive, Vero Beach, Florida 32960; telephone (772) 567–4361; email: *customer.service@piper.com;* internet: *https://www.piper.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0712; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Bryan Long, Aerospace Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5578; fax: (404) 474–5606; email: *bryan.long@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0712; Product Identifier 2019–CE–013–AD'' at the beginning of your comments. The FAA will consider all comments received by the closing date and may amend this proposed AD because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments we receive, without change, to *https://regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact it receives about this proposed AD.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Bryan Long, Aerospace Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA received a report from Piper Aircraft, Inc., that the emergency power supply (EPS) system wiring on Model PA–34–220T airplanes is installed in a way that may cause the wires to chafe against the rudder flight control cable. Use of the rudder flight control cable and the motion of the cable rubbing against the EPS wiring can wear through the rudder flight control cable insulation and cause an electrical path to ground. The flow of the electrical current can burn (arch) through the rudder flight control cable strands, eventually severing the rudder flight control cable.

This condition, if not addressed, could result in electrical arcing between the EPS and the rudder flight control cables with consequent failure of the rudder flight control system. This failure could cause loss of yaw control and lead to loss of control of the airplane during an engine out condition/operation.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Piper Aircraft, Inc., Service Bulletin No. 1337, dated February 15, 2019. The service bulletin contains procedures for inspecting the rudder flight control cables and the EPS wiring for damage, replacing damaged cables and wires, and re-routing the EPS wiring harness to the opposite side of the EPS bracket to improve clearance from the rudder flight control cable. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The FAA estimates that this proposed AD would affect 25 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect the rudder flight control cables and the EPS wiring.	1 work-hour × $85 per hour = $85	Not Applicable	$85	$2,125
Re-routing the EPS wiring harness	2 work-hours × $85 per hour = $170	$100	270	6,750

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace damaged rudder flight control cable	8 work-hours × $85 per hour = $680	$157	$837
Replace damaged EPS wiring	10 work-hours × $85 per hour = $850	2,770	3,620

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Piper Aircraft, Inc.: Docket No. FAA–2020–0712; Product Identifier 2019–CE–013–AD.

(a) Comments Due Date

The FAA must receive comments by September 11, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Piper Aircraft, Inc., Model PA–34–220T airplanes, serial numbers 3449459 and 3449467 through 3449508, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by a report of damage to the rudder flight control cables and the emergency power supply (EPS) system wiring due to inadequate clearance from the EPS wiring harness. The FAA is issuing this AD to detect, correct, and prevent damaged rudder flight control cables and EPS system wiring. The unsafe condition, if not addressed, could result in electrical arcing between the EPS and the rudder flight control cables with consequent failure of the rudder flight control system. This failure could cause loss of yaw control and lead to loss of control of the airplane during an engine out condition/operation.

(f) Compliance

Unless already done, comply with this AD within 50 hours time-in-service after the effective date of this AD or within 6 months after the effective date of this AD, whichever occurs first.

(g) Inspect, Replace, and Relocate

(1) Inspect the rudder flight control cables and the EPS wiring for chafing and damage by following step 3 of the Instructions in Piper Aircraft, Inc., Service Bulletin No. 1337, dated February 15, 2019 (Piper SB No. 1337). If there is any chafing or damage, before further flight, replace the rudder flight control cable and EPS wiring.

(2) Relocate the EPS wiring harness by following steps 4 through 12 of the Instructions in Piper SB No. 1337.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (i) of this AD.

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

(3) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (h)(3)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(i) Related Information

(1) For more information about this AD, contact Bryan Long, Aerospace Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5578; fax: (404) 474–5606; email: *bryan.long@faa.gov.*

(2) For service information identified in this AD, contact Piper Aircraft, Inc., 2916 Piper Drive, Vero Beach, Florida 32960; telephone (772) 567–4361; email: *customer.service@piper.com;* internet: *https://www.piper.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on July 22, 2020.

Lance T. Gant, Director,

Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–16207 Filed 7–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0587; Product Identifier 2020–NM–086–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This proposed AD was prompted by crack indications found in the lower aft wing skin bolt holes where the flap tracks attach to the track support fitting. This proposed AD would require repetitive inspections for cracking of the left and right wing, lower aft wing skin aft edge, at certain flap track locations, and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 11, 2020.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0587.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0587; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Wayne Ha, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5238; fax: 562–627–5210; email: *wayne.ha@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0587; Product Identifier 2020–NM–086–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important

that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to the person identified in the **FOR FURTHER INFORMATION CONTACT** section. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA has received a report indicating that during teardown of a Model 737–300 airplane, crack indications were found in the lower aft wing skin bolt holes where the flap tracks attach to the track support fitting at flap track numbers 1, 2, and 3. The crack findings occurred at 67,695 total flight cycles and 80,269 total flight hours. Crack indications at flap track number 2 and flap track number 3 were confirmed by a metallurgical lab. The indication at flap track number 1 was confirmed by the metallurgical lab to have some corrosion in the hole of the fitting, but no crack in the skin. This damage is the result of local stresses being higher than expected. In addition, the left and right wing, lower wing skin pad up length is insufficient to reduce stress. This condition, if not addressed, could result in undetected cracking in the lower wing skin, which could result in the inability of the structure to carry limit load, and adversely affect the structural integrity of the airplane.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–57A1349 RB, dated April 14, 2020. The service information describes procedures for repetitive high frequency eddy current inspections for cracking of the left and right wing, lower aft wing skin aft edge, at flap track numbers 1, 2, 3, 6, 7, and 8 attachment location and applicable on-condition actions. On-condition actions include repairing any cracking found.

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

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified in Boeing Alert Requirements Bulletin 737–57A1349 RB, dated April 14, 2020, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0587.

Explanation of Requirements Bulletin

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

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

Costs of Compliance

The FAA estimates that this proposed AD affects 141 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
HFEC inspections.	7 work-hours × $85 per hour = $595 per inspection cycle.	$0	$595 per inspection cycle	$83,895 per inspection cycle.

The FAA has received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2020–0587; Product Identifier 2020–NM–086–AD.

(a) Comments Due Date

The FAA must receive comments by September 11, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737–100, –200, 200C, –300, –400, and –500 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by crack indications found in the lower aft wing skin bolt holes where the flap tracks attach to the track support fitting. The FAA is issuing this AD to address undetected cracking in the lower wing skin, which could result in the inability of the structure to carry limit load, and adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–57A1349 RB, dated April 14, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–57A1349 RB, dated April 14, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–57A1349, dated April 14, 2020, which is referred to in Boeing Alert Requirements Bulletin 737–57A1349 RB, dated April 14, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin 737–57A1349 RB, dated April 14, 2020, uses the phrase ''the original issue date of Requirements Bulletin 737–57A1349 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin 737–57A1349 RB, dated April 14, 2020, specifies contacting Boeing for repair instructions: This AD requires doing the repair and applicable on-condition actions before further flight using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(3) For airplanes identified as Group 1 in Boeing Alert Requirements Bulletin 737 57A1349 RB, dated April 14, 2020: Within 120 days after the effective date of this AD, do actions to correct the unsafe condition using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

(1) For more information about this AD, contact Wayne Ha, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5238; fax: 562–627–5210; email: *wayne.ha@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on July 13, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–16210 Filed 7–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0586; Product Identifier 2020–NM–066–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2018–14–02, which applies to certain The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes. AD 2018–14–02 requires an inspection for foam insulation on the dripshield above the overhead panel support structure and replacement if necessary. For certain airplanes, AD 2018–14–02 also requires replacement of foam insulation on the overhead panel support structure. Since the FAA issued AD 2018–14–02, additional areas of Boeing Material Specification (BMS) 8–39 flexible urethane foam were found on the overhead panel support structure. This proposed AD would continue to require the actions in AD 2018–14–02, and, for certain airplanes, this proposed AD would require an inspection of the foam insulation on the overhead panel support structure, and replacement if necessary. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 11, 2020.

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

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room

W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

• *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0586.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0586; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Julie Linn, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3584; email: *Julie.Linn@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0586; Product Identifier 2020–NM–066–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to the person identified in the **FOR FURTHER INFORMATION CONTACT** section. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued AD 2018–14–02, Amendment 39–19322 (83 FR 31650, July 9, 2018) (''AD 2018–14–02''), for certain The Boeing Company Model 777–200, –200LR,

–300, and –300ER series airplanes. AD 2018–14–02 requires an inspection for foam insulation on the dripshield above the overhead panel support structure and replacement if necessary. For certain airplanes, AD 2018–14–02 also requires replacement of foam insulation on the overhead panel support structure. AD 2018–14–02 resulted from reports that additional areas of BMS 8–39 flexible urethane foam were found during a routine inspection pursuant to a previously issued AD. The FAA issued AD 2018–14–02 to address BMS 8–39 flexible urethane foam found in certain areas of an airplane, which, if exposed to an ignition source, could cause loss of control of the airplane during a fire.

Actions Since AD 2018–14–02 Was Issued

Since the FAA issued AD 2018–14–02, additional areas of BMS 8–39 flexible urethane foam were found on the overhead panel support structure in the flight compartment. Based on those findings, the FAA has determined that the inspections required by AD 2018–14–02 are not adequate to ensure the BMS 8–39 foam insulation was fully removed from the overhead panel support structure on certain airplanes, and a new detailed inspection and replacement are required.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Service Bulletin 777–25–0621, Revision 2, dated February 28, 2020. This service information describes procedures for removal and replacement of the foam on the overhead panel support structure; a general visual inspection for foam insulation on the dripshield above the overhead panel support structure; a detailed inspection for foam insulation on the overhead panel support structure; and replacement if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2018–14–02, this proposed AD would retain all of the requirements of AD 2018–14–02. Those requirements are referenced in the service information identified previously, which, in turn, is referenced in paragraph (g) of this proposed AD. This proposed AD would also require accomplishment of the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–25–0621, Revision 2, dated February 28, 2020, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0586.

Costs of Compliance

The FAA estimates that this proposed AD affects 132 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection and replacement of foam insulation (retained actions from AD 2018–14–02).	Up to 32 work-hours × $85 per hour = Up to $2,720.	$5,611	Up to $8,331	Up to $1,099,692
Detailed inspection and replacement (new proposed action).	Up to 18 work-hours × $85 per hour = Up to $1,530.	5,840	Up to 7,370	Up to 972,840

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2018–14–02, Amendment 39–19322 (83 FR 31650, July 9, 2018), and adding the following new AD:

The Boeing Company:

Docket No. FAA–2020–0586; Product Identifier 2020–NM–066–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by September 11, 2020.

(b) Affected ADs

This AD replaces AD 2018–14–02, Amendment 39–19322 (83 FR 31650, July 9, 2018) (''AD 2018–14–02'').

(c) Applicability

This AD applies to The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 777–25–0621, Revision 2, dated February 28, 2020.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by reports that additional areas of Boeing Material Specification (BMS) 8–39 flexible urethane foam were found on the overhead panel support structure in the flight compartment. The degradation of the foam over time increases the potential for an uncontrolled fire below the passenger compartment floor and other locations outside the areas covered by smoke detection and fire protection systems. The FAA is issuing this AD to address BMS 8–39 flexible urethane foam found in certain areas of an airplane, which, if exposed to an ignition source, could cause loss of control of the airplane during a fire.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–25–0621, Revision 2, dated February 28, 2020, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–25–0621, Revision 2, dated February 28, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Special Attention Service Bulletin 777–25–0621, Revision 2, dated February 28, 2020, uses the phrase ''the Revision 2 date of this service bulletin,'' this AD requires using ''the effective date of AD 2018–14–02.''

(2) For any Group 1 Configuration 3 airplane as identified in Boeing Special Attention Service Bulletin 777–25–0621, Revision 2, dated February 28, 2020, no action is required by this AD, provided that airplane remains in that configuration.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this

AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously for AD 2018–14–02 are approved as AMOCs for the corresponding provisions of Boeing Special Attention Service Bulletin 777–25–0621, Revision 2, dated February 28, 2020, that are required by paragraph (g) of this AD.

(5) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (i)(5)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(j) Related Information

(1) For more information about this AD, contact Julie Linn, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3584; email: *Julie.Linn@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on July 13, 2020.

Lance T. Gant, Director,

Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–16203 Filed 7–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0682; Product Identifier 2017–SW–028–AD]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: The FAA is revising an earlier proposal for Robinson Helicopter Company (Robinson) Model R66 helicopters that proposed to require replacing a certain part-numbered tail rotor (T/R) drive shaft yoke assembly (yoke assembly) and inspecting for sealant. The NPRM was prompted by reports of T/R drive shaft forward hanger bearing failures. This action revises the NPRM by expanding the applicability, changing the proposed requirements, and correcting nomenclature. Since this imposes an additional burden over that proposed in the NPRM, the FAA is reopening the comment period to allow the public the chance to comment on these changes.

DATES: The comment period for the NPRM published in the **Federal Register** on March 30, 2018 (83 FR 13706), is reopened.

The FAA must receive comments on this SNPRM by September 11, 2020.

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

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

For service information identified in this SNPRM, contact Robinson Helicopter Company, 2901 Airport Drive, Torrance, CA 90505; telephone 310–539–0508; fax 310–539–5198; or at *https://www.robinsonheli.com.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov in* Docket No. FAA–2017–0682; 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 SNPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Danny Nguyen, Aerospace Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone 562–627–5247; email *danny.nguyen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments received.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this SNPRM

contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this SNPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this SNPRM. Submissions containing CBI should be sent to Danny Nguyen, Aerospace Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone 562–627–5247; email *danny.nguyen@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA issued a Notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Robinson Model R66 helicopters, serial numbers 0003 through 0752, with a T/R drive shaft assembly part number (P/N) D224–3 or D224–4 installed. The NPRM published in the **Federal Register** on March 30, 2018 (83 FR 13706). The NPRM proposed to require replacing the yoke assembly, visually inspecting for sealant, and applying sealant if needed to prevent seal rotation.

The NPRM was prompted by two incidents of forward hanger bearing failure of the T/R drive shaft assembly because the bearing was undersized for its housing. Consequently, the bearing was spinning at a speed that caused excessive heating of the bearing during operation and led to the breakdown of the bearing's grease and ultimately seizure of the C647–16 bearing.

To correct this condition, Robinson initially issued R66 Service Bulletin SB–14, dated June 25, 2015 (SB–14), for certain serial-numbered helicopters, which specified installing a temperature recorder on the T/R drive shaft forward hanger bearing assembly and inspecting the temperature recorder during preflight checks and during each 100-hour inspection. If the bearing was found running hot, then Robinson advised upgrading the bearing to a newer design.

Following additional reports of overheating forward hanger bearing assemblies, Robinson superseded SB–14 with R66 Service Bulletin SB–20, dated November 7, 2016 (SB–20), which affected additional serial-numbered helicopters and specified modifying T/R drive shaft assembly P/Ns D224–3 and D224–4 by using kit Robinson KI–235 R66 TRDS Forward Yoke Assembly and Hanger Installation Kit Instructions, Revision A, dated June 23, 2015 (KI–235) and installing yoke assembly P/N D224–5. This installation has an improved, larger bearing that spins with less friction. SB–20 also specified inspecting the forward and aft sides of the hanger and damper bearings for a minimum of 0.5 inch in length of sealant on the junction of the black seal and bearing outer race and applying sealant if there was less than 0.5 inch in length of sealant.

Robinson revised SB–20 with R66 Service Bulletin SB–20A, dated June 6, 2017 (SB–20A), to clarify that helicopters with either T/R drive shaft assembly P/N D224–3 with modification B900–11 or P/N D224–4 installed include the upgraded bearing and do not require kit KI–235.

Robinson later revised SB–20A with R66 Service Bulletin SB–20B, dated December 20, 2017 (SB–20B), which updates writing practices and organizes the procedures into two separate sections, clarifies the ''Rotorcraft Affected'' section, and reduces the helicopters that need to perform the inspection and sealant application procedures to just helicopters without the latest version damper and housing bearings.

The actions proposed by the NPRM were intended to prevent failure of the T/R drive shaft forward bearing and subsequent loss of helicopter control.

Comments

After the NPRM was published, the FAA received comments from Robinson. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request for Changes to the Preamble and Nomenclature

Request: Robinson requested the description of what prompted this AD in the **SUMMARY** section be revised from reports of T/R drive shaft failures to reports of bearing failures because there have been no T/R drive shaft failures, only bearing failures.

FAA Response: The FAA agrees and has revised that statement in this SNPRM.

Request: Robinson requested standardizing nomenclature by changing instances of ''yoke assembly'' to ''hanger bearing'' throughout the AD to minimize confusion. Robinson stated that although the bearing is pressed onto a yoke, the important point is to upgrade the bearing.

FAA Response: The FAA agrees to clarify nomenclature pertaining to the forward hanger bearing when discussing T/R drive shaft assembly P/N D224–3 and P/N D224–4. However, the FAA continues to use the nomenclature of yoke assembly for T/R drive shaft assembly P/N D224–5 to match nomenclature stated in Robinson service information.

Request: Robinson requested numerous changes to the Discussion section to provide a simplified explanation of the bearing failure—noting that the explanation as published in the NPRM has technical errors and that the C647 callout is not beneficial because there was no customer visibility of the C647 P/N until data plates were added recently, and to provide a description of the upgraded bearing design, clarify the explanation of SB–20 and SB–20A, add an explanation of SB–20B, identify that the sealant inspection and application aspects of the SB are separate from this AD, and state that bearing failure does not cause loss of helicopter control.

FAA Response: The purpose of the Discussion section is to explain the unsafe condition and the FAA's justification for issuing AD action. It may include, but is not limited to, providing the following types of information: the circumstances that created the need to correct the unsafe condition, historical information, consequences if the unsafe condition is not corrected, and any other information that supports the AD action. Robinson's requested language that corrects information in the Discussion section has been incorporated in this SNPRM. Any requested changes that do not correct information have not been incorporated.

Request: Robinson proposed changes to the Related Service Information section that delete the pilot caution reference. Robinson stated it is peripheral to the bearing upgrade and obsolete due to supersedure of SB–14. Robinson also requested adding a reference to SB–20B, adding clarification that the bearing upgrade is only for T/R drive shaft assembly P/N D223–3, and removing information related to the sealant inspection and application.

FAA Response: The purpose of the Related Service Information section is to describe service information that is relevant to the AD action and give a brief description of the specified procedures. Service information documents that are relevant to an AD action may contain other information as well. Any proposed changes that correct information in the Related Service Information section have been incorporated in this SNPRM. Any

proposed changes that do not correct information have not been incorporated.

Request for Changes to the Applicability

Request: Robinson requested the FAA revise the applicability of this AD by removing the aircraft S/N. Robinson further stated that the aircraft S/N may be included for reference.

FAA Response: The FAA agrees and has revised the applicability in this SNPRM accordingly.

Request: Robinson requested the FAA remove T/R drive shaft assembly P/N D224–4 from the applicability of this AD because T/R drive shaft assembly P/N D224–4 incorporates the improved bearing and does not require an upgrade. Robinson also proposed adding a note stating that T/R drive shaft assembly P/N D224–3 with modification data plate P/N B900–11 has previously been upgraded and does not require action per this AD.

FAA Response: The FAA agrees except T/R drive shaft assembly P/N D224–3 with B900–11 modification installed cannot be included in a note because notes are for informational purposes and are not regulatory text. This exception will be included in the applicability paragraph instead.

Request To Change the Unsafe Condition

Request: Robinson proposed the FAA change the possible result of the unsafe condition from ''failure of the T/R drive shaft and subsequent loss of helicopter control'' to ''forced landing of the helicopter.''

FAA Response: The FAA disagrees. Failure of the T/R drive shaft bearing results in loss of T/R control, which could result in scenarios ranging from a forced landing of the helicopter to loss of helicopter control.

Request for Changes to the Required Actions

Request: Robinson requested the FAA change the Required Actions paragraph to delete the requirements to install T/R drive shaft assembly P/N D224–5 and inspect and apply sealant. Robinson requested the FAA require upgrading an affected T/R drive shaft assembly P/N D224–3 using Robinson KI–235 or replacing an affected T/R drive shaft assembly P/N D224–3 with T/R drive shaft assembly P/N D224–4 instead.

FAA Response: The FAA agrees, except for using the wording Robinson KI–235, as this SNPRM specifically specifies installing Robinson KI–235 using KI–235 R66 TRDS Forward Yoke Assembly and Hanger Installation Kit Instructions, Revision A, dated June 23, 2015.

Additional Changes Since the NPRM Was Issued

Since the FAA issued the NPRM, the fleet size has increased from 249 helicopters to 290 helicopters and the website address for Robinson has changed. This SNPRM updates this information.

Additionally, the FAA has determined that it is necessary to prevent installation of an affected T/R drive shaft assembly on any Model R66 helicopter as a replacement part. Accordingly, this SNPRM proposes to prohibit this installation.

Related Service Information Under 1 CFR Part 51

The FAA reviewed KI–235. This service information provides instructions for installing the newly designed yoke assembly, P/N D224–5.

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.

Related Service Information

The FAA has reviewed SB–14, which specifies installing a temperature recorder on the T/R drive shaft forward hanger bearing assembly and inspecting the temperature during preflight checks and during each 100-hour inspection. If the temperature of the bearing is found running hot, then Robinson advises upgrading the bearing to a newer design (kit P/N KI–235). This service information also specifies adding a caution page to the Pilot Operating Handbook regarding the overheating bearing assemblies. This service information was superseded by SB–20.

The FAA has reviewed SB–20, SB–20A, and SB–20B, which specify upgrading the forward hangar bearing assembly of certain T/R drive shaft assemblies to the newer design with kit P/N KI–235 if not previously done. For certain installations, this service information contains procedures for inspecting for sealant and applying sealant to the damper and hanger bearings if needed to prevent seal rotation. This service information also specifies removing the caution page from the Pilot Operating Handbook regarding the overheating bearing assemblies that was added by SB–14.

FAA's Determination

The FAA is proposing this SNPRM after evaluating all known relevant information and determining that an unsafe condition is likely to exist or develop on other helicopters of the same type design. Certain changes described above expand the scope of the original NPRM. As a result, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed Requirements of This SNPRM

This SNPRM proposes to require, within 100 hours TIS, either installing Robinson field kit P/N KI–235 or replacing an affected T/R drive shaft assembly with T/R drive shaft assembly P/N D224–4. This SNPRM also proposes to prohibit installing an affected T/R drive shaft assembly on any helicopter.

Differences Between This AD and the Service Information

SB–20 specifies replacing the yoke assembly and applying sealant to the bearing seals within the next 100 flight hours or by January 31, 2017, whichever comes first, and SB–20A and SB–20B continue the compliance time of no later than January 31, 2017. This proposed AD does not have a calendar time compliance requirement. SB–20, SB–20A, and SB–20B specify inspecting for sealant and applying sealant to the damper and hanger bearings if needed, while this proposed AD does not.

Costs of Compliance

The FAA estimates that this proposed AD affects 290 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these estimates, the FAA estimates that operators may incur the following costs in order to comply with this proposed AD.

Installing Robinson field kit KI–235 would take about 6 work-hours and parts would cost about $950, for an estimated cost of $1,460 per helicopter. As an option, replacing an affected T/R drive shaft assembly P/N D224–3 with T/R drive shaft assembly P/N D224–4 would take about 5 work-hours and parts cost about $4,400, for an estimated cost of $4,825 per helicopter.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, General requirements. Under that section, Congress charges the FAA

with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Robinson Helicopter Company: Docket No. FAA–2017–0682; Product Identifier 2017–SW–028–AD.

(a) Applicability

This AD applies to Robinson Helicopter Company (Robinson) Model R66 helicopters with a tail rotor (T/R) drive shaft assembly part number (P/N) D224–3 without B900–11 modification installed, certificated in any category.

Note 1 to paragraph (a) of this AD: Helicopters with S/Ns 0753 and subsequent had T/R drive shaft forward yoke assembly P/N D224–5 installed during production.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a T/R drive shaft forward hanger bearing. This condition could result in failure of the T/R drive shaft and subsequent loss of helicopter control.

(c) Comments Due Date

The FAA must receive comments by September 11, 2020.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 100 hours time-in-service, do one of the following:

(i) Install Robinson kit P/N KI–235 using KI–235 R66 TRDS Forward Yoke Assembly and Hanger Installation Kit Instructions, Revision A, dated June 23, 2015, except you are not required to discard nuts or palnuts, or

(ii) Replace the entire T/R drive shaft assembly with T/R drive shaft assembly P/N D224–4.

(2) As of the effective date of this AD, do not install a T/R drive shaft assembly P/N D224–3 without B900–11 modification on any helicopter.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Danny Nguyen, Aerospace Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone 562–627–5247; email *9-ANM-LAACO-AMOC-REQUESTS@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

For service information identified in this AD, contact Robinson Helicopter Company, 2901 Airport Drive, Torrance, CA 90505; telephone 310–539–0508; fax 310–539–5198; or at *https://www.robinsonheli.com.* You may view a copy of information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6510, Tail Rotor Drive Shaft.

Issued on July 22, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–16188 Filed 7–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 200714–0190]

RIN 0648–BJ60

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region and Reef Fish Resources of the Gulf of Mexico; Possession Limits for Federally-Permitted Charter Vessels and Headboats

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures as described in an abbreviated framework action to the Fishery Management Plans (FMPs) for the 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), as prepared by the Gulf of Mexico Fishery Management Council (Gulf Council). This proposed rule would modify the on-board multi-day recreational possession limit regulations for Federal charter vessel and headboat (for-hire) trips in the Gulf of Mexico (Gulf). This proposed rule would also make an administrative change to the reporting requirement for Gulf's individual fishing quota (IFQ) program during catastrophic conditions. The purposes of this proposed rule are to promote efficiency in the utilization of the reef fish and CMP resources and reduce regulatory discards, and to update the IFQ reporting requirements.

DATES: Written comments must be received by August 27, 2020.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2020–0065,'' by either of the following methods:

• *Electronic submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal: *http://www.regulations.gov.* Go to w*ww.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0065 click the* ''*Comment Now!*'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Rich Malinowski, NMFS Southeast

Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

• *Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in required fields if you wish to remain anonymous).

Electronic copies of the framework action that contain an environmental assessment and a regulatory flexibility analysis (RFA) may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/framework-amendment-modify-multi-day-trip-possession-limits-federal-permitted-charter.*

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

SUPPLEMENTARY INFORMATION: NMFS and the Gulf Council manage reef fish resources in the Gulf exclusive economic zone (EEZ) under the Reef Fish FMP. The CMP fishery in the Gulf and Atlantic regions is managed jointly by the Gulf Council and South Atlantic Fishery Management Council (Councils).

The Gulf Council prepared the Reef Fish FMP and the Councils jointly prepared the CMP FMP. NMFS implements the FMPs through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801, *et seq.*).

Background

In Gulf Federal waters, each person aboard a vessel with a Federal Gulf charter vessel/headboat permit for reef fish or CMP species (for-hire permit) that is on a for-hire trip greater than 24 hours in duration is allowed to possess two daily recreational bag limits for species in the Reef Fish FMP and CMP FMP, except for speckled hind, warsaw grouper, and Gulf migratory group cobia (50 CFR 622.38(c) and 50 CFR 622.382(a)(2)). Speckled hind and warsaw grouper have daily recreational bag limits of one fish per vessel per day; therefore, the possession limit is two vessel limits, or two fish per vessel on a trip that exceeds 24 hours (50 CFR 622.38(c)). Gulf migratory group cobia is a limited harvest species under 50 CFR 622.383(b), which specifies that no person may possess more than two cobia per person per day regardless of the duration of a trip, and this proposed rule would not revise that provision. A trip begins with departure from a dock, berth, beach, seawall, or ramp and terminates with return to a dock, berth, beach, seawall, or ramp (50 CFR 622.2).

Currently, for the reef fish or CMP possession limit to apply, the for-hire vessel must have two licensed captains on board, and every passenger must have a receipt for the fishing trip which verifies the length of the trip (50 CFR 622.38(c) and 50 CFR 622.382(a)(2)). In addition, the possession limit does not apply until after the first 24 hours of the trip (50 CFR 622.11). Therefore, during the first 24 hours of a trip, each person (or vessel in the case of speckled hind and warsaw grouper) may only possess one daily recreational bag limit. No more than two daily bag or vessel limits may be possessed per person (or vessel) for reef fish and CMP species.

The Gulf Council heard public testimony at its June 2019 meeting that some for-hire vessel captains may have misinterpreted the current regulations as allowing the possession of two daily recreational bag limits at any time during a trip that lasts more than 24 hours. Additionally, there was testimony that allowing recreational for-hire fishers the ability to retain the possession limit at any time during a multi-day trip could increase the efficiency of the trip and reduce regulatory discards. For example, some vessel operators would prefer to target one species at a time in locations in which that species is abundant, fishing until the possession limit for the planned multi-day trip has been retained. After fishers harvest the possession limit, the vessel's operator would attempt to avoid that species for the remainder of the multi-day trip. However, because the current possession limit does not apply until after the first 24 hours of the trip, vessel operators cannot plan a trip in this manner, but must resume fishing for the target species after the first 24-hours if they want to allow fishers to obtain the second daily bag limit.

Management Measure Contained in This Proposed Rule

This proposed rule would modify the requirements to retain the possession limit on-board vessels that have been issued valid Gulf reef fish or CMP for-hire permits. The proposed rule would increase the trip duration threshold to greater than 30 hours, but would allow fishers to retain a second daily bag limit at any time during a trip of at least that duration. The Council determined that since fishers would be allowed to possess the second daily bag limit at any time during the trip, the trip duration should clearly exceed 24 hours. All other requirements to retain the recreational possession limit would be unchanged through this proposed rule. The for-hire vessel must have two licensed operators aboard, and each passenger must be issued and have in their possession a receipt issued on behalf of the vessel that verifies the length of the trip. The proposed rule would require that the receipt specify the date and time of departure, and clarifies that the entire trip must occur on days when the harvest and possession of the applicable reef fish species are allowed.

Measure Contained in This Proposed Rule Not in the Framework Action

In addition to the measure described in the framework action, this proposed rule would revise language related to reporting under the Gulf's individual fishing quota program (IFQ) during catastrophic conditions. The Gulf currently has two IFQ programs, one for commercial harvest of red snapper and one for commercial harvest of groupers and tilefishes. These programs require participants to record information electronically. However, both programs include a provision that allow for the use of some paper-based forms if catastrophic conditions occur (50 CFR 622.21(a)(3)(iii) and 622.22(a)(3)(iii)). This provision states that if the Regional Administrator (RA) determines that catastrophic conditions exist, NMFS will provide each IFQ dealer in the affected areas the necessary paper forms, sequentially coded, and instructions for submission of the forms to the RA.

NMFS initially required the use of sequentially numbered paper forms as a method intended to prevent fraud. However, to date, these forms have not been used and NMFS has determined that maintaining them in this manner is not practical or cost effective. Therefore, NMFS proposes to remove the references to sequentially coded paper forms in both 50 CFR 622.21(a)(3)(iii) and 622.22(a)(3)(iii) that. If catastrophic conditions occur, NMFS will provide the affected IFQ dealers blank forms, which they can complete with the required IFQ transaction information.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant

Administrator has determined that this proposed rule is consistent with the framework amendment, the Reef Fish and CMP FMPs, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866. This rule is expected to be an Executive Order 13771 deregulatory action.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) for purposes of the RFA that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows and differs from the basis provided in the RFA analysis included in the framework action. The analysis included in the framework action concluded that no for-hire fishing vessels would be directly regulated by this rule. However, NMFS subsequently determined that some for-hire fishing businesses would be directly regulated by this rule, and the factual basis for that determination is explained here.

A description of the proposed rule and its purpose are contained at the beginning of the **SUPPLEMENTARY INFORMATION** section and in the **SUMMARY** section of the preamble. The Magnuson-Stevens Act provides the statutory basis for this rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, NMFS believes that the proposed requirement for a receipt showing departure date and time involves no new reporting, record keeping, or other compliance burden beyond current practices under the existing rule. Accordingly, the Paperwork Reduction Act does not apply to this proposed rule. NMFS invites comments on the burden associated with issuing receipts that verify trip length. The objectives of this proposed rule are to promote efficiency in the utilization of the reef fish and CMP resources and decrease regulatory discards.

This proposed rule would increase the minimum trip duration required to retain the possession limit on Federal for-hire vessels in the Gulf from greater than 24 hours to greater than 30 hours, and would also allow the possession limit to be retained anytime during such a trip rather than only after the first 24 hours of the trip. This proposed rule applies to the recreational sector of the Gulf reef fish and CMP fisheries. Recreational fishers fishing for reef fish and CMP species would be directly affected by the proposed rule but are not considered entities under the RFA and thus are not directly regulated by this rule.

This proposed rule is expected to directly regulate certain businesses (vessels) that possess a valid or renewable Federal charter vessel/headboat Gulf reef fish or Federal charter vessel/headboat Gulf CMP permit. As of August 29, 2019, there were 1,274 valid (non-expired) or renewable Federal charter vessel/headboat Gulf reef fish permits and 1,284 valid or renewable Federal charter vessel/headboat Gulf CMP permits. Most businesses possess both permits.

Only some vessels with these permits would be directly regulated by this proposed rule. Vessels with valid or renewable Federal charter vessel/headboat Gulf reef fish permits that harvest speckled hind or warsaw grouper and take trips longer than 24 hours would be directly regulated by this proposed rule because the bag limits for those species apply to the vessel rather than the fisher. Any vessel with a valid or renewable Federal charter vessel/headboat Gulf reef fish permit may harvest speckled hind or warsaw grouper. Further, captains and crew on for-hire vessels are allowed to retain several reef fish species harvested under the respective bag limits for those species, with some notable exceptions (*e.g.,* greater amberjack, groupers, and red snapper). Similarly, vessels with valid or renewable Federal charter vessel/headboat Gulf CMP permits that take trips longer than 24 hours would also be directly regulated by this proposed rule because captains and crew are allowed to retain king and Spanish mackerel harvested under the respective bag limits for those species.

For federally permitted charter vessels that were active in the for-hire reef fish or CMP fishing industries, average annual gross revenue is $88,111 per vessel and economic profit is $26,053 per vessel in 2018 dollars. For federally permitted headboats that were active in the for-hire reef fish or CMP fishing industries, the average annual gross revenue is $267,067 per vessel and economic profit is $77,960 per vessel in 2018 dollars.

The SBA has established size standards for all major industry sectors in the U.S. including for-hire fishing businesses (NAICS code 487210). A business primarily involved in the for-hire fishing industry is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has annual receipts (revenue) not in excess of $8 million for all its affiliated operations worldwide. In 2017, the maximum annual gross revenue for a single headboat in the Gulf was about $1.3 million. On average, annual gross revenue for headboats in the Gulf is about three times greater than annual gross revenue for charter vessels. Thus, it is assumed the maximum annual gross revenue for charter vessels is less than $1.3 million. Based on this information, all directly regulated businesses are determined, for the purpose of this analysis, to be small entities.

Available data indicate that 32 headboats with valid or renewable Federal charter vessel/headboat Gulf reef fish or CMP permits harvested reef fish or CMP species on at least one trip that lasted longer than 24 hours between 2014 and 2018. An exact estimate of how many charter vessels with valid or renewable Federal charter vessel/headboat Gulf reef fish or CMP permits harvested reef fish or CMP species cannot be determined based on available data, as current data collections do not record the U.S. Coast Guard documentation number or state boat registration number of the vessel. However, available data indicate that at least 47 charter vessels harvested some type of finfish species on at least one trip that lasted longer than 24 hours between 2014 and 2018. Based on the available data, it is assumed that this proposed rule would directly regulate at least 79 businesses in the Gulf for-hire reef fish and CMP industries.

This proposed rule would increase the minimum trip duration required to retain the possession limit on Federal for-hire trips in the Gulf from greater than 24 hours to greater than 30 hours, but would also allow the possession limit to be retained anytime during a trip meeting the minimum trip duration. Increasing the minimum trip duration required to retain the possession limit would affect less than 0.1 percent of the total for-hire trips in the Gulf, and at least 14 for-hire vessels that are currently known to take trips between 24 and 30 hours long. Some and possibly all of these 14 for-hire vessels are expected to offer longer for-hire trips in order to meet the possession limit minimum trip duration requirement, and this would serve to reduce any negative effects from passengers switching to vessels that already offer for-hire trips longer than 30 hours. Thus, any adverse effects from this provision would be minimal.

Allowing the second daily bag limit to be retained anytime during a trip meeting the minimum trip duration would be expected to benefit directly regulated for-hire vessels. According to

public testimony, allowing passengers to possess the second bag limit at the time of chumming or baiting fish at the initial fishing location could increase trip efficiency and potentially reduce discards. In addition, enabling anglers to spend relatively more time fishing and less time in transit between fishing locations is expected to enhance angler satisfaction and potentially increase gross revenues and profit from future for-hire trips longer than 30 hours.

The information provided above supports a determination that this proposed rule would not adversely affect for-hire entities in the Gulf reef fish or CMP fisheries. Therefore, this proposed rule would not have a significant economic impact on a substantial number of small entities. Because this proposed rule, if implemented, is not expected to have a significant economic impact on any small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Charter vessels, Coastal migratory pelagics, Fisheries, Fishing, Gulf of Mexico, Headboats, Recreational bag and possession limits.

Dated: July 14, 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 proposed to be 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 § 622.21, revise paragraph (a)(1)(iii) to read as follows:

§ 622.21 Individual fishing quota (IFQ) program for Gulf red snapper.

(a) * * *

(1) * * *

(iii) During catastrophic conditions only, the IFQ program provides for use of paper-based components for basic required functions as a backup. 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**, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. NMFS will provide each IFQ dealer the necessary paper forms and instructions for submission of the forms to the RA. The paper forms will also be available from the RA. The program functions available to participants or geographic areas deemed affected by catastrophic conditions will be limited under the paper-based system. There will be no mechanism for transfers of IFQ shares or allocation under the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via IFQ Customer Service 1–866–425–7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

* * * * *

■ 3. In § 622.22, revise paragraph (a)(1)(iii) to read as follows:

§ 622.22 Individual fishing quota (IFQ) program for Gulf groupers and tilefishes.

(a) * * *

(1) * * *

(iii) During catastrophic conditions only, the IFQ program provides for use of paper-based components for basic required functions as a backup. 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**, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. NMFS will provide each IFQ dealer the necessary paper forms and instructions for submission of the forms to the RA. The paper forms will also be available from the RA. The program functions available to participants or geographic areas deemed affected by catastrophic conditions will be limited under the paper-based system. There will be no mechanism for transfers of IFQ shares or allocation under the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via IFQ Customer Service 1–866–425–7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

* * * * *

■ 4. In § 622.38, revise paragraph (c) to read as follows:

§ 622.38 Bag and possession limits.

* * * * *

(c) *Possession limits for vessels with a valid Federal charter vessel/headboat permit for reef fish.* A person, or a vessel in the case of speckled hind or Warsaw grouper, on a trip that spans more than 30 hours may possess, at any time during the trip, no more than two daily bag limits, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the date and time of departure and length of the trip, and the entire trip occurs on days when the harvest and possession of the applicable reef fish species are allowed.

■ 5. In § 622.382, revise paragraph (a)(2) to read as follows:

§ 622.382 Bag and possession limits.

* * * * *

(a) * * *

(2) *Possession limits.* (i) *Possession limits for vessels with a valid Federal charter vessel/headboat permit for Atlantic coastal migratory pelagic fish.* A person who is on a trip that spans more than 24 hours may possess no more than two daily bag limits, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, and each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

(ii) *Possession limits for vessels with a valid Federal charter vessel/headboat permit for Gulf coastal migratory pelagic fish.* A person who is on a trip that spans more than 30 hours may possess, at any time during the trip, no more than two daily bag limits of Gulf king and Spanish mackerel, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the date and time of departure and length of the trip, and the entire trip occurs on days when the harvest and possession of the applicable coastal migratory pelagic species are allowed.

* * * * *

[FR Doc. 2020–15522 Filed 7–27–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 679 and 680

RIN 0648–BJ73

Fisheries of the Exclusive Economic Zone Off Alaska; Central Gulf of Alaska Rockfish Program; Amendment 111

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

ACTION: Notice of availability of fishery management plan amendment; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) submitted Amendment 111 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) Management Area (Amendment 111) to the Secretary of Commerce (Secretary) for review. If approved, Amendment 111 would remove the expiration date for the Central GOA Rockfish Program (Rockfish Program) and make minor administrative changes to the program. Amendment 111 is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the FMP, and other applicable laws.

DATES: Comments must be received no later than September 28, 2020.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2020–0086, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0086,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of Amendment 111 to the FMP, the Environmental Assessment/Regulatory Impact Review prepared for this action (the Analysis), and the Finding of No Significant Impact prepared for this action may be obtained from *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Stephanie Warpinski, 907–586–7228 or *stephanie.warpinski@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Council submitted Amendment 111 to the FMP to the Secretary for review. If approved, Amendment 111 would remove the expiration date for the Rockfish Program and make other administrative changes to the FMP. The regulatory amendment associated with Amendment 111 would reauthorize the Rockfish Program, allow it to continue indefinitely, and implement minor improvements to the administration and management of the program. Amendment 111 is intended to promote the goals and objectives of the Magnuson-Stevens Act, the FMP, and other applicable laws.

The Magnuson-Stevens Act requires that each regional fishery management council submit any fishery management plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary. The Magnuson-Stevens Act also requires that NMFS, upon receiving a fishery management plan amendment, immediately publish a document in the **Federal Register** announcing that the amendment is available for public review and comment. This document announces that proposed Amendment 111 to the FMP is available for public review and comment.

The Council prepared, and the Secretary approved, the FMP under the authority of section 302(h)(1) and 303(b) of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* The FMP is implemented by Federal regulations governing U.S. fisheries at 50 CFR part 679. The Council is authorized to prepare and recommend an FMP amendment for the conservation and management of a fishery covered under the FMP. The Rockfish Program would continue to provide exclusive harvesting privileges for vessels using trawl gear to harvest a specific set of rockfish species and associated species incidentally harvested to those rockfish in the Central GOA, an area from 147° W. long. to 159° W. long. The granting of exclusive harvesting is commonly called rationalization. The rockfish primary species rationalized under the Rockfish Program are northern rockfish, Pacific ocean perch, and dusky rockfish. The incidentally harvested groundfish taken in the primary rockfish fisheries and which also are rationalized under the Rockfish Program are called the secondary species. The secondary species include Pacific cod, rougheye rockfish, shortraker rockfish, and sablefish. In addition to these secondary species, the Rockfish Program allocates a portion of the halibut bycatch mortality limit annually specified for the GOA trawl fisheries to Rockfish Program participants. This allocation of bycatch mortality could be used by Rockfish Program participants during harvest activities in the fisheries rationalized under the Rockfish Program.

The reauthorized Rockfish Program would continue to assign quota share (QS) and cooperative quota (CQ) to participants for primary and secondary species, allow a participant holding an License Limitation Program (LLP) license with rockfish QS to form a rockfish cooperative with other persons, and allow holders of catcher/processor LLP licenses to opt-out of the fishery. The entry level fishery would continue for harvesters who are not eligible for the Rockfish Program and who would be directed fishing for rockfish primary species using longline gear only. Additionally, the reauthorized Rockfish Program continues to establish sideboard limits, as well as monitoring and enforcement provisions.

If approved, the current Rockfish Program would be reauthorized without a sunset date, similar to other North Pacific catch share programs. The Rockfish Program would be reviewed by the Council five years after the implementation and every five to seven years thereafter to determine if the program is functioning as intended consistent with the provisions of section 303A(i) of the Magnuson-Stevens Act.

Proposed Amendment 111 to the FMP would revise regulation associated with some administrative provisions of the Rockfish Program that were previously implemented in 2011 (76 FR 81248, December 27, 2011).

Amendment 111 would amend section 3.7.2 of the FMP to: (1) Remove the sunset date for the Rockfish Program; (2) modify sideboard limits to exempt Rockfish Program vessels from crab rationalization program sideboard limits when fishing in the Rockfish Program and remove catcher/processor Rockfish Program sideboard limits in

the WGOA; (3) remove the requirement for rockfish cooperatives to submit a fishing plan when submitting an application for annual CQ; (4) clarify language that only shoreside processors taking deliveries harvested using Rockfish Program CQ must submit the Rockfish Ex-vessel Volume and Value Report; and (5) clarify regulations regarding accounting for inseason use caps when catcher/processor CQ is transferred for use by the catcher vessel sector.

NMFS is soliciting public comments on proposed Amendment 111 through the end of the comment period (see **DATES**). NMFS intends to publish in the **Federal Register** and seek public comment on a proposed rule that would implement Amendment 111 and additional regulation changes recommended by the Council, following NMFS's evaluation of the proposed rule under the Magnuson-Stevens Act. All comments received by the end of the comment period on Amendment 111, whether specifically directed to the FMP amendment or the proposed rule, will be considered in the approval/disapproval decision on Amendment 111. Comments received after that date may not be considered in the approval/disapproval decision on Amendment 111. To be certain of consideration, comments must be received, not just postmarked or otherwise transmitted, by the last day of the comment period.

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

Dated: July 23, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020–16315 Filed 7–27–20; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 85, No. 145
Tuesday, July 28, 2020

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

AGENCY FOR INTERNATIONAL DEVELOPMENT

Senior Executive Service: Membership of Performance Review Board

ACTION: Notice.

SUMMARY: This notice lists approved candidates who will comprise a standing roster for service on the Agency's 2020 SES Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Lena Travers at 202–712–5636 or *ltravers@usaid.gov.*

SUPPLEMENTARY INFORMATION: The Agency will use this roster to select SES Performance Review Board members. The standing roster is as follows:

Acevedo, Edward
Allen, Colleen
Bader, Harry
Baker, Shawn
Bertram, Robert
Broderick, Deborah
Buckley, Ruth
Chan, Carol
Collins, Gregory
Davis, Thomas
Detherage, Maria Price
Ehmann, Claire
Feinstein, Barbara
Foley, Jason
Girod, Gayle
Gressett, Donald
Jenkins, Robert
Jin, Jun
Johnson, Mark
Koek, Irene
Kuyumjian, Kent
Leavitt, William
Lewis, Kimberly
Longi, Maria
Mahanand, Vedjai
Mitchell, Reginald
Moore, David
Ohlweiler, John
Pascocello, Susan
Pryor, Jeanne
Schmitt, Tricia
Sokolowski, Alexander
Staley, Kenneth
Steele, Gloria
Steiger, William
Vera, Mauricio
Voorhees, John
Walther, Mark
Whyche-Shaw, Oren
Wolf, Mitchell

Karen Baquedano,

Director, Center for Performance Excellence.

[FR Doc. 2020–16287 Filed 7–27–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 23, 2020.

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 27, 2020 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *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.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Foreign Agricultural Service

Title: Export Sales of U.S. Agricultural Commodities.

OMB Control Number: 0551–0007.

Summary of Collection: The information collection requirements contained in 7 CFR part 20 are necessary to implement the mandatory export sales reporting requirements of section 602 of the Agricultural Trade Act of 1978, as amended (7 U.S.C. 5712). The export sales reporting system provides commodity market participants with information about commodity export commitments, and is one means by which USDA seeks to insure fairness and soundness in commodity marketing. U.S. exports are required to report to the Foreign Agricultural Service (FAS) information on: (1) The quantity of a reportable commodity to be sold to a foreign buyer; (2) the country of destination; and (3) the marketing year of shipment.

Need and Use of the Information: The collected information is needed because it provides up-to-date market data for making rational export policy decisions to prevent market disruptions. USDA reports the information to the public so that all market participants can be aware of such sales and can evaluate the effects of exports on supply and demand estimates of production, prices, and sales. If the information is not collected, the Department would not be in compliance with the statutes and not fulfilling the objectives of the export sales reporting program.

Description of Respondents: Business or other for-profit.

Number of Respondents: 383.

Frequency of Responses: Reporting: Quarterly; Weekly.

Total Burden Hours: 51,045.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–16332 Filed 7–27–20; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 23, 2020.

The Department of Agriculture has submitted the following information collection requirement(s) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by August 27, 2020 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *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.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Youth Conservation Corps Application & Medical History Forms.

OMB Control Number: 0596–0084.

Summary of Collection: 16 U.S.C. 1701–1706, Chapter 37—Youth Conservation Corps and Public Lands Corps, Subchapter I—Youth Conservation Corps (Youth Conservation Corps Act of 1970 (Pub. L. 91–378; 84 Stat. 794) as amended in 1972 (Pub. L. 92–597) and in 1974 (Pub. L. 93–408), hereafter referred to as ''the Act.''). This information collection request is submitted on behalf of the USDA Forest Service (FS) and Department of the Interior agencies Fish and Wildlife Service and National Park Service to collect information on applications and medical history forms to evaluate the eligibility of youths 15 to 18 years old for employment with the Youth Conservation Corps (YCC). FS and the Department of Interior cooperate to provide seasonal employment for eligible youth and in doing so prepare the young adults of this country for the ultimate responsibility of maintaining and managing these resources for the American people.

Need and Use of the Information: Youth, ages 15–18, who seek training and employment with participating agencies through the YCC must complete an application form (FS–1800–18) and once selected for employment must complete a medical history form (FS–1800–3). The applicant's parents or guardian must sign both forms. The application form is used in the random selection process and the medical history form provides information needed to determine certification of suitability, any special medical or medication needs, and a file record for the Federal Government and participants. The information collected provides participating agencies with data needed to select program participants.

Description of Respondents: Individuals or households.

Number of Respondents: 8,599.

Frequency of Responses: Annually.

Total Burden Hours: 4,238.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–16325 Filed 7–27–20; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2020–0022]

Notice of Request for Revision of an Approved Information Collection (Salmonella Initiative Program)

AGENCY: Food Safety and Inspection Service, Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to request a revision of the approved information collection regarding the *Salmonella* Initiative Program (SIP). Based on an increase in SIP participation, FSIS has increased its total annual burden estimate by 9,363 hours. The approval for this information collection will expire on January 31, 2021.

DATES: Submit comments on or before September 28, 2020.

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

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

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2020–0022. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

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

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Salmonella Initiative Program.

OMB Number: 0583–0154.

Expiration Date of Approval: 1/31/2021.

Type of Request: Revision of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act

(FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*) and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

FSIS is requesting a revision of the approved information collection regarding the *Salmonella* Initiative Program (SIP). Based on an increase in SIP participation, FSIS has increased its total annual burden estimate by 9,363 hours. The approval for this information collection will expire on January 31, 2021. The SIP offers incentives to meat and poultry slaughter establishments to control *Salmonella* in their operations. SIP does this by granting waivers of certain regulatory requirements under the condition that establishments test for *Salmonella, Campylobacter* (if applicable), and generic *Escherichia coli* or other indicator organisms and share all sample results with FSIS. SIP benefits public health because it encourages establishments to test for microbial pathogens, which is a key feature for measuring process control. In return for meeting the conditions of SIP, the Agency grants establishments appropriate waivers of certain regulatory requirements, based upon establishment proposals and documentation, under FSIS regulations at 9 CFR 303.1(h) and 381.3(b). These regulations specifically provide for the Administrator to waive for limited periods any provisions of the regulations to permit experimentation so that new procedures, equipment, or processing techniques may be tested to facilitate definite improvements. Establishments participating in SIP agree to the conditions of SIP regarding pathogen testing and sharing of test result data with FSIS.

FSIS has made the following estimates based upon an information collection assessment:

Respondents: Official slaughter establishments that are under a waiver.

Estimated Number of Respondents: 79.

Estimated Number of Annual Responses per Respondent: 325.

Estimated Total Annual Burden on Respondents: 17,628 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

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

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

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To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410, *Fax:* (202) 690–7442, *Email: program.intake@usda.gov*.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Paul Kiecker,

Administrator.

[FR Doc. 2020–16250 Filed 7–27–20; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Kemmerer Ranger District; Wyoming; Kemmerer Grazing and Vegetation Management Project; Withdrawal of Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice; withdrawal.

SUMMARY: The Forest Service is withdrawing its notice of intent (NOI) to prepare an environmental impact statement (EIS) for the Kemmerer Grazing and Vegetation Management Project on the Kemmerer Ranger District of the Bridger-Teton National Forest.

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice should be directed to Kemmerer District Ranger Adriene Holcomb, *Adriene.Holcomb@usda.gov* or 307–203–5514.

Persons who use telecommunication devices for the hearing impaired (TDD)

may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The original NOI was published in the **Federal Register** on November 17, 2008 (73 FR 67835). The Forest Service decision to withdraw the NOI is based on several factors, including regional and national budget allocations and prioritization of agency resources.

Allen Rowley,

Associate Deputy Chief, National Forest System.

[FR Doc. 2020–16305 Filed 7–27–20; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Ohio Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Ohio Advisory Committee (Committee) will hold a meeting via teleconference on Tuesday, August 18, 2020, at 12:00 p.m. Eastern Time for the purpose of discussing civil rights in the state.

DATES: The meeting will be held on Tuesday, August 18, 2020, at 12:00 p.m. Eastern Time. *Public Call Information:* Dial: 800–367–2403, Confirmation Code: 1313002

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 202–618–4158.

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

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Carolyn Allen at *callen@usccr.gov.in* the Regional Programs Unit Office/Advisory Committee Management Unit. Persons who desire additional information may contact the Regional Programs Unit Office at 202–618–4158.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzkGAAQ* under the Commission on Civil Rights, Ohio Advisory Committee link. Persons interested in the work of this Committee are also directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit office at the above email address.

Agenda

Welcome and Roll Call
Discussion: *Civil Rights and Equity in the Delivery of Medical and Public Services During the COVID–19 Pandemic in Ohio*
Public Comment
Adjournment

Dated: July 22, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–16245 Filed 7–27–20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a teleconference meeting of the Nevada Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Pacific Time) Tuesday, August 11, 2020. The purpose of the meeting is to continue brainstorming for their civil rights topic and vote on a vice chair.

DATES: The meeting will be held on Tuesday, August 11, 2020 at 1:00 p.m. PT. *Public Call Information:* Dial: 800–353–6461, Conference ID: 1987072.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO), at *afortes@usccr.gov* or (202) 681–0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800–353–6461, conference ID number: 1987072. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may also be emailed to Ana Victoria Fortes at *afortes@usccr.gov.*

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzlJAAQ.*

Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Vote on Vice Chair

III. Discuss Potential Topics
VI. Public Comment
V. Adjournment

Dated: July 23, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–16330 Filed 7–27–20; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–46–2020]

Foreign-Trade Zone 61—San Juan, Puerto Rico; Application for Expansion of Subzone 61T; Plaza Warehousing & Realty Corporation; Caguas, Puerto Rico

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Department of Economic Development and Commerce, grantee of FTZ 61, requesting an expansion of Subzone 61T on behalf of Plaza Warehousing & Realty Corporation. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on July 20, 2020.

Subzone 61T was approved on January 18, 2018 (S–147–2017, 83 FR 3112, January 23, 2018) subject to FTZ 61's 1,821.07-acre activation limit. The subzone currently consists of one site (15.5 acres) located at Road #1, Km 27.9, Barrio Rio Cañas, Caguas.

The applicant is requesting authority to expand the subzone to include an additional 6.33 acres located at Road #1, Km 23.5, Barrio Rio Cañas, Caguas. The proposed area is located immediately adjacent to the existing site. The applicant is further requesting that the expanded subzone (existing and proposed) not be subject to FTZ 61's 1,821.07-acre activation limit. No authorization for production activity has been requested at this time.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make 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 8, 2020. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to September 21, 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 Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: July 20, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–16324 Filed 7–27–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–86–2020]

Approval of Subzone Status; LiCAP Technologies, Sacramento, California

On May 15, 2020, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Port of Sacramento, grantee of FTZ 143, requesting subzone status subject to the existing activation limit of FTZ 143, on behalf of LiCAP Technologies, in Sacramento, California.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (85 FR 30929, May 21, 2020). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to establish Subzone 143E was approved on July 20, 2020, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 143's 2,000-acre activation limit.

Dated: July 20, 2020.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2020–16329 Filed 7–27–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–010, C–570–011]

Crystalline Silicon Photovoltaic Products From the People's Republic of China: Notice of Initiation of Changed Circumstances Reviews, and Consideration of Revocation of the Antidumping and Countervailing Duty Orders in Part

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

SUMMARY: Based on a request from Maodi Solar Technology (Dongguan) Co., Ltd., (Maodi Solar), the Department of Commerce (Commerce) is initiating changed circumstances reviews (CCRs) to consider the possible revocation, in part, of the antidumping duty (AD) and countervailing duty (CVD) orders on crystalline silicon photovoltaic products (solar products) from the People's Republic of China (China) with respect to certain off-grid portable small panels.

DATES: Applicable July 28, 2020.

FOR FURTHER INFORMATION CONTACT: Kathryn Turlo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3875.

SUPPLEMENTARY INFORMATION:

Background

On February 18, 2015, Commerce published AD and CVD orders on solar products from China.[1] On June 17, 2020, Maodi Solar, an exporter of subject merchandise, requested that Commerce conduct CCRs to revoke the *Orders* with respect to certain off-grid portable small panels, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b).[2] On July 13, 2020, SunPower Manufacturing Oregon, LLC (the petitioner), a domestic producer of the domestic like product, submitted a letter stating that it took no position regarding the partial revocation proposed by Maodi Solar.[3] We received

[1] *See Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 8592 (February 18, 2015) (*Orders*).

[2] *See* Maodi Solar's Letter, ''Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China (A–570–010; C–570–011): Maodi Solar's Request for Changed Circumstances Review,'' dated June 17, 2020.

[3] *See* Petitioner's Letter, ''Crystalline Silicon Photovoltaic Products from the People's Republic of

Continued

no other comments regarding Maodi Solar's request.

Scope of the Orders

The merchandise covered by these orders is modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials. For purposes of these orders, subject merchandise includes modules, laminates and/or panels assembled in China consisting of crystalline silicon photovoltaic cells produced in a customs territory other than China.

Subject merchandise includes modules, laminates and/or panels assembled in China consisting of crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Excluded from the scope of these orders are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS). Also excluded from the scope of these orders are modules, laminates and/or panels assembled in China, consisting of crystalline silicon photovoltaic cells, not exceeding 10,000 mm^2 in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cells. Where more than one module, laminate and/or panel is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all modules, laminates and/or panels that are integrated into the consumer good.

Further, also excluded from the scope of these orders are any products covered by the existing antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, laminates and/or panels, from China.[4]

Additionally, excluded from the scope of these orders are solar panels that are: (1) Less than 300,000 mm2 in surface area; (2) less than 27.1 watts in power; (3) coated across their entire surface with a polyurethane doming resin; and (4) joined to a battery charging and maintaining unit (which is an acrylonitrile butadiene styrene (ABS) box that incorporates a light emitting diode (LED)) by coated wires that include a connector to permit the incorporation of an extension cable. The battery charging and maintaining unit utilizes high-frequency triangular pulse waveforms designed to maintain and extend the life of batteries through the reduction of lead sulfate crystals. The above-described battery charging and maintaining unit is currently available under the registered trademark ''SolarPulse.''

Merchandise covered by these orders is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6015, 8541.40.6020, 8541.40.6030, 8541.40.6035 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of these orders is dispositive.[5]

Proposed Revocation of the Orders

Maodi Solar proposes that the *Orders* be revoked, in part, with respect to certain off-grid portable small panels. Specifically, Maodi Solar proposes revoking the *Orders* with respect to the solar panels described below:

(1) Off-grid CSPV panels in rigid form with a glass cover, with the following characteristics:

(A) A total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm2 per panel;

(C) do not include a built-in inverter;

(D) must include a permanently connected wire that terminates in a male barrel connector, or, a two-port rectangular connector with two pins in square housings of different colors, or, an Anderson connector;

(E) must be in individual retail packaging (for purposes of this provisions, retail packaging typically includes graphics, the product name, its description and/or features, and foam for transport)

(2) Off-grid CSPV panels in rigid form without a glass cover, with the following characteristics:

(A) A total power output of 100 watts or less per panel;

(B) a maximum surface area of 8,000 cm2 per panel;

(C) do not include a built-in inverter;

(D) each panel is

1. permanently integrated into a consumer good;

2. encased in a laminated material without stitching, or

3. has all of the following characteristics: (i) The panel is encased in sewn fabric with visible stitching; (ii) includes a storage pocket; and, (iii) includes (a) a wire that terminates in a female USB–A connector; or, (b) a junction box which includes a female USB–A connector.

Initiation of CCRs and Consideration of Revocation of the Orders, in Part

Pursuant to section 751(b) of the Act, Commerce will conduct a CCR upon receipt of a request from an interested party[6] that shows changed circumstances sufficient to warrant a review of an order. In accordance with 19 CFR 351.216(d), Commerce determines that the information submitted by Maodi Solar constitutes a sufficient basis to conduct CCRs of the *Orders.*

Section 782(h)(2) of the Act and 19 CFR 351.222(g)(1)(i) provide that Commerce may revoke an order (in whole or in part) if it determines that producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order, in whole or in part. In addition, in the event Commerce determines that expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits Commerce to combine the notices of initiation and preliminary results. In its administrative practice, Commerce has interpreted ''substantially all'' to mean producers accounting for at least 85 percent of the total U.S. production of the domestic like product covered by the order.[7]

The petitioner states that it takes no position with respect to Maodi Solar's

China: Comments on Maodi Solar's Request for Changed Circumstances Review,'' dated July 13, 2020.

[4] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 77 FR 73018 (December 7, 2012); *see also Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Countervailing Duty Order,* 77 FR 73017 (December 7, 2012).

[5] *See* the *Orders.*

[6] Maodi Solar reported in its June 17, 2020, request for CCRs that it is an exporter of solar panels. As such, Maodi Solar is an interested party pursuant to 19 CFR 351.102(b)(29)(i).

[7] *See, e.g., Certain Cased Pencils from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review, and Intent To Revoke Order in Part,* 77 FR 42276 (July 18, 2012), unchanged in *Certain Cased Pencils from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review, and Determination To Revoke Order, in Part,* 77 FR 53176 (August 31, 2012).

partial revocation request. We interpret the petitioner's statement to mean that it does not oppose the partial revocation request. However, because the petitioner did not indicate whether it accounts for substantially all of the domestic production of solar products, we are not combining this notice of initiation with a preliminary determination, pursuant to 19 CFR 351.221(c)(3)(ii), but will provide interested parties with an opportunity to address the issue of domestic industry support with respect to this requested partial revocation of the *Orders,* as explained below. After examining comments, if any, concerning domestic industry support, we will issue the preliminary results of these CCRs.

Public Comment

Interested parties are invited to provide comments and/or factual information regarding these CCRs, including comments on industry support and the proposed partial revocation language. Comments and factual information may be submitted to Commerce no later than ten days after the date of publication of this notice. Rebuttal comments and rebuttal factual information may be filed with Commerce no later than seven days after the comments and/or factual information are filed.[8] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[9] All submissions must be filed electronically using Enforcement and Compliance's AD and CVD Centralized Electronic Service System (ACCESS).[10] An electronically filed document must be received successfully in its entirety by ACCESS, by 5 p.m. Eastern Time on the due dates set forth in this notice.

Preliminary and Final Results of the Review

Commerce intends to publish in the **Federal Register** a notice of the preliminary results of these AD and CVD CCRs in accordance with 19 CFR 351.221(b)(4) and (c)(3)(i), which will set forth Commerce's preliminary factual and legal conclusions. Commerce will issue its final results of these CCRs in accordance with the time limits set forth in 19 CFR 351.216(e).

[8] Submissions of rebuttal factual information must comply with 19 CFR 351.301(b)(2); *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*).

[9] *See Temporary Rule.*

[10] *See generally* 19 CFR 351.303.

Notification to Interested Parties

This initiation notice is published in accordance with section 751(b)(1) of the Act and 19 CFR 351.221(b)(1).

Dated: July 22, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–16326 Filed 7–27–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–847]

Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes From Mexico: Notice of Correction to the Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) is correcting the final results in the antidumping duty administrative review and final determination of no shipments of heavy walled rectangular welded carbon steel pipes and tubes (HWR pipes and tubes) from Mexico to reflect the correct cash deposit rate in effect for all other producers or exporters.

DATES: Applicable July 28, 2020.

FOR FURTHER INFORMATION CONTACT: David Crespo or Jacob Garten, 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) 482–3693 or (202) 482–3342, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 13, 2020, Commerce published in the **Federal Register** the final results of the administrative review of the antidumping duty order on HWR pipes and tubes from Mexico for the period of review September 1, 2017 through August 31, 2018.[1] In the *Final Results,* we inadvertently stated that the cash deposit rate for all other producers or exporters will continue to be 3.24 percent. This notice serves to correct the cash deposit rate listed in the *Final Results* from 3.24 percent to 4.91 percent, which is the correct all-others rate established in the less-than-fair-value investigation.[2] No other changes have been made to the *Final Results.*

Notification to Interested Parties

This correction to the final results of administrative review is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: July 21, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020–16327 Filed 7–27–20; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes From Mexico: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017–2018,* 85 FR 41962 (July 13, 2020) (*Final Results*).

[2] *See Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea, Mexico, and the Republic of Turkey: Antidumping Duty Orders,* 81 FR 62865, 62866 (September 13, 2016).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–954]

Certain Magnesia Carbon Bricks From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2018–2019

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Fedmet Resources Corporation (Fedmet) did not have any shipments of subject merchandise during the period of review (POR) September 1, 2018 through August 31, 2019. Commerce also preliminary determines that the 16 remaining companies subject to this review are part of the China-wide entity because they did not file no shipment statements, separate rate applications (SRAs), or separate rate certifications (SRCs).

DATES: Applicable July 28, 2020.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2312.

SUPPLEMENTARY INFORMATION:

Background

On November 12, 2019, Commerce published in the **Federal Register** a

notice of initiation of an administrative review of the antidumping duty order on certain magnesia carbon bricks (magnesia carbon bricks) from the People's Republic of China (China) for 17 producers/exporters.[1]

On December 18, 2019, Fedmet certified that it had no shipments during the POR.[2] We did not receive a no shipment statement, SRA, or SRC from any other company subject to this review. On July 9, 2020, CBP confirmed that Fedmet made no shipments of subject merchandise to the United States during the POR.[3]

For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.[4] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. 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 *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 61011 (November 12, 2019) (*Initiation Notice*). The companies subject to this review are: Dandong Xinxing Carbon Co., Ltd.; Fedmet; Fengchi Imp. and Exp. Co.; Fengchi Imp. and Exp. Co., Ltd. of Haicheng City; Fengchi Mining Co., Ltd. of Haicheng City; Fengchi Refractories Co., of Haicheng City; Haicheng Donghe Taidi Refractory Co., Ltd.; Henan Xintuo Refractory Co., Ltd.; Liaoning Fucheng Refractories; Liaoning Zhongmei High Temperature Material Co., Ltd.; Liaoning Zhongmei Holding Co., Ltd.; RHI Refractories Liaoning Co., Ltd.; Shenglong Refractories Co., Ltd.; Tangshan Strong Refractories Co., Ltd.; The Economic Trading Group of Haicheng Houying Corp. Ltd.; Yingkou Heping Samwha Minerals, Co., Ltd.; and Yingkou Heping Sanhua Materials Co., Ltd.

[2] *See* Fedmet's Letter, ''Magnesia Carbon Bricks from the People's Republic of China, Case No. A–570–954: No Shipments Certification,'' dated December 18, 2019.

[3] *See* Memorandum, ''Certain Magnesia Carbon Bricks from China (A–570–954),'' dated July 9, 2019.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2018–2019 Antidumping Duty Administrative Review: Magnesia Carbon Bricks from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Scope of the Order

The products covered by this order are magnesia carbon bricks from China. For a full description of the scope, *see* the Preliminary Decision Memorandum.[5]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213.

Preliminary Determination of No Shipments

Based on the available record information, Commerce preliminarily determines that Fedmet had no shipments during the POR. For additional information regarding this determination, *see* the Preliminary Decision Memorandum. Consistent with our assessment practice in non-market economy (NME) administrative reviews, Commerce is not rescinding this review for Fedmet, but intends to complete the review and issue appropriate instructions to CBP based on the final results of the review.[6]

Separate Rates

Because no other company under review submitted an SRA or SRC, Commerce preliminarily determines that these companies have not demonstrated their eligibility for a separate rate. For additional information, *see* the Preliminary Decision Memorandum.

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[7] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity, and we did not self-initiate a review, the China-wide entity rate (*i.e.,* 236.00 percent) is not subject to change as a result of this review.[8] Aside from Fedmet, Commerce considers all other companies for which a review was requested[9] to be part of the China-wide entity. For additional information, *see* the Preliminary Decision Memorandum.

[5] *Id.*

[6] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011); *see also* the ''Assessment Rates'' section, below.

[7] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[8] *See Certain Magnesia Carbon Bricks from Mexico and the People's Republic of China: Antidumping Duty Orders,* 75 FR 57257 (September 20, 2010) (*Order*).

Public Comment

In accordance with 19 CFR 351.309(c), case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of these preliminary results, unless the Secretary alters the time limit. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.[10] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review 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. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[11]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[12]

Assessment Rates

Upon issuance of the final results of this review, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review.[13] We intend to instruct CBP to

[9] *See* Appendix I.

[10] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

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

[12] *See* 19 CFR 351.310(d).

[13] *See* 19 CFR 351.212(b)(1).

liquidate entries containing subject merchandise exported by the companies under review that we determine in the final results to be part of the China-wide entity at the China-wide rate of 236.00 percent. Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this review in the **Federal Register**.[14]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For previously-investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity (*i.e.,* 236.00 percent); and (3) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a reminder to importers of their responsibility under 19 CFR 315.402(f)(2) 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 preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h) and 351.221(b)(4).

[14] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

Dated: July 21, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Companies Failing To Demonstrate Eligibility for a Separate Rate

1. Dandong Xinxing Carbon Co., Ltd.
2. Fengchi Imp. and Exp. Co., Ltd.
3. Fengchi Imp. and Exp. Co., Ltd. of Haicheng City
4. Fengchi Mining Co., Ltd. of Haicheng City
5. Fengchi Refractories Co., of Haicheng City
6. Haicheng Donghe Taidi Refractory Co., Ltd.
7. Henan Xintuo Refractory Co., Ltd.
8. Liaoning Fucheng Refractories
9. Liaoning Zhongmei High Temperature Material Co., Ltd.
10. Liaoning Zhongmei Holding Co., Ltd.
11. RHI Refractories Liaoning Co., Ltd.
12. Shenglong Refractories Co., Ltd.
13. Tangshan Strong Refractories Co., Ltd.
14. The Economic Trading Group Of Haicheng Houying Corp. Ltd.
15. Yingkou Heping Samwha Minerals, Co., Ltd.
16. Yingkou Heping Sanhua Materials Co., Ltd.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2020–16328 Filed 7–27–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 200716–0193; RTID 0648–XA496]

Endangered and Threatened Wildlife and Plants; Notice of 12-Month Finding on a Petition To List the Dwarf Seahorse as Threatened or Endangered Under the Endangered Species Act

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

ACTION: Notice of 12-month finding and availability of status review document.

SUMMARY: We, NMFS, announce a 12-month finding and listing determination on a petition to list the dwarf seahorse (*Hippocampus zosterae*) as threatened or endangered under the Endangered Species Act (ESA). We have completed a status review of the dwarf seahorse in response to a petition submitted by the Center for Biological Diversity. After reviewing the best scientific and commercial data available, including the Status Review Report, we have determined the species does not warrant listing at this time. While the species has declined in abundance, it still occupies its historical range, and population trends indicate subpopulations are stable or increasing in most locations. We conclude that the dwarf seahorse is not currently in danger of extinction throughout all or a significant portion of its range and is not likely to become so within the foreseeable future.

DATES: This finding was made on July 28, 2020.

ADDRESSES: The dwarf seahorse Status Review Report associated with this determination and its references are available upon request from the Species Conservation Branch Chief, Protected Resources Division, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701, Attn: Dwarf Seahorse 12-month Finding. The report and references are also available electronically at: *https://www.cio.noaa.gov/services_programs/prplans/ID411.html*.

FOR FURTHER INFORMATION CONTACT: Adam Brame, NMFS Southeast Regional Office, (727) 209–5958; or Celeste Stout, NMFS Office of Protected Resources, 301–427–8436.

SUPPLEMENTARY INFORMATION:

Background

On April 6, 2011, we received a petition from the Center for Biological Diversity to list the dwarf seahorse as threatened or endangered under the ESA. The petition asserted that (1) the present or threatened destruction, modification, or curtailment of habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) inadequacy of existing regulatory mechanisms; and (4) other natural or manmade factors are affecting its continued existence and contributing to the dwarf seahorse's imperiled status. The petitioner also requested that critical habitat be designated for this species concurrent with listing under the ESA.

On May 4, 2012, NMFS published a 90-day finding for dwarf seahorse with our determination that the petition presented substantial scientific and commercial information indicating that the petitioned action may be warranted (77 FR 26478). We also requested scientific and commercial information from the public to inform a status review of the species, as required by

section 4(b)(3)(a) of the ESA. Specifically, we requested information pertaining to: (1) Historical and current distribution and abundance of this species throughout its range; (2) historical and current population status and trends; (3) life history in marine environments; (4) curio, traditional medicine, and aquarium trade or other trade data; (5) any current or planned activities that may adversely impact the species; (6) historical and current seagrass trends and status; (7) ongoing or planned efforts to protect and restore the species and its seagrass habitats; (8) management, regulatory, and enforcement information; and (9) any biological information on the species. We received information from the public in response to the 90-day finding and incorporated the information into both the Status Review Report (NMFS 2020) and this 12-month finding.

Listing Determinations Under the ESA

We are responsible for determining whether the dwarf seahorse is threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). Section 4(b)(1)(A) of the ESA requires us to make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and after taking into account efforts being made by any state or foreign nation to protect the species. To be considered for listing under the ESA, a group of organisms must constitute a ''species,'' which is defined in section 3 of the ESA to include taxonomic species and ''any subspecies of fish, or wildlife, or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' On February 7, 1996, NMFS and the U.S. Fish and Wildlife Service (USFWS; together, the Services) adopted a policy describing what constitutes a distinct population segment (DPS) of a taxonomic species (''DPS Policy,'' 61 FR 4722). The joint DPS Policy identifies two elements that must be considered when identifying a DPS: (1) The discreteness of the population segment in relation to the remainder of the taxon to which it belongs; and (2) the significance of the population segment to the remainder of the taxon to which it belongs.

Section 3 of the ESA defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range'' and a threatened species as one ''which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' Thus, we interpret an ''endangered species'' to be one that is presently in danger of extinction. A ''threatened species,'' on the other hand, is not currently in danger of extinction but is likely to become so in the foreseeable future. In other words, a key statutory difference between a threatened and endangered species is the timing of when a species may be in danger of extinction, either presently (endangered) or in the foreseeable future (threatened).

Under section 4(a)(1) of the ESA, we must determine whether any species is endangered or threatened due to any of the following five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

To determine whether the dwarf seahorse warrants listing under the ESA, we formed a Status Review Team (SRT) consisting of biologists and managers to complete a Status Review Report (NMFS 2020), which summarizes the taxonomy, distribution, abundance, life history and biology of the species. The Status Review Report (NMFS 2020) also identifies threats or stressors affecting the status of the species, and provides a description of fisheries, fisheries management, and conservation efforts. The team then assessed the threats affecting dwarf seahorse as part of an extinction risk analysis (ERA). The results of the ERA from the Status Review Report (NMFS 2020) are discussed below. The Status Review Report incorporates information received in response to our request for information (77 FR 26478, May 4, 2012) and comments from three independent peer reviewers. Information from the Status Review Report is summarized below in the Biological Review section.

The petition requested that the species be considered for endangered or threatened status as a single entity throughout its range. While the agency has discretion to evaluate a species for potential DPSs, it is our policy, in light of Congressional guidance (S. Rep. 96–151), to list DPSs sparingly. The SRT held discussions as to whether DPSs should be considered, based on the information within the Status Review Report (NMFS 2020), but ultimately decided to evaluate the dwarf seahorse as a singular species throughout its range.

In determining whether the species is endangered or threatened as defined by the ESA, we considered both the data and information summarized in the Status Review Report (NMFS 2020) as well as the results of the ERA. The ERA analyzed demographic and listing factors that could affect the status of the dwarf seahorse. Demographic factors considered included abundance, population growth rate and productivity, spatial structure/connectivity, and diversity. We also identified threats under each of the five listing factors: (A) Present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization of the species for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) inadequacy of existing regulatory mechanisms; and (E) other natural or manmade factors affecting its continued existence. For purposes of our analysis, the identification of demographic or listing factors that could impact a species negatively is not sufficient to compel a finding that ESA listing is warranted. In considering those factors that might constitute threats, we look beyond mere exposure of the species to the factors to determine whether the species responds, either to a single threat or multiple threats, in a way that causes impacts at the species level. We considered each threat identified, both individually and cumulatively, evaluating both their nature and the species' response to the threat. In making this 12-month finding, we have considered and evaluated the best available scientific and commercial information, including information received in response to our 90-day finding.

Biological Review

This section provides a summary of key biological information presented in the Status Review Report (NMFS 2020).

Species Description

The dwarf seahorse (*Hippocampus zosterae,* Jordan and Gilbert 1882), is a short-lived, small-sized syngnathid fish. Like all seahorses, the tail of the dwarf seahorse is prehensile (capable of grasping) and used to secure the animal to seagrass or floating marine vegetation in the water (Gill 1905; Walls 1975). The eyes move independently of one another, allowing for better accuracy during feeding (Gill 1905). Dwarf seahorses have a wide range of color patterns from yellow and green to black. Individuals may also have white markings or dark spots which aid in camouflage while inhabiting seagrass (Gill 1905; Lourie *et al.* 2004; Lourie *et al.* 1999; Vari 1982).

Dwarf seahorses are one of the smallest species of seahorses.

Aquarium-raised dwarf seahorses have been recorded at 0.27–0.35 inches (0.7–0.9 cm) total length (TL) at birth and growing to 0.7 inches (1.8 cm) TL by day 17 (Koldewey 2005). There is some discussion regarding the maximum size of adults with reports ranging from 1 inch (2.5 cm; Lourie *et al.* 2004) to a single specimen at 2.12 inches (5.4 cm; Masonjones, University of Tampa, pers. comm. to Kelcee Smith, Riverside, Inc., on July 17, 2013). Masonjones *et al.* (2010) indicated body size was highly correlated with season, as individuals born in the Florida wet season (June-September) were larger than those born in the dry season. The species rarely lives longer than 2 years in the wild (Koldewey 2005; Strawn 1958; Vari 1982), though it has been reported to live up to 3 years in captivity (Abbott 2003).

Distribution

Historically, dwarf seahorses have been reported in the southeastern United States, including Texas, Louisiana, Mississippi, Alabama, and Florida (Strawn 1958), Mexico, and the greater Caribbean, including The Bahamas, Bermuda, and Cuba. Data from outside the United States are limited, and reports from the Bahamas, Cuba, and Bermuda have been rare historically and absent recently. Available data from the United States, both historically and presently, indicate the highest abundances of dwarf seahorses are in bay systems south of 29° N (south Florida and south Texas) and the lowest abundances are in Alabama, Louisiana, and Mississippi (NMFS 2020).

Habitat

In general, dwarf seahorse habitat is characterized by shallow, warm, nearshore seagrass beds. These habitats often occur within sheltered lagoons or embayments with reduced exposure to strong currents and heavy wave action (Iverson and Bittaker 1986). Dwarf seahorses are typically found in shallow coastal and lagoon habitats during the summer (Musick *et al.* 2000; Robbins 2005; Strawn 1961; Tipton and Bell 1988; Walls 1975) and deeper waters or tide pools during the winter (Lourie *et al.* 2004). Dwarf seahorses show no particular affinity for a specific seagrass species (Masonjones *et al.* 2010), but are generally found in areas with higher densities of seagrass blades and higher seagrass canopy (*i.e.,* length of seagrass blades) (Lourie *et al.* 2004). This results in a patchy distribution of dwarf seahorses within estuaries.

Dwarf seahorses are found within a range of salinities (7–37), temperatures (57–89° F (14–32° C)), and depths, depending on geographic location and time of year (Ryan Moody, Dauphin Island Sea Lab, pers. comm. to Kelcee Smith, Riverside, Inc., on July 17, 2012; Masonjones and Rose 2009; Masonjones *et al.* 2010; Mark Fisher, Texas Parks & Wildlife Dept., pers. comm. to Kelcee Smith, Riverside, Inc., on July 12, 2012; Mike Harden, Louisiana Dept. of Natural Resources, pers. comm. to Kelcee Smith, Riverside, Inc., July 24, 2012). However, within aquarium husbandry the dwarf seahorse is considered a tropical species, and water temperatures of 68–79° F are recommended (20–26° C; Masonjones 2001; Koldewey 2005). In their review paper, Foster and Vincent (2004) reported the maximum recorded depth for the dwarf seahorse as 6.5 feet (2 meters).

Diet and Feeding

Seahorses are ambush predators, feeding on harpacticoid copepods and amphipods (both very small crustaceans measuring only a few millimeters in length) as they drift along the edges of seagrass beds (Huh and Kitting 1985; Tipton and Bell 1988). No seasonal differences have been reported in the dwarf seahorse diet (Tipton and Bell 1988). Dwarf seahorses produce a stridulatory sound (a ''click'') from the articulation of the supraoccipital and coronet bones in the skull during feeding, and it has been shown that dwarf seahorses click 93 percent of the time during feeding in a new environment, and during competition for mates (Colson *et al.* 1998).

Reproductive Biology

Dwarf seahorses reach reproductive maturity at approximately 3 months of age (Wilson and Vincent 2000) and exhibit gender-specific roles in reproduction (Masonjones and Lewis 1996; Masonjones and Lewis 2000; Vincent 1994). Dwarf seahorses are generally monogamous (the practice of an individual having one mate) within a breeding season and mates are chosen by similarity in size (Jones *et al.* 2003; Wilson *et al.* 2003). Dwarf seahorses will reject a potential mate if the size difference is too large (Masonjones *et al.* 2010). Once bonded, the mating pair remains together throughout a 3-day courtship ritual. After successful courtship, the female deposits unfertilized eggs into the male's brood pouch. In the brood pouch, eggs are fertilized and the embryos are nourished, osmoregulated (the body fluid balance and concentration of salts is kept stable), oxygenated (by circulating water), and protected (Jones *et al.* 2003; Vincent 1995a; Wilson *et al.* 2003; Wilson and Vincent 2000). Strawn (1958) reported a maximum number of 69 eggs found in the ovaries of a female and up to 55 young counted in the pouch of a male. Masonjones and Lewis (1996) found that males give birth to an average of 3–16 offspring per brood. Males in captivity usually give birth to fewer individuals compared to males in the wild (Masonjones *et al.* 2010). Throughout the 10–12-day gestation (Masonjones and Lewis 2000) the female greets the male daily and the pair remains in close proximity (Jones *et al.* 2003; Vincent 1995a; Wilson and Vincent 2000).

Dwarf seahorses exhibit iteroparity (multiple reproductive cycles) throughout the breeding season (Masonjones and Lewis 1996; Masonjones and Lewis 2000; Rose *et al.* 2014). Following the transfer of eggs, the female begins developing new eggs for the next clutch (Masonjones and Lewis 1996; Masonjones and Lewis 2000). Egg development is achieved in 2 days but the female is only sexually receptive for a few hours following development and is ''essentially incapable of mating before the end of their previous mating partner's gestation period'' (Masonjones and Lewis 2000). Under ideal conditions, the male can mate 4–20 hours after giving birth, allowing dwarf seahorse pairs to produce up to two broods per month (Masonjones and Lewis 2000; Strawn 1958; Vari 1982). Masonjones and Lewis (2000) reported the potential number of offspring that male and female dwarf seahorses could produce over the breeding season were 279.5 and 240.5 individuals, respectively. This difference in potential offspring between the two sexes is a result of latency, as males are faster to respond to new potential mates if the pair bond is disrupted (if one dies or is removed). If the female dies or is removed during gestation, the male will give birth to that clutch before finding a new mate. If a pregnant male (a male carrying fertilized eggs) dies or is removed, the female will not mate until the gestation for the interrupted pregnancy would have been complete (Masonjones and Lewis 2000).

Dwarf seahorse breeding season is generally protracted and is influenced by day length and water temperature (Koldewey 2005; Masonjones and Lewis 2000; Strawn 1958; Vari 1982). Breeding occurs year-round at latitudes south of approximately 28° N (Rose *et al.* 2019). During the summer months, when the day length is longer and water temperature exceeds 86° F (30° C), dwarf seahorses reproduce more frequently because gestation is shorter (Fedrizzi *et al.* 2015; Foster and Vincent 2004). For

example, in Tampa Bay, Florida, pregnant males are found in all months but are more abundant early summer through fall (Rose *et al.* 2019). Year round reproduction was also observed in the Florida Keys, based on anecdotal reports from commercial collectors (FWC 2016).

Population Structure and Genetics

Fedrizzi *et al.* (2015) investigated dwarf seahorse population genetic structure at eight Florida locations: One in the Panhandle (Pensacola), two adjacent to Tampa Bay, four in the Florida Keys, and one in Indian River Lagoon. The study found significant population structuring with a strongly separated population in the Panhandle, two recognizable subpopulations in the Florida Keys, and a potential fourth subpopulation at Big Pine Key. Dwarf seahorses from the Indian River Lagoon were not delineated as a discrete population, due to small sample size and lack of consistency in relationship to the other populations. Despite overall population structuring, Fedrizzi *et al.* (2015) observed evidence of some gene flow between sampled locations, with the exception of the Florida Panhandle. The results suggest that the subpopulations of Florida's dwarf seahorses that are closest to each other are more genetically similar than those that are further apart. Interestingly, the distance between the sites sampled by Fedrizzi *et al.* (2015) is greater than the distance over which Florida's dwarf seahorses have been shown to actively migrate (Masonjones *et al.* 2010). Thus, genetic connectivity between subpopulations is more likely the result of individuals dispersing to neighboring subpopulations through rafting.

Status Assessments

There have been no formal status assessments conducted for the dwarf seahorse throughout its range. While the species has been documented from Florida to Texas in the United States and Cuba, The Bahamas, Bermuda and Mexico internationally, data are generally lacking outside of Florida. Given the paucity of data outside the United States, we are unsure of the status of dwarf seahorse in these other countries. Studies indicate dwarf seahorse subpopulations have steadily decreased throughout their range since the 1970s due to loss of habitat and are noted as rare in parts of its former range (Koldewey 2005; Musick *et al.* 2000). Our evaluation of available data reviewed during the status review supports this assertion, as the species is rarely collected along the north coast of the Gulf of Mexico and relative abundance has declined since the 1990s in long-term fishery-independent data from Florida (Figure 3 in NMFS 2020). It is unlikely that the dwarf seahorse ever fully occupied the northern Gulf of Mexico due to winter water temperatures below the species' optimal limits and the general lack of available seagrass habitat, as compared to Florida and south Texas (Handley *et al.* 2007). Current data indicate that the species remains common along the south and southwest coasts of Florida, specifically west Florida from Tampa Bay to the Florida Keys.

In Florida, the species appears to be most abundant in five estuaries: Charlotte Harbor, Tampa Bay, Sarasota Bay, Biscayne Bay, and Florida Bay, which the SRT considers to be the core area of abundance critical to the population, based on available seagrass habitat and the species' thermal tolerance. Long-term dwarf seahorse abundance in Charlotte Harbor and Tampa Bay estuaries has declined, but population abundance has remained stable at a lower level since 2009 when the commercial harvest trip limit regulations (see 68B–42, F.A.C.) went into effect (FWC unpublished data). Rose *et al.* (2019) found Tampa Bay dwarf seahorse was a robust subpopulation with stable densities across 3 years and year-round breeding. Additionally, Tampa Bay dwarf seahorse densities in 2008–2009 (Rose *et al.* 2019) were significantly higher than those reported for 2005–2007 (Masonjones *et al.* 2010). The U.S. Geological Survey data from Florida Bay and Biscayne Bay suggest the relative abundance of dwarf seahorse was stable within these systems over the short duration (2005–2009) of their study. Cumulatively, the best available information on the dwarf seahorse's status suggests that Florida Bay has the highest relative abundance of dwarf seahorse.

Carlson *et al.* (2019) estimated dwarf seahorse population size in five regions of Florida using a population viability model. Initial population size estimates were developed for the following subpopulations; Cedar Key, Tampa Bay, Charlotte Harbor, Florida Bay, and North Indian River Lagoon, based on all known existing survey data. Known density estimates varied from 0.0–0.59 N/m^2 (individuals per square meter) with highest densities in the most southern Bays (*i.e.,* Florida Bay and Biscayne Bay) and lower estimates in Tampa Bay, southwest Florida, and north Florida (Table 2 in Carlson *et al.* 2019). Carlson *et al.* (2019) derived initial estimates of subpopulation size by using all available dwarf seahorse density observations to create 10,000 bootstrapped samples (simulated outcomes). The 5 percent or 10 percent quantiles of seahorse density estimates (0.0009 N/m^2 and 0.003 N/m^2, respectively) from the bootstrapped samples were then multiplied by the available seagrass acreage in nearshore waters (Yarbro and Carlson 2016). Carlson *et al.* (2019) used the 5 percent or 10 percent quantiles to conservatively account for variability in dwarf seahorse distribution within seagrass meadows (greater density of dwarf seahorse in areas with higher density of seagrass blades and higher seagrass canopy (Lourie *et al.* 2004)). As dwarf seahorses are most abundant in bay systems south of 29° N latitude, Carlson *et al.* (2019) applied the density estimate from the 10 percent quantile (0.003 N/m^2) for the Tampa Bay, Charlotte Harbor and Florida Bay subpopulations (those south of 29° N latitude) and the 5 percent quantile (0.0009 N/m^2) for the Cedar Key and north Indian River Lagoon subpopulations (north of 29° N latitude). Retrospective projections from these conservative initial estimates suggested male subpopulation sizes in 2016 ranged from about 15,258 at Cedar Key to 9,910,752 in Florida Bay. Assuming a female biased sex ratio of 58.2/41.8 (Rose *et al.* 2019), the total estimated population across the five modeled subpopulations exceeded 29 million individual dwarf seahorse in 2016.

The population abundance estimates from Carlson *et al.* (2019) are likely conservative for the following reasons: (1) The starting densities derived from the 5 percent or 10 percent quantiles of the bootstrapped samples are expected to be underestimates of the actual densities for each subpopulation; (2) the intrinsic rate of population increase (R_{max}) was conservatively estimated (assumed equal to the dominant eigenvalue (an indicator of variance in the data) of the Leslie matrix (an age-structured model of population growth) at starting conditions prior to density-dependence (Cortes 2016)) and was much lower than estimated R_{max} for other seahorse species (Denney *et al.* 2002, Curtis 2004); (3) the RAMAS model used by Carlson *et al.* (2019) accounted for variability in survivorship of each age class resulting in 98 percent of reproduction generated by the Age-0 class (suggests nearly all reproduction is carried out in the first year so any reproduction after the first year is generally unaccounted for even though it could be occurring); (4) carrying capacity in seagrass habitats was capped at the 25 percent quantile estimate from the bootstrapped data (0.02 N/m^2),

which is likely an underestimate; (5) a 30 percent mortality rate was assumed for acute cold exposure although greater thermal tolerance is suggested by Mascaró *et al.* (2016); and (6) a theoretical mortality rate of 100 percent for harmful algal bloom (HAB) exposure was assumed, with HABs assumed to cover 25 percent to 50 percent of available seagrass habitat within a given estuary, despite limited observations of HAB overlap with seagrass beds in coastal bays (NOAA–HABSOS 2018).

Extinction Risk Analysis

The SRT relied on the best information available to conduct an ERA through evaluation of four demographic viability factors and five threats-based listing factors. The SRT, which consisted of three NOAA Fisheries Science Center and Regional Office personnel, was asked to independently evaluate the severity, scope, and certainty for these threats currently and in the foreseeable future. The SRT defined the foreseeable future as the timeframe over which threats that impact the biological status of the species can be reliably predicted.

Several foreseeable future scenarios were considered. The different foreseeable futures were based on the ability to forecast different primary threats and the species response to these threats through time. As outlined in the Status Review Report (NMFS 2020), habitat loss associated with climate change, overutilization in a targeted fishery, and stochastic events such as HABs and cold weather events are the greatest threats to the species. These threats affect dwarf seahorse populations over different time scales. Stochastic events such as HABs and severe cold events are generally restricted in geographic space, duration, and frequency and therefore are likely short-term threats. Directed harvest is a longer-term threat; however, harvest regulations can be dynamically adapted to promote sustainability. Contemporary models forecast climate change effects several decades into the future; thus, climate change is considered a long-term threat.

The response of dwarf seahorses was considered over the timeframes associated with the major threats. Dwarf seahorse subpopulations have demonstrated remarkable resilience to stochastic events, with apparent large population declines followed by large population increases (NMFS 2020). The response of dwarf seahorses to long-term threats was difficult to predict given the species' life history, including longevity and generation time. At approximately 1–3 years (Abbott 2003; Koldewey 2005; Strawn 1958; Vari 1982), dwarf seahorse longevity is very short in comparison to many other teleost fish. Dwarf seahorses reach sexual maturity in about 3 months (Strawn 1953; Strawn 1958; Koldewey 2005) and generation time is 1.24 years. As an early-maturing species, with fast growth rates and high productivity, dwarf seahorse subpopulations are highly dynamic and likely able to respond quickly to conservation actions or short-term threats. However, this brief life history strategy makes it difficult to forecast the response to long-term threats, such as climate change, that extend over several decades. The SRT was unsure how a short-lived species would be able to adapt to slowly changing habitats associated with climate change. The SRT discussed whether the impacts of known threats could be confidently predicted over timeframes of several generations.

The SRT believed the foreseeable future should include several generation times and ultimately decided on approximately 8 generation times, or 10 years, as the SRT felt confident they could predict the impact of threats on the species over a decade. While the selected foreseeable future of 10 years is shorter than that estimated for other species, the brief and highly dynamic life history of the dwarf seahorse must be considered in determining an appropriate foreseeable future because, their rapid turnover and capacity for replacement limits our ability to reasonably predict the impact of longer-term threats on the species.

The ability to determine and assess risk factors to a marine species is often limited when quantitative estimates of abundance and life history information are lacking. Therefore, in assessing threats and subsequent extinction risk of a data-limited species such as the dwarf seahorse, we include both qualitative and quantitative information. In assessing extinction risk to the dwarf seahorse, the SRT considered the demographic viability factors developed by McElhany *et al.* (2000) and the risk matrix approach developed by Wainwright and Kope (1999) to organize and summarize extinction risk considerations. The approach of considering demographic risk factors to help frame the consideration of extinction risk has been used in many of our status reviews (see *https://www.fisheries.noaa.gov/resources/documents?sort_by=created&title=status+review* for links to these reviews). In this approach, the collective condition of individual populations is considered at the species level according to four demographic viability factors: abundance, growth rate/productivity, spatial structure/connectivity, and diversity. These viability factors reflect concepts that are well-founded in conservation biology and that individually and collectively provide strong indicators of extinction risk.

Using these concepts, the SRT evaluated extinction risk by assigning a risk score to each of the four demographic viability factors and five threats-based listing factors. The scoring was as follows: Very low risk = 1; low risk = 2; medium risk = 3; high risk = 4; and very high risk = 5.

- *Very low risk:* It is unlikely that this factor contributes significantly to risk of extinction, either by itself or in combination with other demographic viability factors.
- *Low risk:* It is unlikely that this factor contributes significantly to current or long-term risk of extinction by itself, but there is some concern that it may, in combination with other demographic viability factors.
- *Moderate risk:* This factor contributes to the risk of extinction and may contribute to additional risk of extinction in combination with other factors.
- *High risk:* This factor contributes significantly to short-term or long-term risk of extinction and is likely to be magnified by the combination with other factors.
- *Very high risk:* This factor by itself indicates danger of extinction in the near future and over the foreseeable future.

SRT members were also asked to consider the potential interactions among demographic and listing factors. If the demographic or listing factor was ranked higher due to interactions with other demographic or listing factors, SRT members were asked to identify those factors that caused them to score the risk higher (or lower) than it would have been if it were considered independently.

Finally, the SRT examined and discussed the independent responses from each team member for each demographic and listing factor to determine the overall risk of extinction (see *Extinction Risk Determination* below).

Demographic Risk Analysis

Abundance

The best available information on dwarf seahorse abundance indicates that the species may still be present along the east coasts of Mexico and Texas and along both coasts of Florida. Lack of data from outside the United States

hindered the SRT's ability to analyze abundance trends in foreign locations. Within the United States, dwarf seahorse appears to be most common in Florida, though it is also present at a much lower level of abundance in south Texas. Outside of Florida and Texas, observations and records of the dwarf seahorse are historically uncommon. Seasonally low water temperatures establish geographic range boundaries, which likely contribute to the limited number of records of the dwarf seahorse in waters of the northern Gulf coast (Florida panhandle to north Texas). Additionally, limited seagrass habitat along the northern Gulf coast, both historically and currently, also likely restricts dwarf seahorse in this region. There are three sources that can be used to estimate the species relative abundance: U.S. Geological Survey data, the Florida Fish Wildlife Conservation Commission (FWC) Fisheries Independent Monitoring (FIM) program in Florida, and the Texas Parks and Wildlife Department (TPWD) monitoring program in Texas. Additionally, a population modeling study by Carlson *et al.* (2019) provides insight into the abundance of dwarf seahorse in Florida and the potential changes to this population in the context of ongoing threats.

The FWC FIM program provided survey data for several estuarine areas in Florida including Apalachicola Bay (1998–2016), Cedar Key (1996–2016), Tampa Bay (1996–2016), Sarasota Bay (2009–2016), Charlotte Harbor (1996–2016), Florida Bay (2006–2009), and Indian River Lagoon (1996–2016). FIM program data indicate that dwarf seahorses are not abundant in northern Florida and have not been encountered in the Florida Keys National Marine Sanctuary. Surveys conducted within estuaries of northern Florida found that the species is rare in Apalachicola Bay and Cedar Key, and has never been recorded in Choctawhatchee Bay or Northeast Florida. In the Indian River Lagoon, on Florida's east coast, relative abundance was low throughout the survey period (1996–2016), with no individuals recorded from 2011–2013. The decline of the dwarf seahorse in the Indian River Lagoon could be the direct result of recent HABs in the estuary (SJRWMD, 2012; FWC, 2014). During the late 1980s and early 1990s, significant HABs in Florida Bay resulted in massive seagrass die-offs and reductions in dwarf seahorse abundance (Matheson Jr. *et al.* 1999). However, survey data from 2006–2009 suggest that the dwarf seahorse was relatively abundant in Florida Bay when compared to other species and locations (FWC FIM unpublished data).

In Florida, the species appears to be most abundant in five estuaries: Charlotte Harbor, Tampa Bay, Sarasota Bay, Biscayne Bay, and Florida Bay (Figures 3 and 4 in NMFS 2020). The SRT believes these five estuaries comprise the core area of abundance critical to the population. Although long-term dwarf seahorse abundance has declined from historical levels, abundance has remained stable at a lower level since 2009 when the trip limit regulations went into effect (FWC FIM unpublished data). The best available information on the dwarf seahorse's status suggests that Florida Bay has the highest relative abundance of the dwarf seahorse.

Retrospective population projections provided in the Carlson *et al.* (2019) population viability assessment (PVA) of dwarf seahorses estimated male subpopulation sizes over the past 15–20 years using the empirical trends in seagrass coverage and occurrences of major stochastic events. Carlson *et al.* (2019) estimated subpopulations in 2016 ranging from 15,258 in Cedar Key to 9,910,752 in Florida Bay. We compared the Carlson *et al.* (2019) estimated annual subpopulation sizes to the relative abundance indices from the FWC FIM small seine surveys for Cedar Key, Charlotte Harbor, Tampa Bay and Indian River Lagoon (Figure 18 in NMFS 2020). Modeled subpopulation sizes from the PVA did not track the trends in relative abundance reported by FWC early in the time series. The poor fit between modeled and reported data early in the time series was likely a result of the conservative initial population estimates in Carlson *et al.* (2019). However, the modeled data appeared to equilibrate and become more representative mid-way through the time series as indicated by similar patterns in trends between the modeled and reported data.

The general agreement in recent trends suggests the PVA model captured the primary drivers of dwarf seahorse abundance. Additionally, the PVA results suggest that even with conservative assumptions regarding initial population sizes for the different subpopulations, carrying capacity, sex ratio, and age at maturity, the dwarf seahorse population numbers in the tens of millions in Florida waters (Carlson *et al.* 2019). Dwarf seahorse subpopulation densities (N/m^2), which were derived by dividing Carlson *et al.* (2019) subpopulation estimates by total subregion seagrass habitat areas, are significantly lower than those empirically observed, suggesting the Carlson *et al.* (2019) PVA is conservative in its assessment of total population size (see Table 2 in Carlson *et al.* 2019; Rose *et al.* 2019, Figures 3 & 4 in NMFS 2020). Similarly, multiplication of recent density estimates for Tampa Bay (0.139 N/m^2—Rose *et al.* 2019; 0.095 N/m^2—Masonjones *et al.* 2019) and Florida Bay (0.00392 N/m^2 in seines and 0.00462 N/m^2 in trawls—FWC FIM unpublished data) by the most recent estimates of seagrass habitat area in Tampa Bay (2014) and Florida Bay (2010–2011), respectively, provided estimates in the range of 15.5–22.6 million dwarf seahorses in Tampa Bay and between 6.0–7.1 million dwarf seahorses in Florida Bay. This analytical approach could overestimate seahorse abundance if the density estimates were generated from areas of localized dwarf seahorse abundance. However, density estimates are influenced by catchability, which varies between sampling gears. Dwarf seahorse densities derived from FIM catch-per-unit effort (CPUE) in Tampa Bay for 2009 were orders of magnitude smaller for bag seine and otter trawl, respectively (0.000402 N/m^2 and 0.0000125 N/m^2) than those derived by Rose *et al.* (2019). These nominal CPUEs are 2.9 percent and 0.1 percent of the densities reported by Rose *et al.* (2019) for the same time period using specialized gears for sampling dwarf seahorse. Thus, population sizes of dwarf seahorse based on expanding nominal FIM CPUE to seagrass area could be underestimates if animals are uniformly distributed within seagrass habitats across the FIM sampling domain. The difference in estimated abundance between Tampa Bay and Florida Bay presented above is likely attributable to sampling design; the Tampa Bay studies by Masonjones *et al.* (2019) and Rose *et al.* (2019) were actively targeting dwarf seahorses using specialized gears in an area believed to contain high densities, whereas the Florida Bay study was a general nekton survey using less efficient gears (trawls and seines) for collecting dwarf seahorse. Importantly, this approach does suggest that field estimates of abundance, when expanded for the full range of dwarf seahorse habitats, can greatly exceed the estimates generated by the Carlson *et al.* (2019) modeling approach.

In Texas, dwarf seahorse abundance is low and restricted to the central and southern coastal systems including Aransas Bay, Corpus Christi Bay, San Antonio Bay, and the Upper and Lower Laguna Madre. The species has not been recorded in TPWD surveys conducted in

Galveston, Matagorda, and East Matagorda Bay systems. Of the bays where dwarf seahorses have been recorded, relative abundance is highest in Upper Laguna Madre, though abundance is still very low within this system compared to the Florida estuaries. Data series for the other bays (Aransas, Corpus Christi, San Antonio, and Lower Laguna Madre) have fewer than 10 records each, and therefore the SRT was unable to discern population trends. The SRT believes that Upper Laguna Madre is likely the core area of abundance for the southwestern portion of the species range within U.S. waters.

Populations with very low abundance that occur over a limited geographic scale are more likely to be impacted by stochastic events such as HABs or extreme cold weather events. Recolonization and recovery is dependent on the ability of surrounding populations to provide recruits to the depleted area. In some cases, a population may have suffered a stochastic event and not been encountered in surveys for several years before eventually returning to the area. Periodic HABs continue to occur in Texas lagoons, but some bays, like Laguna Madre, have consistently recorded dwarf seahorses in surveys indicating that subpopulations can tolerate stochasticity in their environment. Regardless, it is not prudent to base an assessment of risk to species abundance on such few observations as reported from Texas.

Commercial harvest and bycatch of the dwarf seahorse in Florida is a factor that impacts species abundance. The dwarf seahorse is targeted by the commercial ornamental fishery to be sold for aquarium markets. According to dealer reports, harvest appears to be focused from Tampa Bay to Fort Myers and from Florida Bay to Miami (FWC, 2012). However, commercial harvest is prohibited within the Everglades National Park, which encompasses a significant portion of Florida Bay. The dwarf seahorse is also among those species likely captured by non-selective trawl fishing gear targeting bait shrimp, because this trawling often occurs in seagrass habitat. The subpopulations in Charlotte Harbor and Tampa Bay have been variable since surveys began in 1996, but have stabilized since new regulations limiting harvest were adopted in 2009. Because few, if any, reported large-scale stochastic events have occurred over the past two decades within these systems, it is reasonable to infer that high levels of commercial harvest prior to the 2009 trip limit likely caused at least a portion of the observed historical declines in Charlotte Harbor and Tampa Bay (Figures 12 & 13 in NMFS 2020).

The best available information indicates that habitat loss and degradation, stochastic events (HABs and extreme cold weather events), and commercial harvest are factors that impact dwarf seahorse abundance. However, the species appears to be at risk of local extirpation only where populations have very low abundance or are isolated due to the distance between habitat patches or estuary systems.

Based on the above information, the SRT members scored the present risk of dwarf seahorse extinction based on abundance from 2 to 3, with a mean of 2.3 and a mode of 2. The team concluded that, based on the population estimate resulting from the population viability model, which shows stable or increasing subpopulations in most areas, the abundance of dwarf seahorse presents a low risk of extinction and the population is robust enough to withstand threats currently facing the species. This result is similar to the International Union for Conservation of Nature (IUCN) Red List assessment, which identified dwarf seahorse as a species of ''least concern'' in terms of its threat status (Masonjones *et al.* 2017). Although most subpopulations showed stable or increasing abundance and the team expected these patterns to continue into the foreseeable future based on the predictive modeling in Carlson *et al.* (2019), an increase in the frequency, duration, or scale of stochastic events into the future may increase extinction risk. It was unclear to the SRT whether HABs and cold weather events would increase in frequency and magnitude over the 10-year foreseeable future, because the events are stochastic in nature and their causes are poorly understood. Several conservative 10-year forecasts were modeled to encompass the extinction risk associated with the possibility of an increasing frequency and magnitude of these stochastic events. When considering the contribution of abundance to the risk of extinction over the foreseeable future, the team scored abundance as a moderate risk (3), given the uncertainty associated with increased potential for stochastic events.

Population Growth Rate and Productivity

The life history characteristics of the dwarf seahorse (*i.e.,* early age at maturity, rapid growth, high fecundity, and parental care) suggest that this species has a relatively high intrinsic rate of population increase (more births than deaths per generation time; R_{max} = 1.49 yr^{-1}) and high compensatory capacity (ability of a population to positively respond to changes in its density) (Kindsvater *et al.* 2016). The dwarf seahorse has relatively high fecundity compared to other seahorse species, though fecundity is much lower than other teleosts. Current demographic analysis suggest that healthy subpopulations have high intrinsic rates of population increase and would be able to tolerate high levels of direct and indirect mortality. However, the species also has complex courtship behaviors and is constrained by its habitat specificity and small home range. With the dwarf seahorse's complex reproductive behaviors, many factors (*e.g.,* stochastic events, directed fishing, bycatch) could disrupt courtship and mating and consequently reduce productivity.

The SRT believes that the dwarf seahorse subpopulations in Charlotte Harbor, Sarasota Bay, Tampa Bay, Florida Bay, and Biscayne Bay are more productive than those of other estuaries and bays within the species' range. The best available information suggests that several other estuaries and bay systems in Florida and Texas have subpopulations which may be at risk of an Allee effect (*i.e.,* inability to find a mate and subsequently low levels of population growth from future recruitment), though these are all systems along the fringe of the dwarf seahorse range and therefore may have naturally low abundance.

The SRT considered scenarios developed by Carlson *et al.* (2019) for dwarf seahorse abundance in five bay systems: Cedar Key, Tampa Bay, Charlotte Harbor, Florida Bay and northern Indian River Lagoon (Figure 5 in NMFS 2020). Scenarios were initiated at the earliest time data were available on the coverage of the seagrass canopy from Yarbro and Carlson (2016) taking into account changes in seagrass density, commercial harvest, bycatch and mortality related to HABs and cold temperature events. Three of the five subpopulations (Tampa Bay, Charlotte Harbor, Florida Bay) slightly increased in abundance (3–8 percent), whereas the Cedar Key and northern Indian River Lagoon subpopulations did not increase in abundance.

Carlson *et al.* (2019) also explored future scenarios to test the effect of the most likely threats to dwarf seahorse (Figure 20 in NMFS 2020). As the harvest of dwarf seahorse by the Marine Life fishery has been limited, the greatest threats to future seahorse subpopulations include the loss of seagrass habitat, and increased harmful algal blooms, which can cause acute

mortality. Carlson *et al.* (2019) explored optimistic scenarios (increased seagrass coverage and current levels) and pessimistic scenarios (increased rates of mortality, loss of seagrass habitat and likelihood of HABs increasing from historically observed levels). The population was projected forward 10 years. Starting conditions for these projections were conservatively assumed at the lower 5 or 10 percent quantiles from bootstrapped empirical estimates of abundance (see Table 2 in Carlson *et al.* 2019). Projected stock trajectories under potential future conditions were mostly stable in Cedar Key, declining in Northern Indian River Lagoon, and generally increasing under the vast majority of scenarios for the other three locations (Figure 13 in NMFS 2020). Only the most pessimistic scenario for Indian River Lagoon resulted in extirpation of any subpopulation within 10 years.

Scenarios testing the effects of HABs accompanied by reduced seagrass habitat affected all subpopulations' abilities to grow. The subpopulation to be most affected was the Indian River Lagoon, which experienced significant declines in abundance. Abundance of dwarf seahorse in Indian River Lagoon declined from a starting size of about 86,000 males to less than 6,000 in 10 years. Other subpopulations were able to maintain their baseline levels of abundance despite losses of habitat.

The SRT determined that population growth rate and productivity of dwarf seahorse present a low risk of extinction to the species. Each member of the team scored this demographic variable as a level 2 risk, both currently and over the foreseeable future.

Spatial Structure/Connectivity

The dwarf seahorse has low mobility, occupying a limited activity space and small home range within a specific habitat (seagrasses). These life history traits suggest that the species is not likely to disperse actively. However, movement by passive dispersal occurs as seahorses use their prehensile tail to hold on to seagrass or macroalgae which are carried by currents (Foster and Vincent 2004; Masonjones *et al.* 2010; Fedrizzi *et al.* 2015). A population genetics study on *Hippocampus kuda* in the Philippines suggested colonization of distant habitats by a small number of founding individuals may be common in seahorses associated with the *H. kuda* complex (Teske *et al.* 2005).

The species' short lifespan, narrow habitat preference, and low mobility increase extinction vulnerability as the dwarf seahorse is susceptible to population fragmentation and loss of population connectivity. Successful repopulation or colonization may depend on a sufficient number of individuals emigrating to a habitat containing seagrass to establish themselves. It is essential that seagrass habitat patches exist between subpopulations as dispersal capabilities are restricted by the availability of seagrass habitat. Historically, the dwarf seahorse has shown that it can recover from stochastic events (HABs and extreme cold weather events) where subpopulations have been impacted or even temporarily extirpated, but low relative abundance in some areas may limit repopulation.

Based on the best available information on the spatial structure/connectivity of dwarf seahorse subpopulations, the SRT believes this demographic variable presents a moderate extinction risk both now and in the foreseeable future. Team scores ranged from 2 to 3, with a mean of 2.7 and a mode of 3. Differences in scores were largely a reflection of personal thoughts on how far dwarf seahorses may disperse via rafting, and thus how connected the populations could be.

Diversity

The loss of diversity can reduce a species' reproductive fitness, fecundity, and survival, thereby contributing to declines in abundance and population growth rate and increasing species extinction risk (Gilpin and Soule, 1986). There is no indication that the dwarf seahorse is at risk due to a significant change or loss of variation in life history characteristics, population demography, morphology, behavior, or genetics.

However, the SRT considered diversity to present a moderate extinction risk to dwarf seahorses both now (range 2–3, mode = 3) and in the foreseeable future (range 2–3, mode 3). The team considered this a moderate risk given the lack of genetic information, particularly from Texas, and how that population may relate to the Florida population. Similarly, Fedrizzi *et al.* (2015) indicated population structuring in which the Panhandle represents a separate population from other areas of Florida. Given the large distance between the subpopulations in the Florida panhandle and other parts of Florida the team also expressed concern over the transfer of genetic material. Expanding the research of Fedrizzi *et al.* (2015) to include dwarf seahorses from Texas and Mexico could provide additional information on the diversity of dwarf seahorse, the relationship among those outside of Florida, and whether additional regulatory measures may be necessary.

Summary of Demographic Risk Analysis

The SRT found that threats such as habitat loss or degradation and overutilization may interact with the dwarf seahorse's life history traits to increase the species' extinction risk. The dwarf seahorse's habitat preference and low mobility could increase the species' ecological vulnerability, as the species may be slow to recolonize depleted areas. Similarly, patchy spatial distributions in combination with low relative population abundance (relative to historical levels) make the species susceptible to habitat degradation and overexploitation. Life history traits, such as complex reproductive behavior and monogamous mating, may also increase the species' vulnerability. However, the species' ability to mature early and reproduce multiple times throughout a prolonged breeding season offsets much of the vulnerability.

Threats-Based Analysis

The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The SRT considered the destruction or modification of habitat to be the largest threat facing dwarf seahorse both now and into the foreseeable future. As discussed in the Status Review Report (NMFS 2020), there are a number of threats impacting seagrass habitats upon which dwarf seahorse rely, including water quality, damage from vessels and trawling, and climate change. Regulations and educational programs have and continue to be implemented in an attempt to reduce impacts from water quality, vessels, and trawling. In light of the long-term HAB in the Indian River Lagoon resulting in large-scale losses of seagrasses and the collapse of the dwarf seahorse subpopulation there, the SRT was particularly concerned with HABs, their interaction with water quality, and their potential to negatively affect dwarf seahorse. One of the most severe HABs on the west coast of Florida occurred in 2005, with substantial spread of red tide into Tampa Bay (see Figure 1b in Flaherty & Landsberg 2011). FIM data showed a substantial (−71 percent) but statistically insignificant decline in relative abundance in 2005, with a substantial (+110 percent) recovery in 2006. Another HAB was present along the west coast of Florida between Charlotte Harbor and Tampa Bay during the summer and fall of 2018. HAB monitoring data indicate *Karenia brevis* (red tide) did not enter Tampa Bay or Charlotte Harbor (Figure 21 in NFMS

2020), which may have spared dwarf seahorses inhabiting these estuaries. Subsequent dwarf seahorse sampling in Tampa Bay during 2019 indicates a robust dwarf seahorse population in Old Tampa Bay and Ft. DeSoto areas (H. Masonjones, University of Tampa, pers. comm. to Adam Brame, NOAA Fisheries, on October 13, 2019). The 2018 HAB did not affect Florida Bay, where surveys and model simulations suggest dwarf seahorses are found in the highest abundance.

The SRT was also concerned about the impact of climate change affecting seagrass habitat into the future. Climate change is expected to impact seagrass habitat, though the temporal rate and degree to which this occurs is not known with certainty. The Status Review indicates that thermal tolerance of seagrasses and rising sea levels may affect future distribution and meadow health, while warming seawater temperatures could increase the available habitat for dwarf seahorses along the northern Gulf of Mexico. Based on the above information, the team scored the present destruction or modification of habitat as a moderate risk for dwarf seahorse, with all team members giving it a score of 3. Considering the uncertainty associated with climate change and HABs in the future, the team scored this threat slightly higher when considering it over the foreseeable future, with two members giving it a score of 4 and one team member giving it a score of 3.

Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The commercial harvest of the dwarf seahorse is restricted to Florida, but is considered by the SRT to be the second greatest threat to the species after habitat loss and degradation. The dwarf seahorse is harvested largely for the aquarium markets and removals have resulted in declines in local subpopulation abundance since the early 1990s. In general, seahorses are one of the most popular and heavily exploited marine ornamentals harvested in Florida. Dwarf seahorse landings are significantly higher than other seahorse species; landings data shows that seahorse harvest consists almost solely of dwarf seahorse.

Data indicate that over a 25-year timeframe, dwarf seahorse landings have fluctuated with tens of thousands being harvested annually. Historical declines in abundance observed in Charlotte Harbor and Tampa Bay suggest that harvest may be impacting these core subpopulations. A 2009 trip limit regulation has reduced the harvest of dwarf seahorses and the population appears to have stabilized as a result (Figures 3 and 5 in NMFS 2020). Additionally, a significant portion of Florida Bay is protected by the prohibition on commercial fishing within Everglades National Park boundaries. The protection against commercial harvest and bycatch within this system likely played a significant role in the species' ability to recover from the HABs that impacted Florida Bay during the late 1980s and early 1990s.

While the use of any net with a mesh area exceeding 500 square feet (46.5 square meters) is prohibited in nearshore and inshore waters of Florida (Florida 68B–4.0081(3)(e)), a bait-shrimp fishery operates within these boundaries. This fishery relies upon small trawls to collect shrimp for bait, and, given this fishery operates in seagrass habitat, it is reasonable to infer that dwarf seahorse are removed as bycatch. Seahorses may be more vulnerable to injuries, mortality, and disruption of reproduction in habitats that are disturbed by heavy trawls deployed for longer periods and over greater areas (Baum *et al.* 2003). Baum *et al.* (2003) analyzed bycatch of the lined seahorse (*Hippocampus erectus*) in the bait-shrimp trawl fishery and estimated about 72,000 seahorses were incidentally caught per year. However, this study reported only two dwarf seahorses were captured during the study period. In developing bycatch estimates for use in their population viability model, Carlson *et al.* (2019) used the ratio of dwarf seahorse caught to lined seahorse caught and estimated that 157 dwarf seahorses are incidentally caught per year.

The SRT assumes that demand for the dwarf seahorse in the marine ornamental fishery and aquarium markets will continue. The extent to which heavy commercial harvest is impacting dwarf seahorse populations in Florida is largely unknown, although there are some indications that overharvest may be impacting populations in Charlotte Harbor and Tampa Bay. In response to the listing petition and the subsequent data request by NMFS, the State of Florida considered new regulations, which included time-area closures and a 200 seahorses per trip limit. NMFS analyzed the potential effects of the proposed regulations and determined the area closure, the 200 seahorses per trip limit, and an April–June closed season could, cumulatively, reduce harvest by 40–48 percent (NMFS 2015). Despite the results of the analysis, the State of Florida did not adopt the new regulations, as the state believed the current trip limit of 400 seahorses per day was sufficient for sustainably managing the wild populations of seahorses. While the SRT believes that the dwarf seahorse population is likely still being negatively impacted by harvest under the current regulations, removals since 2009 have declined by 55 percent, and the relative abundance trend information since 2009 is stable (as an indirect indicator of status) in areas where dwarf seahorses are significantly harvested (*e.g.,* southwest Florida and southeast Florida, including the Florida Keys). Dwarf seahorses are characterized by rapid growth, early age at maturity, and short generation time, all of which collectively indicate that the species has high intrinsic rates of population increase. This suggests that populations can recover from declines following a reduction in fishing effort (Curtis *et al.* 2008).

The SRT concluded that the species is currently at a low to moderate risk due to overexploitation from commercial harvest, with scores that ranged between 2 and 3, with a mean of 2.3 and a mode of 2. Given that the team considered similar rates of utilization in the future, scores were the same when considering the threat over the foreseeable future. The scores also remained the same when considered in combination with other threats, such as lack of adequate existing regulatory mechanisms.

Disease and Predation

The SRT determined that disease and predation present a very low extinction risk to dwarf seahorse. The team was not able to find documentation of disease affecting wild subpopulations of dwarf seahorse. With respect to predation, the team assumed mortality rates from predation are likely higher for juvenile seahorses than adults. The dwarf seahorse is presumed to have few predators and is likely only opportunistically predated upon by fishes, crabs, and wading birds. The dwarf seahorse's excellent camouflage is well-adapted for the species' ecological niche and likely reduces the level of predation on the species.

All members of the SRT scored disease and predation as a 1, both now and over the foreseeable future, which indicates a very low risk in the ERA.

Inadequacy of Existing Regulatory Mechanisms

With respect to inadequacy of existing regulatory mechanisms, there are only three regulations that relate to *Hippocampus* species in the United States. Internationally, only Bermuda has a regulation pertaining to seahorses,

and it focuses only on lined and longsnout seahorses, as the dwarf seahorse has been extirpated there. The SRT was not aware of any seahorse regulations in The Bahamas or Cuba.

Within the state of Florida, the FWC regulates fishing effort in both the commercial marine life fishery, which includes marine ornamentals like the dwarf seahorse (68B–42, F.A.C.) and the recreational fishery. The commercial regulations include requirements for specific fishing licenses and tiered endorsements, as well as a commercial trip limit of 400 dwarf seahorses per person or vessel per day, whichever is less (68B–42.006, F.A.C.). There is no cap on the total annual take of dwarf seahorses, and there are no seasonal restrictions or closures. However, entry is limited into the commercial marine life fishery for ornamentals. From 2010–2014, on average, 19 permit holders have reported Florida dwarf seahorse harvest. Enforcement of the trip limit regulation has been problematic as at least one commercial harvester has continued to exceed the 400 dwarf seahorses limit since its inception. This harvester exceeded the trip limit 26 trips out of 80 between 2010 and 2015 (NMFS 2015). The State of Florida also regulates recreational harvest of dwarf seahorse (daily bag limit of up to five per person per day) and bycatch of dwarf seahorses associated with the inshore bait shrimp fishery (also limited by the recreational bag limit). Because there is no reporting associated with recreational limits, the SRT is unsure of the impact these regulations have on the dwarf seahorse population.

The assessment of individual species and fishing effort are necessary to determine whether existing regulations are likely to be effective at maintaining the sustainability of the resources. To date, however, the commercial removal of dwarf seahorses and its impact on the population has not been assessed. The SRT was unable to determine exactly how the daily bag limit (400 dwarf seahorses per person per day) was established, its ability to prevent overharvest, or how effective it will be at achieving long-term sustainability. However, the 2009 bag limit regulation seems to have stabilized the population since implementation.

The second regulatory mechanism that may affect seahorses (*Hippocampus* spp.) is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)—an international agreement between governments established with the aim of ensuring that international trade in specimens of wild animals and plants does not threaten their survival. Seahorses are listed under Appendix II of CITES. Appendix II includes species that are not necessarily threatened with extinction, but for which trade must be controlled in order to avoid utilization incompatible with their survival. International trade of Appendix II species is permitted when export permits are granted from the country of origin. In order to issue an export permit, the exporting country must find that the animals were legally obtained and their export will not be detrimental to the survival of the species in the wild (referred to as a ''non-detriment finding''). Millions of seahorses are traded internationally each year, although only a small percentage of these are dwarf seahorses, and the CITES listing has not curbed this trade (Foster *et al.* 2014). Almost all the dwarf seahorses harvested from the wild populations in the United States remain in U.S. markets and therefore are not subject to the CITES regulation of trade under Appendix II. Dwarf seahorses represent approximately 0.01 percent of international trade, and over a 10-year period only 2,190 dwarf seahorses were exported from the United States, with 1,500 of those being captive-bred (USFWS 2014).

The third regulatory factor that provides protections for seahorses is the listing of dwarf seahorse as a species subject to ''Special Protection'' under Mexican law. This limits any removal of the species to what is allowed under the rules of the Mexican General Law of Wildlife (Diaz 2013), which establishes the conditions for capture, and transport permits, and authorizations (Bruckner *et al.* 2005). The SRT is unsure of the adequacy of this regulation at this time.

The SRT expects that demand for the dwarf seahorse in the marine ornamental fishery and aquarium markets will continue into the future. The extent to which current regulations are adequate at protecting the dwarf seahorse population was difficult to evaluate. The SRT concluded that the lack of regulatory mechanisms intended to control harvest, particularly commercial harvest, is likely having detrimental effects on population abundance and productivity. However, the 2009 regulation limiting commercial harvest to 400 seahorses per person or per vessel per day, whichever is less, seems to have stabilized the population. In combination with time-area closures associated with the marine life fishery, the limited entry into the fishery, and export regulations associated with CITES, the team concluded that inadequacy of regulatory mechanisms presents a low extinction risk (mode = 2). Given the team's belief that these regulations will remain in place and that they will continue to affect harvest in a similar manner into the future, the scores remained unchanged when considering this threat over the foreseeable future.

Other Natural or Manmade Factors Affecting Its Continued Existence

The Status Review Report (NMFS 2020) identified several potential natural or man-made factors that could serve as potential threats to the dwarf seahorse. These included the species' life history strategy, anthropogenic noise, oil spills, and high-impact storm events. The SRT evaluated the potential impact of these threats on the dwarf seahorse, but did not find that any of these other threats are likely to be a source of high extinction risk to the dwarf seahorse. The dwarf seahorse life history strategy is well suited to respond to periodic declines associated with stochastic events. The Deepwater Horizon oil spill occurred far from the core dwarf seahorse population in south and southwest Florida and was not known to affect seagrass habitat outside of the area around the Chandeleur Islands where dwarf seahorses are rare. While future oil spills could impact dwarf seahorses or their habitat, the majority of oil and gas exploration occurs in the central and western portions of the Gulf of Mexico, and oil would need to be transported great distances to reach the nearshore waters of Florida where dwarf seahorses are most abundant. Data are insufficient to determine how anthropogenic noise affects dwarf seahorses, and life history and future studies may be necessary to address this potential threat. Lastly, weather events have the potential to impact dwarf seahorses, but these are expected to be short-term perturbations that the species is capable of quickly responding to. The SRT ranked this category of threats as a very low risk both currently and in the foreseeable future, with all team members scoring this factor a 1.

Extinction Risk Determination

Guided by the results from the demographics risk analysis as well as the threats-based analysis, the SRT members used their informed professional judgment to make an overall extinction risk determination for the species. For these analyses, the SRT defined three levels of extinction risk:

- *High risk:* A species with a high risk of extinction is at or near a level of abundance, productivity, spatial structure, and/or diversity that places its continued persistence in question. The demographics of a species at such a high

level of risk may be highly uncertain and strongly influenced by stochastic or depensatory processes. Similarly, a species may be at high risk of extinction if it faces clear and present threats (*e.g.,* confinement to a small geographic area; imminent destruction, modification, or curtailment of its habitat; or disease epidemic) that are likely to create imminent and substantial demographic risks;

- *Moderate risk:* A species is at moderate risk of extinction if it is on a trajectory that puts it at a high level of extinction risk in the foreseeable future (see description of ''High risk'' above). A species may be at moderate risk of extinction due to projected threats or declining trends in abundance, productivity, spatial structure, or diversity. The appropriate time horizon for evaluating whether a species will be at high risk in the foreseeable future depends on various case-specific and species-specific factors. For example, the time horizon may reflect certain life history characteristics (*e.g.,* long generation time or late age at maturity) and may also reflect the timeframe or rate over which identified threats are likely to impact the biological status of the species (*e.g.,* the rate of disease spread); and
- *Low risk:* A species is at low risk of extinction if it is not at a moderate or high level of extinction risk (see ''Moderate risk'' and ''High risk'' above). A species may be at low risk of extinction if it is not facing threats that result in declining trends in abundance, productivity, spatial structure, or diversity. A species at low risk of extinction is likely to show stable or increasing trends in abundance and productivity with connected, diverse populations.

To allow individuals to express uncertainty in determining the overall level of extinction risk facing the dwarf seahorse, the SRT adopted the ''likelihood point'' method, which has been used in previous status reviews (*e.g.,* Pacific salmon, Southern Resident Killer Whale, Puget Sound Rockfish, Pacific herring, and black abalone) to structure the team's thinking and express levels of uncertainty in assigning threat risk categories. For this approach, each team member distributed 10 ''likelihood points'' among the three extinction risk levels. After scores were provided, the team discussed the range of risk level perspectives for the species, and the supporting data on which the perspectives were based, and each member was given the opportunity to revise scores if desired after the discussion. The scores were then tallied (mode, median, range), discussed, and summarized for the species.

Finally, the SRT did not make recommendations as to whether the dwarf seahorse should be listed as threatened or endangered. Rather, the SRT drew scientific conclusions about the overall risk of extinction faced by this species under present conditions and in the foreseeable future, based on an evaluation of the species' demographic viability factors and assessment of threats.

The best available information indicates that within the United States dwarf seahorses occur in Florida and to a lesser extent in south Texas, but do not appear to extend into the northern Gulf of Mexico (*i.e.,* Alabama, Mississippi, and Louisiana), as previously believed. The SRT acknowledged that there is a lack of abundance data in the northern Gulf of Mexico, but found that, because the species is temperature-limited, and due to the seasonal cold water temperatures in that region (Figure 8 of NMFS 2020), it is unlikely that dwarf seahorse was ever common in the northern Gulf of Mexico. The SRT determined that there is evidence of a historical decrease in abundance, especially in areas where dwarf seahorses are naturally abundant. However, over the past decade the most productive subpopulations appear stable or appear to be increasing in their abundance, despite the threats they face. Current regulations and the rebuilding of seagrass habitat have stabilized the populations. The team acknowledged that uncertainty in the frequency, duration, and scale of stochastic events (HABs and extreme cold weather events) could affect the population trend into the foreseeable future and increase extinction risk, but ultimately, based on the predictive analyses provided in Carlson *et al.* (2019), the team believed that the population is robust enough to handle this threat.

Outside of the United States, data on abundance and population trends are lacking. Evidence suggests the species is present along the east coast of Mexico, but without abundance data the SRT was unable to make further conclusions. Therefore, the team made conclusions based solely on the best available data from within the United States.

The SRT had concerns regarding the level of commercial harvest, bycatch, and lack of regulatory mechanisms, and determined that these threats are likely having effects on the species—especially on those local subpopulations that occur in some of the most heavily exploited areas. In addition, overutilization will serve to exacerbate the demographic risks currently faced by the species. However, the SRT determined that habitat degradation (*i.e.,* HABs and coastal construction), projected habitat losses due to sea level rise, and ocean warming resulting from climate change were the most significant threats to the species. The predicted losses of seagrass habitat due to climate change combined with the prolonged commercial harvest may increase the species demographic risks, as impacted populations may be limited in their abilities to recolonize depleted areas based on the dwarf seahorse's low mobility and narrow habitat preference. However, the team concluded that overall the species is at a low risk of extinction (19 out of a possible 30 likelihood points), as it is highly productive and faces only one high risk threat. The other remaining 11 likelihood points were all assigned to the moderate risk category. We agree with the assessment provided by the SRT that the dwarf seahorse is at a low risk of extinction.

Significant Portion of Its Range

As noted in the introduction above, the definitions of both ''threatened'' and ''endangered'' under the ESA contain the term ''significant portion of its range'' (SPR), and define SPR as an area smaller than the entire range of the species that must be considered when evaluating a species' risk of extinction. Under the final SPR Policy announced in July 2014, should we find that the species is of low extinction risk throughout its range (*i.e.,* not warranted for listing), we must go on to consider whether the species may have a higher risk of extinction in a significant portion of its range (79 FR 37577; July 1, 2014).

As an initial step, we identified portions of the range that warranted further consideration based on analyses within the Status Review Report (NMFS 2020). The range of a species can theoretically be divided into portions in an infinite number of ways. However, as noted in the policy, there is no purpose to analyzing portions of the range that are not reasonably likely to be significant or in which a species is not likely to be endangered or threatened. To identify only those portions that warrant further consideration, we consider whether there is substantial information indicating that (1) the portions may be significant, and (2) the species may be in danger of extinction in those portions or is likely to become so within the foreseeable future. We emphasize that answering these questions in the affirmative is not a determination that the species is endangered or threatened throughout a SPR; rather, it is a step in determining

whether a more detailed analysis of the issue is required (79 FR 37578; July 1, 2014). Making this preliminary determination triggers a need for further review, but does not prejudge whether the portion actually meets these standards such that the species should be listed. If this preliminary determination identifies a particular portion or portions that may be both significant and may be threatened or endangered, those portions are then fully evaluated under the SPR authority to determine whether the members of the species in the portion in question are biologically significant to the species and whether the species is endangered or threatened in that portion of the range.

The definition of ''significant'' in the SPR Policy was invalidated in two recent District Court cases that addressed listing decisions made by the USFWS. The SPR Policy set out a biologically based definition that examined the contributions of the members in the portion to the species as a whole, and established a specific threshold (*i.e.,* when the loss of the members in the portion would cause the overall species to become threatened or endangered). The courts invalidated the threshold component of the definition because it set too high a standard. Specifically, the courts held that, under the threshold in the policy, a species would never be listed based on the status of the portion, because in order for a portion to meet the threshold, the species would be threatened or endangered rangewide. *Center for Biological Diversity, et al.* v. *Jewell,* 248 F. Supp. 3d 946, 958 (D. Ariz. 2017); *Desert Survivors* v. *DOI* 321 F. Supp. 3d. 1011 (N.D. Cal., 2018). Accordingly, while the SRT used the threshold identified in the policy, which was effective at the time the SRT met, NMFS did not rely on the definition of ''significant'' in the policy when making this 12-month finding. This is consistent with the second *Desert Survivors* case (336 F. Supp. 3d 1131, 1134–1136; N.D. CA August, 2018), which vacated this definition without geographic limitation. As such, our analysis independently analyzed the biological significance of the members of the portion, drawing from the record developed by the SRT with respect to viability characteristics (*i.e.,* abundance, productivity, spatial distribution, and genetic diversity) of the members of the portions, in determining if a portion was a significant portion of the species' range. We considered the contribution of the members in each portion to the viability of the taxon as a whole, given the current available information on abundance levels. We also considered how the contribution of the members in each portion affects the spatial distribution of the species (*i.e.,* would there be a loss of connectivity, would there be a loss of genetic diversity, or would there be an impact on the population growth rate of the remainder of the species).

Within the range of the dwarf seahorse we considered multiple population portions including: (1) South and southwest Florida, (2) east coast of Florida, (3) northwest Florida, (4) Texas, and (5) eastern Mexico. After a review of the best available information, we concluded that only the east coast of Florida and northwest Florida portions may have elevated risk of extinction relative to the species' status range-wide. The other portions considered were either not at risk of extinction (*e.g.,* south and southwest Florida where abundance is high, subpopulations are stable, and seagrass communities are either stable or increasing) or there was insufficient data available to develop an opinion on extinction risk (Texas and eastern Mexico). Therefore, we proceeded to consider the biological significance of only the two portions with elevated extinction risk.

The subpopulation of dwarf seahorses along the east coast of Florida, especially in Indian River Lagoon, appears to be at an elevated risk of extinction relative to the species' range-wide status. Under conservative starting conditions, the retrospective analysis showed this subpopulation has varied in abundance through time and persists at a stable but very low abundance as of 2016 (Carlson *et al.* 2019). The projected PVA runs indicate the population is stable or slightly increasing under optimistic scenarios, but decreasing under all pessimistic scenarios, with the most pessimistic run leading to localized extinction (Carlson *et al.* 2019). The ongoing threat of poor water quality and HABs has drastically reduced seagrass coverage and in turn dwarf seahorse abundance in this portion of its range. If this subpopulation was lost, there would be a reduction in the geographic extent of the dwarf seahorse. However, this portion does not currently have the abundance or habitat capacity to buffer surrounding stocks against environmental threats and is not responsible for connecting other portions. The east coast of Florida subpopulation has been in decline for several years but we have not seen this result in a decline in the adjacent south and southwest Florida subpopulation, suggesting the contribution of the east coast is limited. While Fedrizzi *et al.* (2015) showed there is some gene flow between this portion and others via passive dispersal, the genetic contributions of the east coast portion to the rest of the population's range is limited by ocean currents and winds that dictate passive dispersal. Therefore we would not expect the loss of this portion to contribute significantly to a loss of genetic diversity, and the remaining population would contain enough diversity to allow for adaptations to changing environmental conditions. In conclusion, we determined that the east coast of Florida portion's contribution to the population in terms of abundance, spatial distribution, and diversity is of low biological importance and overall does not appear significant to the viability of the species. Thus we find the east coast of Florida does not represent a significant portion of the dwarf seahorse range.

Dwarf seahorses in northwest Florida (including Apalachicola, Big Bend, Cedar Key, and St. Andrew's Bay) appear to be at a low risk of extinction despite low abundance and the threats facing the species within this portion of its range. Historically, this subpopulation has been far less abundant than other subpopulations, based on the retrospective analysis and fisheries surveys. Overall we find that the contribution that this stock makes to the species' abundance is low. This subpopulation is found on the northern periphery of the species range based on thermal tolerances and thus is most susceptible to mortality from cold weather events. A recent genetic analysis indicates the western-most portion of this subpopulation (Pensacola, Florida) is a separate population from the rest of the Florida population (Fedrizzi *et al.* 2015), but we are unsure of mixing along the boundary further to the south of this portion. If the northwest Florida portion was lost, dwarf seahorses rangewide would lose some potential genetic adaptation. However, this subpopulation is small in size and has limited genetic connectivity to the overall taxon. The remaining subpopulations would continue to provide genetic diversity to the species as whole. There is no evidence to indicate that the loss of genetic diversity from the northwest Florida portion of the dwarf seahorse range would result in the remaining portions lacking enough genetic diversity to allow for adaptations to changing environmental conditions. While it is possible that the unique genetic signature of the northwest

Florida portion conveys some type of adaptive potential to the species rangewide, we do not currently have evidence of this. In particular, it is unclear if this subpopulation is uniquely adapted genetically to tolerate colder conditions. The projected PVA runs indicate the subpopulation is generally stable (Carlson *et al.* 2019). Pessimistic PVA scenarios resulted in decreased abundance for this portion of the population, but not extinction (Carlson *et al.* 2019). Although this portion has some extinction risk, its low abundance and limited connectivity suggest it is not significant to the viability of the species overall.

In summary, we find that there is no portion of the dwarf seahorse's range that is both significant to the species as a whole and endangered or threatened. After considering all the portions we believe that some portions (east coast of Florida and northwest Florida) carry an elevated risk of extinction relative to the status of the species range-wide; however, these portions are not biologically significant to the species. In contrast, the south and southwest Florida subpopulation appears to be biologically important to the continued viability of the overall species in terms of abundance, connectivity, and productivity, but this subpopulation is robust and not at risk of extinction now or in the foreseeable future. Thus, we find no reason to list this species, based on an analysis within a significant portion of its range.

Final Listing Determination

Section 4(b)(1) of the ESA requires that NMFS make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and taking into account those efforts, if any, being made by any state or foreign nation, or political subdivisions thereof, to protect and conserve the species. We have independently reviewed the best available scientific and commercial information, including the petitions, public comments submitted on the 90-day finding (77 FR 26478; May 4, 2012), the Status Review Report (NMFS 2020), and other published and unpublished information. We considered each of the statutory factors to determine whether each contributed significantly to the extinction risk of the species. As previously explained, we could not identify a significant portion of the species' range that is threatened or endangered. Therefore, our determination is based on a synthesis and integration of the foregoing information, factors and considerations, and their effects on the status of the species throughout its entire range.

We conclude that the dwarf seahorse is not presently in danger of extinction, nor is it likely to become so in the foreseeable future throughout all or a significant portion of its range. Therefore, the dwarf seahorse does not meet the definition of a threatened species or an endangered species and does not warrant listing as threatened or endangered at this time.

References

A complete list of the references used in this proposed rule is available upon request (see **ADDRESSES**).

Peer Review

In December 2004, the Office of Management and Budget (OMB) issued a Final Information Quality Bulletin for Peer Review establishing minimum peer review standards, a transparent process for public disclosure of peer review planning, and opportunities for public participation. The OMB Bulletin, implemented under the Information Quality Act (Pub. L. 106–554) is intended to enhance the quality and credibility of the Federal government's scientific information, and applies to influential or highly influential scientific information disseminated on or after June 16, 2005. To satisfy our requirements under the OMB Bulletin, we obtained independent peer review of the Status Review Report. Three independent specialists were selected from the academic and scientific community for this review. All peer reviewer comments were addressed prior to dissemination of the final Status Review Report and publication of this proposed rule. Both the Status Review Report and the Peer Review Report can be found here: *https://www.cio.noaa.gov/services_programs/prplans/ID411.html.*

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)

Dated: July 22, 2020.

Samuel D. Rauch, III,

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

[FR Doc. 2020–16335 Filed 7–27–20; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA248]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Marine Geophysical Survey in the Aleutian Islands

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the Lamont-Doherty Earth Observatory of Columbia University (L–DEO) for authorization to take marine mammals incidental to a marine geophysical survey in the Aleutian Islands. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in *Request for Public Comments* at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than August 27, 2020.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.Laws@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at *www.fisheries.noaa.gov/permit/*

incidental-take-authorizations-under-marine-mammal-protection-act without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Ben Laws, 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: *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.

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 incidental harassment authorization) with respect to potential impacts on the human environment.

Accordingly, NMFS plans to adopt the National Science Foundation's (NSF) Environmental Assessment (EA), as we have preliminarily determined that it includes adequate information analyzing the effects on the human environment of issuing the IHA. NSF's EA is available at *www.nsf.gov/geo/oce/envcomp/.*

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On March 27, 2020, NMFS received a request from L–DEO for an IHA to take marine mammals incidental to a marine geophysical survey along and across the Aleutian Andreanof Arc in Alaska. L–DEO submitted a revised version of the application, which was deemed adequate and complete, on June 25, 2020. L–DEO's request is for take of 23 species of marine mammals by Level B harassment. In addition, NMFS proposes to authorize take by Level A harassment for seven of these species.

Description of Proposed Activity

Overview

Researchers from L–DEO and Woods Hole Oceanographic Institution (WHOI), with funding from NSF, propose to conduct a high-energy seismic survey from the Research Vessel (R/V) *Marcus G. Langseth* (*Langseth*) along and across the Aleutian Andreanof Arc in Alaska during September–October 2020. The proposed two-dimensional (2–D) seismic survey would occur within the Exclusive Economic Zone (EEZ) of the United States. The survey would use a 36-airgun towed array with a total discharge volume of ~6,600 cubic inches (in^3) as an acoustic source, acquiring return signals using both a towed streamer as well as ocean bottom seismometers (OBSs).

The proposed study would use 2–D seismic surveying to seismically image the structure of the crust along and across the Andreanof segment of the Aleutian Arc, an intact arc segment with a simple and well known history. Existing geochemical analyses of igneous rocks from this segment suggest an along-segment trend in crustal-scale fractionation processes. Seismic velocity provides strong constraints on bulk composition, and so seismic images will reveal the constructional architecture, vertical fractionation patterns, and along-arc trends in both of those things. Together with existing observations from surface rocks (*e.g.,* bulk composition, volatile content) and forcing parameters (*e.g.,* slab geometry, sediment input, deformation-inferred stress regime), hypotheses related to controls on oceanic-arc crustal construction and fractionation can be tested and refined.

Dates and Duration

The proposed survey is expected to last for approximately 48 days, including approximately 16 days of seismic operations, 19 days of equipment deployment/retrieval, and 8 days of transits, and 5 contingency days (accounting for potential delays due to, *e.g.,* weather). R/V *Langseth* would likely leave out of and return to port in Dutch Harbor, Alaska, during September–October 2020.

Specific Geographic Region

The proposed survey would occur within the area of approximately 49–53.5° N and approximately 172.5–179° W. Representative survey tracklines are shown in Figure 1 in L–DEO's application. Tracklines in the vicinity of specific Steller sea lion haul-outs and rookeries have subsequently been modified in order to ensure that the area assumed to be ensonified above the Level B harassment threshold (see ''Estimated Take'') does not extend beyond a 3,000 foot (0.9 km) buffer around those areas. Some deviation in actual track lines, including the order of survey operations, could be necessary for reasons such as science drivers, poor data quality, inclement weather, or mechanical issues with the research vessel and/or equipment. The survey is proposed to occur within the EEZ of the United States, including Alaskan state waters, ranging in depth from 35–7,100 meters (m). Approximately 3,224 km of transect lines would be surveyed. Most of the survey (73 percent) would occur in deep water (>1,000 m), 26 percent would occur in intermediate water (100–1,000 m deep), and approximately 1 percent would take place in shallow water <100 m deep.

Detailed Description of Specific Activity

The procedures to be used for the proposed surveys would be similar to those used during previous seismic surveys by L–DEO and would use conventional seismic methodology. The surveys would involve one source vessel, R/V *Langseth,* which is owned by NSF and operated on its behalf by L–

DEO. R/V *Langseth* would deploy an array of 36 airguns as an energy source with a total volume of 6,600 in^3. The array consists of 36 elements, including 20 Bolt 1500LL airguns with volumes of 180 to 360 in^3 and 16 Bolt 1900LLX airguns with volumes of 40 to 120 in^3. The airgun array configuration is illustrated in Figure 2–11 of NSF and USGS's Programmatic Environmental Impact Statement (PEIS; NSF–USGS, 2011). (The PEIS is available online at: *www.nsf.gov/geo/oce/envcomp/usgs-nsf-marine-seismic-research/nsf-usgs-final-eis-oeis-with-appendices.pdf*). The vessel speed during seismic operations would be approximately 4.5 knots (~8.3 km/hour) during the survey and the airgun array would be towed at a depth of 9 m. The receiving system would consist of OBSs and a towed hydrophone streamer with a nominal length of 8 km. As the airguns are towed along the survey lines, the hydrophone streamer would transfer the data to the on-board processing system, and the OBSs would receive and store the returning acoustic signals internally for later analysis.

The study consists of one east-west strike-line transect (~540 km), two north-south dip-line transects (~420 km and ~285 km), connecting multi-channel seismic (MCS) transects (~480 km), and an MCS survey of the Amlia Fracture Zone (~285 km). The representative tracklines shown in Figure 1 of L–DEO's application have a total length of 2,010 km. The strike- and dip-line transects would first be acquired using OBSs, which would be deployed along one line at a time, the line would be surveyed, and the OBSs would then be recovered, before moving onto the next line. After all refraction data is acquired, the strike and dip lines would be acquired a second time using MCS. The MCS transect lines and Amlia Fracture Zone transect lines would be acquired only once using MCS. Thus, the line km to be acquired during the entire survey is expected to be approximately 3,255 km. There could be additional seismic operations associated with turns, airgun testing, and repeat coverage of any areas where initial data quality is sub-standard, and 25 percent has been added to the assumed survey line-kms to account for this potential.

For the majority of the survey (90 percent), R/V *Langseth* would tow the full array, consisting of four strings with 36 airguns (plus 4 spares) with a total discharge volume of 6,600 in^3. In certain locations (see Figure 1 of L–DEO's application) closest to islands, only half the array (18 airguns) would be operated, with a total volume of approximately 3,300 in^3. The airguns would fire at a shot interval of 22 s during MCS shooting with the hydrophone streamer and at a 120-s interval during refraction surveying to OBSs.

The seismometers would consist of short-period multi-component OBSs from Scripps Institution of Oceanography (SIO). Fifty OBSs would be deployed and subsequently retrieved by R/V *Langseth* prior to MCS surveying. When an OBS is ready to be retrieved, an acoustic release transponder (pinger) interrogates the instrument at a frequency of 12 kHz; a response is received at the same frequency. The burn-wire release assembly is then activated, and the instrument is released from its 36-kg iron grate anchor to float to the surface. Take of marine mammals is not expected to occur incidental to L–DEO's use of OBSs.

In addition to the operations of the airgun array, a multibeam echosounder (MBES), a sub-bottom profiler (SBP), and an Acoustic Doppler Current Profiler (ADCP) would be operated from R/V *Langseth* continuously during the seismic surveys, but not during transit to and from the survey area. Take of marine mammals is not expected to occur incidental to use of the MBES, SBP, or ADCP because they will be operated only during seismic acquisition, and it is assumed that, during simultaneous operations of the airgun array and the other sources, any marine mammals close enough to be affected by the MBES, SBP, and ADCP would already be affected by the airguns. However, whether or not the airguns are operating simultaneously with the other sources, given their characteristics (*e.g.,* narrow downward-directed beam), marine mammals would experience no more than one or two brief ping exposures, if any exposure were to occur. Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see *Proposed Mitigation* and *Proposed Monitoring and Reporting*).

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; *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 (*www.fisheries.noaa.gov/find-species*).

Table 1 lists all species with expected potential for occurrence in the survey area and summarizes information related to the population or stock, including regulatory status under the MMPA and 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 and Alaska SARs (Caretta *et al.,* 2019; Muto *et al.,* 2019). All MMPA stock information presented in Table 1 is the most recent available at the time of publication and is available in the 2018 SARs (Caretta *et al.,* 2019; Muto *et al.,* 2019) and draft 2019 SARs (available online at: *www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports*).

TABLE 1—MARINE MAMMALS THAT COULD OCCUR IN THE SURVEY AREA

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 Balaenidae:						
North Pacific right whale	*Eubalaena japonica*	Eastern North Pacific (ENP)	E/D; Y	31 (0.226; 26; 2015)	0.05	0
Family Eschrichtiidae:						
Gray whale	*Eschrichtius robustus*	ENP	-; N	26,960 (0.05; 25,849; 2016)	801	139
		Western North Pacific (WNP)	E/D; Y	290 (n/a; 271; 2016	0.12	Unk
Family Balaenopteridae (rorquals):						
Humpback whale	*Megaptera novaeangliae kuzira.*	Central North Pacific (CNP)*	E/D; Y	10,103 (0.3; 7,891; 2006)	83	25
		Western North Pacific*	E/D; Y	1,107 (0.3; 865; 2006)	3	2.6
Minke whale	*Balaenoptera acutorostrata scammoni.*	Alaska*	-; N	Unknown	n/a	0
Sei whale	*B. borealis borealis*	ENP	E/D; Y	519 (0.4; 374; 2014)	0.75	≥0.2
Fin whale	*B. physalus physalus*	Northeast Pacific*	E/D; Y	Unknown	n/a	0.4
Blue whale	*B. musculus musculus*	ENP	E/D; Y	1,496 (0.44; 1,050; 2014)	[12] 1.2	≥19.4
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Physeteridae:						
Sperm whale	*Physeter macrocephalus*	North Pacific*	E/D; Y	Unknown	n/a	4.7
Family Ziphiidae (beaked whales):						
Cuvier's beaked whale	*Ziphius cavirostris*	Alaska	-; N	Unknown	n/a	0
Baird's beaked whale	*Berardius bairdii*	Alaska	-; N	Unknown	n/a	0
Stejneger's beaked whale.	*Mesoplodon stejnegeri*	Alaska	-; N	Unknown	n/a	0
Family Delphinidae:						
Pacific white-sided dolphin.	*Lagenorhynchus obliquidens*	North Pacific [5]	-; N	26,880 (n/a; 26,880; 1990)	n/a	0
Northern right whale dolphin.	*Lissodelphis borealis*	CA/OR/WA*	-; N	26,556 (0.44; 18,608; 2014)	179	3.8
Risso's dolphin	*Grampus griseus*	CA/OR/WA*	-; N	6,336 (0.32; 4,817; 2014)	46	≥3.7
Killer whale	*Orcinus orca* [4]	ENP Offshore	-; N	300 (0.1; 276; 2012)	2.8	0
		ENP Gulf of Alaska, Aleutian Islands, and Bering Sea Transient.	-; N	587 (n/a; 2012)	5.9	1
		ENP Alaska Resident	-; N	2,347 (n/a; 2012)	24	1
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena phocoena vomerina.*	Bering Sea [5]	-; Y	48,215 (0.22; 40,150; 1999)	n/a	0.2
Dall's porpoise	*Phocoenoides dalli dalli*	Alaska [5]	-; N	83,400 (0.097; n/a; 1991)	n/a	38
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
Northern fur seal	*Callorhinus ursinus*	Pribilof Islands/Eastern Pacific.	D; Y	620,660 (0.2; 525,333; 2016)	11,295	399
Steller sea lion	*Eumetopias jubatus jubatus*	Western U.S	E/D; Y	53,624 (n/a; 2018)	322	247
Family Phocidae (earless seals):						
Harbor seal	*Phoca vitulina richardii*	Aleutian Islands	-; N	5,588 (n/a; 5,366; 2018)	97	90
Spotted seal	*P. largha*	Alaska*	-; N	461,625 (n/a; 423,237; 2013)	12,697	329
Ribbon seal	*Histriophoca fasciata*	Alaska*	-; N	184,697 (n/a; 163,086; 2013)	9,785	3.9
Northern elephant seal	*Mirounga angustirostris*	California Breeding	-; N	179,000 (n/a; 81,368; 2010)	4,882	8.8

* Stocks marked with an asterisk are addressed in further detail in text below.

[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 at: *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable. For most stocks of killer whales, the abundance values represent direct counts of individually identifiable animals; therefore there is only a single abundance estimate with no associated CV. For certain stocks of pinnipeds, abundance estimates are based upon observations of animals (often pups) ashore multiplied by some correction factor derived from knowledge of the species' (or similar species') life history to arrive at a best abundance estimate; therefore, there is no associated CV. In these cases, the minimum abundance may represent actual counts of all animals ashore.

[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, subsistence hunting, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value. All M/SI values are as presented in the draft 2019 SARs.

[4] Transient and resident killer whales are considered unnamed subspecies (Committee on Taxonomy, 2019).

[5] Abundance estimates for these stocks are not considered current. PBR is therefore considered undetermined for these stocks, as there is no current minimum abundance estimate for use in calculation. We nevertheless present the most recent abundance estimates, as these represent the best available information for use in this document.

[6] This stock is known to spend a portion of time outside the U.S. EEZ. Therefore, the PBR presented here is the allocation for U.S. waters only and is a portion of the total. The total PBR for blue whales is 2.1 (7/12 allocation for U.S. waters). Annual M/SI presented for these species is for U.S. waters only.

Prior to 2016, humpback whales were listed under the ESA as an endangered species worldwide. Following a 2015 global status review (Bettridge *et al.,* 2015), NMFS established 14 distinct population segments (DPS) with different listing statuses (81 FR 62259; September 8, 2016) pursuant to the ESA. The DPSs that occur in U.S. waters do not necessarily equate to the existing stocks designated under the MMPA and shown in Table 1.

Within Alaska waters, four current humpback whale DPSs may occur: The Western North Pacific (WNP) DPS (endangered), Hawaii DPS (not listed), Mexico DPS (threatened), and Central America DPS (endangered). Two humpback whale stocks designated under the MMPA may occur within Alaskan waters: The Western North Pacific Stock and the Central North Pacific Stock. Both these stocks are designated as depleted under the MMPA. According to Wade (2017), in the Aleutian Islands and Bering, Chukchi, and Beaufort Seas, encountered whales are most likely to be from the Hawaii DPS (86.8 percent), but could be from the Mexico DPS (11 percent) or WNP DPS (2.1 percent). Note that these probabilities reflect the upper limit of the 95 percent confidence interval of the probability of occurrence; therefore, numbers may not sum to 100 percent for a given area.

Although no comprehensive abundance estimate is available for the Alaska stock of minke whales, recent surveys provide estimates for portions of the stock's range. A 2010 survey conducted on the eastern Bering Sea shelf produced a provisional abundance estimate of 2,020 (CV = 0.73) whales (Friday *et al.,* 2013). This estimate is considered provisional because it has not been corrected for animals missed on the trackline, animals submerged when the ship passed, or responsive movement. Additionally, line-transect surveys were conducted in shelf and nearshore waters (within 30–45 nautical miles of land) in 2001–2003 between the Kenai Peninsula (150° W) and Amchitka Pass (178° W). Minke whale abundance was estimated to be 1,233 (CV = 0.34) for this area (also not been corrected for animals missed on the trackline) (Zerbini *et al.,* 2006). The majority of the sightings were in the Aleutian Islands, rather than in the Gulf of Alaska, and in water shallower than 200 m. These estimates cannot be used as an estimate of the entire Alaska stock of minke whales because only a portion of the stock's range was surveyed. Similarly, although a comprehensive abundance estimate is not available for the northeast Pacific stock of fin whales, provisional estimates representing portions of the range are available. The same 2010 survey of the eastern Bering sea shelf provided an estimate of 1,061 (CV = 0.38) fin whales (Friday *et al.,* 2013). The estimate is not corrected for missed animals, but is expected to be robust as previous studies have shown that only small correction factors are needed for fin whales (Barlow, 1995). Zerbini *et al.* (2006) produced an estimate of 1,652 (95% CI: 1,142–2,389) fin whales for the area described above.

Current and historical estimates of the abundance of sperm whales in the North Pacific are considered unreliable, and caution should be exercised in interpreting published estimates (Muto *et al.,* 2017). However, Kato and Miyashita (1998) produced an abundance estimate of 102,112 (CV = 0.155) sperm whales in the western North Pacific (believed to be positively biased). The number of sperm whales occurring within Alaska waters is unknown.

Northern right whale dolphins and Risso's dolphins do not typically occur in waters surrounding the Aleutian Islands, though there have been rare sightings and acoustic detections in the region. NMFS considers these species extralimital to the survey area. However, L–DEO has requested the authorization of incidental take for these species, and we are acting on that request.

Ribbon seals and spotted seals are considered rare in the survey area. From late March to early May, ribbon seals inhabit the Bering Sea ice front. They are most abundant in the northern part of the ice front in the central and western parts of the Bering Sea. As the ice recedes in May to mid-July, the seals move farther north in the Bering Sea, where they haul out on the receding ice edge and remnant ice. As the ice melts, seals become more concentrated, with at least part of the Bering Sea population moving to the Bering Strait and the southern part of the Chukchi Sea. The distribution of spotted seals is seasonally related to specific life-history events that can be broadly divided into two periods: Late-fall through spring, when whelping, nursing, breeding, and molting occur in association with the presence of sea ice on which the seals haul out, and summer through fall when seasonal sea ice has melted and most spotted seals use land for hauling out. Satellite-tagging studies showed that seals tagged in the northeastern Chukchi Sea moved south in October and passed through the Bering Strait in November. Seals overwintered in the Bering Sea along the ice edge and made east-west movements along the edge. In summer and fall, spotted seals use coastal haul-out sites regularly and may be found as far north as 69–72° N in the Chukchi and Beaufort seas. To the south, along the west coast of Alaska, spotted seals are known to occur around the Pribilof Islands, Bristol Bay, and the eastern Aleutian Islands. Although we do not expect these species of seals to be encountered, L–DEO has requested has requested the authorization of incidental take for these species, and we are acting on that request.

In addition, the northern (or eastern) sea otter (*Enhydra lutris kenyoni*) may be found in coastal waters of the survey area. However, sea otters are managed by the U.S. Fish and Wildlife Service and are not considered further in this document.

Biologically Important Areas (BIA)

Several biologically important areas for marine mammals are recognized in the Bering Sea, Aleutian Islands, and Gulf of Alaska. Critical habitat is designated for the Steller sea lion (58 FR 45269; August 27, 1993). Critical habitat is defined by section 3 of the ESA as (1) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (a) essential to the conservation of the species and (b) which may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Designated Steller sea lion critical habitat includes terrestrial, aquatic, and air zones that extend 3,000 ft (0.9 km) landward, seaward, and above each major rookery and major haulout in Alaska. For the Western DPS, the aquatic zone extends further, out 20 nmi (37 km) seaward of major rookeries and haulouts west of 144° W. In addition to major rookeries and haulouts, critical habitat foraging areas have been designated in Seguam Pass, Bogoslof area, and Shelikof Strait. Of the foraging areas, only Seguam Pass overlaps the proposed survey area. The Bogoslof foraging area is located to the east of the survey area, and Shelikof Strait is in the western Gulf of Alaska (GOA). In addition, ''no approach'' buffer areas around rookery sites of the Western DPS of Steller sea lions are identified. ''No approach'' zones are restricted areas wherein no vessel may approach within 3 nmi (5.6 km) of listed rookeries; some of these are adjacent to the survey area. In the Aleutian Islands, critical habitat includes 66 sites (26 rookeries and 40 haulout sites) and foraging areas in

Seguam Pass (within the proposed survey area) and the Bogoslof area (east of the survey area). Please see Figure 1 of L–DEO's application for additional detail.

Critical habitat has also been designated for the North Pacific right whale (73 FR 19000; April 8, 2008). The designation includes areas in the Bering Sea and GOA. However, the closest critical habitat unit, in the Bering Sea, is more than 400 km away from the proposed survey area. There is no critical habitat designated for any other species within the region. In addition, a feeding BIA for right whales is recognized to the south of Kodiak Island, and the Bering Sea critical habitat unit is also recognized as a BIA.

For fin whales, a BIA for feeding is recognized in Shelikof Strait, between Kodiak Island and the Alaska Peninsula, and extending west to the Semidi Islands. For gray whales, a feeding BIA is recognized to the south of Kodiak Island, and a migratory BIA is recognized as extending along the continental shelf throughout the GOA, through Unimak Pass in the eastern Aleutian Islands, and along the Bering Sea continental shelf. For humpback whales, feeding BIAs are recognized around the Shumagin Islands and around Kodiak Island. These areas are sufficiently distant from the proposed survey area that no effects to important behaviors occurring in the BIAs should be expected. Moreover, the timeframe of the planned survey does not overlap with expected highest abundance of whales on the feeding BIAs or with gray whale migratory periods.

A separate feeding BIA is recognized in the Bering Sea for fin whales. Because the distribution of presumed feeding fin whales in the Bering Sea is widespread, a wide region from the Middle Shelf domain to the slope is considered to be a BIA. The highest densities of feeding fin whales in the Bering Sea likely occur from June through September. The BIA is considered as being in waters shallower than the 1,000-m isobath on the eastern Bering Sea shelf, and does not extend past approximately Unimak Pass in the Aleutian Islands. A gray whale feeding BIA is recognized along the north side of the Alaska Peninsula. Marine mammal behavior in these BIAs is similarly not expected to be affected by the proposed survey due to distance and timing.

Large aggregations of feeding humpback whales have historically been observed along the northern side of the eastern Aleutian Islands and Alaska Peninsula, and a feeding BIA is recognized. Highest densities are expected from June through September. The eastern edge of the planned survey area is approximately 100 km west of the western edge of the recognized BIA, but it is possible that the survey could affect feeding humpback whales. For more information on BIAs, please see Ferguson et al. (2015a, 2015b).

Unusual Mortality Events (UME)

A UME is defined under the MMPA as ''a stranding that is unexpected; involves a significant die-off of any marine mammal population; and demands immediate response.'' For more information on UMEs, please visit: *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-unusual-mortality-events.* Currently recognized UMEs in Alaska involving species under NMFS' jurisdiction include those affecting ice seals in the Bering and Chukchi Seas and gray whales. Since June 1, 2018, elevated strandings for bearded, ringed and spotted seals have occurred in the Bering and Chukchi seas in Alaska, with causes undetermined. For more information, please visit: *www.fisheries.noaa.gov/alaska/marine-life-distress/2018-2020-ice-seal-unusual-mortality-event-alaska.*

Since January 1, 2019, elevated gray whale strandings have occurred along the west coast of North America from Mexico through Alaska. As of June 5, 2020, there have been a total of 340 whales reported in the event, with approximately 168 dead whales in Mexico, 159 whales in the United States (53 in California; 9 in Oregon; 42 in Washington, 55 in Alaska), and 13 whales in British Columbia, Canada. For the United States, the historical 18-year 5-month average (Jan–May) is 14.8 whales for the four states for this same time-period. Several dead whales have been emaciated with moderate to heavy whale lice (cyamid) loads. Necropsies have been conducted on a subset of whales with additional findings of vessel strike in three whales and entanglement in one whale. In Mexico, 50–55 percent of the free-ranging whales observed in the lagoons in winter have been reported as ''skinny'' compared to the annual average of 10–12 percent ''skinny'' whales normally seen. The cause of the UME is as yet undetermined. For more information, please visit: *www.fisheries.noaa.gov/national/marine-life-distress/2019-2020-gray-whale-unusual-mortality-event-along-west-coast-and.*

Another recent, notable UME involved large whales and occurred in the western Gulf of Alaska and off of British Columbia, Canada. Beginning in May 2015, elevated large whale mortalities (primarily fin and humpback whales) occurred in the areas around Kodiak Island, Afognak Island, Chirikof Island, the Semidi Islands, and the southern shoreline of the Alaska Peninsula. Although most carcasses have been non-retrievable as they were discovered floating and in a state of moderate to severe decomposition, the UME is likely attributable to ecological factors, *i.e.,* the 2015 El Niño, ''warm water blob,'' and the Pacific Coast domoic acid bloom. The UME was closed in 2016. More information is available online at *www.fisheries.noaa.gov/national/marine-life-distress/2015-2016-large-whale-unusual-mortality-event-western-gulf-alaska.*

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in Table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS

[NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*)	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information. Twenty-three marine mammal species (17 cetacean and six pinniped (two otariid and four phocid) species) are considered herein. Of the cetacean species that may be present, seven are classified as low-frequency cetaceans (*i.e.,* all mysticete species), eight are classified as mid-frequency cetaceans (*i.e.,* all delphinid and ziphiid species and the sperm whale), and two are classified as high-frequency cetaceans (*i.e.,* porpoises).

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

Detailed descriptions of the potential effects of similar specified activities have been provided in other recent **Federal Register** notices, including for activities occurring within the same specified geographical region (*e.g.,* 83 FR 29212; 84 FR 14200; 85 FR 19580). Section 7 of L–DEO's application provides a comprehensive discussion of the potential effects of the proposed survey. We have reviewed L–DEO's application and believe it is accurate and complete. No significant new information is available. The information in L–DEO's application and in the referenced **Federal Register** notices are sufficient to inform our determinations regarding the potential effects of L–DEO's specified activity on marine mammals and their habitat. We refer the reader to these documents rather than repeating the information here. The referenced information includes a summary and discussion of the ways that the specified activity may impact marine mammals and their habitat. Consistent with the analysis in our prior **Federal Register** notices for similar L–DEO surveys and after independently evaluating the analysis in L–DEO's application, we preliminarily determine that the survey is likely to result in the takes described in the ''Estimated Take'' section of this document and that other forms of take are not expected to occur.

The ''Estimated Take'' section includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis and Determination'' section considers the potential effects of the specified activity, the ''Estimated Take'' section, and the ''Proposed Mitigation'' section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Description of Active Acoustic Sound Sources

This section contains a brief technical background on sound, on the characteristics of certain sound types, and on metrics used in this proposal inasmuch as the information is relevant to the specified activity and to a discussion of the potential effects of the specified activity on marine mammals found later in this document. For general information on sound and its interaction with the marine environment, please see, *e.g.,* Au and Hastings (2008); Richardson *et al.* (1995); Urick (1983).

Sound travels in waves, the basic components of which are frequency, wavelength, velocity, and amplitude. Frequency is the number of pressure waves that pass by a reference point per unit of time and is measured in hertz or cycles per second. Wavelength is the distance between two peaks or corresponding points of a sound wave (length of one cycle). Higher frequency sounds have shorter wavelengths than lower frequency sounds, and typically attenuate (decrease) more rapidly, except in certain cases in shallower water. Amplitude is the height of the sound pressure wave or the ''loudness'' of a sound and is typically described using the relative unit of the decibel. A sound pressure level (SPL) in dB is described as the ratio between a measured pressure and a reference pressure (for underwater sound, this is 1 microPascal (μPa)), and is a logarithmic unit that accounts for large variations in amplitude. Therefore, a relatively small change in dB corresponds to large changes in sound pressure. The source level (SL) represents the SPL referenced at a distance of 1 m from the source (referenced to 1 μPa), while the received level is the SPL at the listener's position (referenced to 1 μPa).

Root mean square (rms) is the quadratic mean sound pressure over the duration of an impulse. Root mean square is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick, 1983). Root mean square accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper, 2005). This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units than by peak pressures.

Sound exposure level (SEL; represented as dB re 1 μPa^2-s) represents the total energy in a stated frequency

band over a stated time interval or event and considers both intensity and duration of exposure. The per-pulse SEL is calculated over the time window containing the entire pulse (*i.e.,* 100 percent of the acoustic energy). SEL is a cumulative metric; it can be accumulated over a single pulse, or calculated over periods containing multiple pulses. Cumulative SEL represents the total energy accumulated by a receiver over a defined time window or during an event. Peak sound pressure (also referred to as zero-to-peak sound pressure or 0-pk) is the maximum instantaneous sound pressure measurable in the water at a specified distance from the source and is represented in the same units as the rms sound pressure.

When underwater objects vibrate or activity occurs, sound-pressure waves are created. These waves alternately compress and decompress the water as the sound wave travels. Underwater sound waves radiate in a manner similar to ripples on the surface of a pond and may be either directed in a beam or beams or may radiate in all directions (omnidirectional sources), as is the case for sound produced by the pile driving activity considered here. The compressions and decompressions associated with sound waves are detected as changes in pressure by aquatic life and man-made sound receptors such as hydrophones.

Even in the absence of sound from the specified activity, the underwater environment is typically loud due to ambient sound, which is defined as environmental background sound levels lacking a single source or point (Richardson *et al.,* 1995). The sound level of a region is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* wind and waves, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic (*e.g.,* vessels, dredging, construction) sound. A number of sources contribute to ambient sound, including wind and waves, which are a main source of naturally occurring ambient sound for frequencies between 200 Hz and 50 kHz (Mitson, 1995). In general, ambient sound levels tend to increase with increasing wind speed and wave height. Precipitation can become an important component of total sound at frequencies above 500 Hz, and possibly down to 100 Hz during quiet times. Marine mammals can contribute significantly to ambient sound levels, as can some fish and snapping shrimp. The frequency band for biological contributions is from approximately 12 Hz to over 100 kHz. Sources of ambient sound related to human activity include transportation (surface vessels), dredging and construction, oil and gas drilling and production, geophysical surveys, sonar, and explosions. Vessel noise typically dominates the total ambient sound for frequencies between 20 and 300 Hz. In general, the frequencies of anthropogenic sounds are below 1 kHz and, if higher frequency sound levels are created, they attenuate rapidly.

The sum of the various natural and anthropogenic sound sources that comprise ambient sound at any given location and time depends not only on the source levels (as determined by current weather conditions and levels of biological and human activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals. Details of source types are described in the following text.

Sounds are often considered to fall into one of two general types: Pulsed and non-pulsed (defined in the following). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward, 1997 in Southall *et al.,* 2007). Please see Southall *et al.* (2007) for an in-depth discussion of these concepts. The distinction between these two sound types is not always obvious, as certain signals share properties of both pulsed and non-pulsed sounds. A signal near a source could be categorized as a pulse, but due to propagation effects as it moves farther from the source, the signal duration becomes longer (*e.g.,* Greene and Richardson, 1988).

Pulsed sound sources (*e.g.,* airguns, explosions, gunshots, sonic booms, impact pile driving) produce signals that are brief (typically considered to be less than one second), broadband, atonal transients (ANSI, 1986, 2005; Harris, 1998; NIOSH, 1998; ISO, 2003) and occur either as isolated events or repeated in some succession. Pulsed sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Non-pulsed sounds can be tonal, narrowband, or broadband, brief or prolonged, and may be either continuous or intermittent (ANSI, 1995; NIOSH, 1998). Some of these non-pulsed sounds can be transient signals of short duration but without the essential properties of pulses (*e.g.,* rapid rise time). Examples of non-pulsed sounds include those produced by vessels, aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems. The duration of such sounds, as received at a distance, can be greatly extended in a highly reverberant environment.

Airgun arrays produce pulsed signals with energy in a frequency range from about 10–2,000 Hz, with most energy radiated at frequencies below 200 Hz. The amplitude of the acoustic wave emitted from the source is equal in all directions (*i.e.,* omnidirectional), but airgun arrays do possess some directionality due to different phase delays between guns in different directions. Airgun arrays are typically tuned to maximize functionality for data acquisition purposes, meaning that sound transmitted in horizontal directions and at higher frequencies is minimized to the extent possible.

Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization 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 seismic airguns 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) for mysticetes and high frequency cetaceans (*i.e.,* porpoises). The proposed mitigation and monitoring measures are expected to minimize the severity of such taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or proposed to be 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). Below, we describe the factors considered here in more detail and present the proposed take estimate.

Acoustic Thresholds

NMFS uses 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 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). NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals may be behaviorally harassed (*i.e.,* Level B harassment) when exposed to underwater anthropogenic noise above received levels 160 dB re 1 µPa (rms) for the impulsive sources (*i.e.,* seismic airguns) evaluated here.

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). L–DEO's proposed seismic survey includes the use of impulsive (seismic airguns) sources.

These thresholds are provided in the table below. 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

Hearing group	PTS onset acoustic thresholds * (received level)	
	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 acoustic propagation modeling.

L–DEO's modeling methodologies are described in greater detail in Appendix A of L–DEO's IHA application. The proposed 2D survey would acquire data using the 36-airgun array with a total discharge volume of 6,600 in^3 at a maximum tow depth of 9 m. During approximately 10 percent of the planned survey tracklines, the array would be used at half the total volume (*i.e.,* an 18-airgun array with total volume of 3,300 in^3). L–DEO's modeling approach uses ray tracing for the direct wave traveling from the array to the receiver and its associated source ghost (reflection at the air-water interface in the vicinity of the array), in a constant-velocity half-space (infinite homogeneous ocean layer, unbounded by a seafloor). To validate the model results, L–DEO measured propagation of pulses from the 36-airgun array at a tow depth of 6 m in the Gulf of Mexico, for deep water (~1,600 m), intermediate water depth on the slope (~600–1,100 m), and shallow water (~50 m) (Tolstoy *et al.,* 2009; Diebold *et al.,* 2010).

L–DEO collected a MCS data set from R/V *Langseth* on an 8 km streamer in 2012 on the shelf of the Cascadia Margin off of Washington in water up to 200 m

deep that allowed Crone *et al.* (2014) to analyze the hydrophone streamer (>1,100 individual shots). These empirical data were then analyzed to determine *in situ* sound levels for shallow and upper intermediate water depths. These data suggest that modeled radii were 2–3 times larger than the measured radii in shallow water. Similarly, data collected by Crone *et al.* (2017) during a survey off New Jersey in 2014 and 2015 confirmed that *in situ* measurements collected by R/V *Langseth* hydrophone streamer were 2–3 times smaller than the predicted radii.

L–DEO model results are used to determine the assumed radial distance to the 160-dB rms threshold for these arrays in deep water (>1,000 m) (down to a maximum water depth of 2,000 m). Water depths in the project area may be up to 7,100 m, but marine mammals in the region are generally not anticipated to dive below 2,000 m (Costa and Williams, 1999). For the 36-airgun array, the estimated radial distance for intermediate (100–1,000 m) and shallow (<100 m) water depths is taken from Crone *et al.* (2014). L–DEO typically derives estimated distances for intermediate water depths by applying a correction factor of 1.5 to the model results for deep water. The Crone *et al.* (2014) empirical data produce results consistent with L–DEO's typical approach (8,233 m versus 8,444 m). For the 18-airgun array, the radii for shallow and intermediate-water depths are taken from Crone *et al.* (2014) and scaled to account for the difference in airgun volume.

The estimated distances to the Level B harassment isopleths for the arrays are shown in Table 4.

TABLE 4—PREDICTED RADIAL DISTANCES TO ISOPLETHS CORRESPONDING TO LEVEL B HARASSMENT THRESHOLD

Source and volume	Tow depth (m)	Water depth (m)	Level B harassment zone (m)
36 airgun array; 6,600 in^3	9	>1000	[1] 5,629
		100–1000	[3] 8,233
		<100	[3] 11,000
18 airgun array; 3,300 in^3	9	>1000	[1] 3,562
		100–1000	[2] 3,939
		<100	[2] 5,263

[1] Distance based on L–DEO model results.
[2] Based on empirical data from Crone *et al.* (2014) with scaling factor based on deep-water modeling applied to account for differences in array size.
[3] Based on empirical data from Crone *et al.* (2014).

Predicted distances to Level A harassment isopleths, which vary based on marine mammal hearing groups, were calculated based on modeling performed by L–DEO using the NUCLEUS source modeling software program and the NMFS User Spreadsheet, described below. The acoustic thresholds for impulsive sounds (*e.g.,* airguns) contained in the Technical Guidance were presented as dual metric acoustic thresholds using both SEL_{cum} and peak sound pressure metrics (NMFS 2018). As dual metrics, NMFS considers onset of PTS (Level A harassment) to have occurred when either one of the two metrics is exceeded (*i.e.,* metric resulting in the largest isopleth). The SEL_{cum} metric considers both level and duration of exposure, as well as auditory weighting functions by marine mammal hearing group. In recognition of the fact that the requirement to calculate Level A harassment ensonified areas could be more technically challenging to predict due to the duration component and the use of weighting functions in the new SEL_{cum} thresholds, NMFS developed an optional User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to facilitate the estimation of take numbers.

The values for SEL_{cum} and peak SPL for the *Langseth* airgun arrays were derived from calculating the modified far-field signature. The farfield signature is often used as a theoretical representation of the source level. To compute the farfield signature, the source level is estimated at a large distance below the array (*e.g.,* 9 km), and this level is back projected mathematically to a notional distance of 1 m from the array's geometrical center. However, when the source is an array of multiple airguns separated in space, the source level from the theoretical farfield signature is not necessarily the best measurement of the source level that is physically achieved at the source (Tolstoy *et al.,* 2009). Near the source (at short ranges, distances <1 km), the pulses of sound pressure from each individual airgun in the source array do not stack constructively, as they do for the theoretical farfield signature. The pulses from the different airguns spread out in time such that the source levels observed or modeled are the result of the summation of pulses from a few airguns, not the full array (Tolstoy *et al.,* 2009). At larger distances, away from the source array center, sound pressure of all the airguns in the array stack coherently, but not within one time sample, resulting in smaller source levels (a few dB) than the source level derived from the farfield signature. Because the farfield signature does not take into account the large array effect near the source and is calculated as a point source, the modified farfield signature is a more appropriate measure of the sound source level for distributed sound sources, such as airgun arrays. L–DEO used the acoustic modeling methodology as used for estimating Level B harassment distances with a small grid step of 1 m in both the inline and depth directions. The propagation modeling takes into account all airgun interactions at short distances from the source, including interactions between subarrays, which are modeled using the NUCLEUS software to estimate the notional signature and MATLAB software to calculate the pressure signal at each mesh point of a grid.

In order to more realistically incorporate the Technical Guidance's weighting functions over the seismic array's full acoustic band, unweighted spectrum data for the *Langseth's* airgun array (modeled in 1 Hz bands) was used to make adjustments (dB) to the unweighted spectrum levels, by frequency, according to the weighting functions for each relevant marine mammal hearing group. These adjusted/weighted spectrum levels were then converted to pressures (μPa) in order to integrate them over the entire broadband spectrum, resulting in broadband weighted source levels by

hearing group that could be directly incorporated within the User Spreadsheet (*i.e.,* to override the Spreadsheet's more simple weighting factor adjustment). Using the User Spreadsheet's ''safe distance'' methodology for mobile sources (described by Sivle *et al.,* 2014) with the hearing group-specific weighted source levels, and inputs assuming spherical spreading propagation and source velocities and shot intervals specific to the planned survey, potential radial distances to auditory injury zones were then calculated for SEL_{cum} thresholds.

Inputs to the User Spreadsheets in the form of estimated source levels are shown in Appendix A of L–DEO's application. User Spreadsheets used by L–DEO to estimate distances to Level A harassment isopleths for the airgun arrays are also provided in Appendix A of the application. Outputs from the User Spreadsheets in the form of estimated distances to Level A harassment isopleths for the survey are shown in Table 5. As described above, NMFS considers onset of PTS (Level A harassment) to have occurred when either one of the dual metrics (SEL_{cum} and Peak SPL_{flat}) is exceeded (*i.e.,* metric resulting in the largest isopleth).

TABLE 5—MODELED RADIAL DISTANCES (m) TO ISOPLETHS CORRESPONDING TO LEVEL A HARASSMENT THRESHOLDS

Source (volume)	Threshold	Level A harassment zone (m)				
		LF cetaceans	MF cetaceans	HF cetaceans	Phocids	Otariids
36-airgun array (6,600 in^3)	SEL_{cum}	376	0	1	10	0
	Peak	39	14	229	42	11
18-airgun array (3,300 in^3)	SEL_{cum}	55	0	0	2	0
	Peak	23	11	119	25	10

Note that because of some of the assumptions included in the methods used (*e.g.,* stationary receiver with no vertical or horizontal movement in response to the acoustic source), isopleths produced may be overestimates to some degree, which will ultimately result in some degree of overestimation of Level A harassment. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 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 mobile sources, such as the proposed seismic survey, the User Spreadsheet predicts the closest distance at which a stationary animal would not incur PTS if the sound source traveled by the animal in a straight line at a constant speed.

Auditory injury is unlikely to occur for mid-frequency cetaceans, otariid pinnipeds, and phocid pinnipeds given very small modeled zones of injury for those species (all estimated zones less than 15 m for mid-frequency cetaceans and otariid pinnipeds, up to a maximum of 42 m for phocid pinnipeds), in context of distributed source dynamics. The source level of the array is a theoretical definition assuming a point source and measurement in the far-field of the source (MacGillivray, 2006). As described by Caldwell and Dragoset (2000), an array is not a point source, but one that spans a small area. In the far-field, individual elements in arrays will effectively work as one source because individual pressure peaks will have coalesced into one relatively broad pulse. The array can then be considered a ''point source.'' For distances within the near-field, *i.e.,* approximately 2–3 times the array dimensions, pressure peaks from individual elements do not arrive simultaneously because the observation point is not equidistant from each element. The effect is destructive interference of the outputs of each element, so that peak pressures in the near-field will be significantly lower than the output of the largest individual element. Here, the 230 dB peak isopleth distances would in all cases be expected to be within the near-field of the array where the definition of source level breaks down. Therefore, actual locations within this distance of the array center where the sound level exceeds 230 dB peak SPL would not necessarily exist. In general, Caldwell and Dragoset (2000) suggest that the near-field for airgun arrays is considered to extend out to approximately 250 m.

In order to provide quantitative support for this theoretical argument, we calculated expected maximum distances at which the near-field would transition to the far-field (Table 5). For a specific array one can estimate the distance at which the near-field transitions to the far-field by:

$$D = \frac{L^2}{4\lambda}$$

with the condition that $D >> \lambda$, and where D is the distance, L is the longest dimension of the array, and λ is the wavelength of the signal (Lurton, 2002). Given that λ can be defined by:

$$\lambda = \frac{v}{f}$$

where f is the frequency of the sound signal and v is the speed of the sound in the medium of interest, one can rewrite the equation for D as:

$$D = \frac{fL^2}{4v}$$

and calculate D directly given a particular frequency and known speed of sound (here assumed to be 1,500 meters per second in water, although this varies with environmental conditions).

To determine the closest distance to the arrays at which the source level predictions in Table 5 are valid (*i.e.,* maximum extent of the near-field), we calculated D based on an assumed frequency of 1 kHz. A frequency of 1 kHz is commonly used in near-field/far-field calculations for airgun arrays (Zykov and Carr, 2014; MacGillivray, 2006; NSF and USGS, 2011), and based on representative airgun spectrum data and field measurements of an airgun array used on the *Langseth,* nearly all (greater than 95 percent) of the energy from airgun arrays is below 1 kHz (Tolstoy *et al.,* 2009). Thus, using 1 kHz as the upper cut-off for calculating the maximum extent of the near-field should reasonably represent the near-field extent in field conditions.

If the largest distance to the peak sound pressure level threshold was equal to or less than the longest dimension of the array (*i.e.,* under the array), or within the near-field, then received levels that meet or exceed the threshold in most cases are not expected to occur. This is because within the near-field and within the dimensions of the array, the source levels specified in Appendix A of L–DEO's application are

overestimated and not applicable. In fact, until one reaches a distance of approximately three or four times the near-field distance the average intensity of sound at any given distance from the array is still less than that based on calculations that assume a directional point source (Lurton, 2002). The 6,600-in^3 airgun array used during 90 percent of the proposed survey has an approximate diagonal of 28.8 m, resulting in a near-field distance of 138.7 m at 1 kHz (NSF and USGS, 2011). Field measurements of this array indicate that the source behaves like multiple discrete sources, rather than a directional point source, beginning at approximately 400 m (deep site) to 1 km (shallow site) from the center of the array (Tolstoy *et al.,* 2009), distances that are actually greater than four times the calculated 140-m near-field distance. Within these distances, the recorded received levels were always lower than would be predicted based on calculations that assume a directional point source, and increasingly so as one moves closer towards the array (Tolstoy *et al.,* 2009). Given this, relying on the calculated distance (138.7 m) as the distance at which we expect to be in the near-field is a conservative approach since even beyond this distance the acoustic modeling still overestimates the actual received level. Within the near-field, in order to explicitly evaluate the likelihood of exceeding any particular acoustic threshold, one would need to consider the exact position of the animal, its relationship to individual array elements, and how the individual acoustic sources propagate and their acoustic fields interact. Given that within the near-field and dimensions of the array source levels would be below those assumed here, we believe exceedance of the peak pressure threshold would only be possible under highly unlikely circumstances.

In consideration of the received sound levels in the near-field as described above, we expect the potential for Level A harassment of mid-frequency cetaceans, otariid pinnipeds, and phocid pinnipeds to be de minimis, even before the likely moderating effects of aversion and/or other compensatory behaviors (*e.g.,* Nachtigall *et al.,* 2018) are considered. We do not believe that Level A harassment is a likely outcome for any mid-frequency cetacean, otariid pinniped, or phocid pinniped and do not propose to authorize any Level A harassment for these species.

Marine Mammal Occurrence

In this section we provide the information about the presence, density, and group dynamics of marine mammals that will inform the take calculations. For additional detail, please see Appendix B of L–DEO's application.

Habitat-based stratified marine mammal densities developed by the U.S. Navy for assessing potential impacts of training activities in the Gulf of Alaska (GOA) (DoN, 2014; Rone et al., 2014) were used by L–DEO for estimating potential marine mammal exposures. The Navy's Marine Species Density Database (DoN, 2014) is currently the most comprehensive compendium for density data available for the GOA; density estimates specific to the survey location in the Aleutian Islands are not available. Density values are provided in Table B–1 of L–DEO's application.

The Navy conducted two comprehensive marine mammal surveys in their Temporary Marine Activities Area (TMAA) in the GOA prior to 2014. The first survey was conducted in April 2009 and the second was from June to July 2013. Both surveys used systematic line-transect survey protocols including visual and acoustic detection methods (Rone *et al.,* 2010, 2014). The data were collected in four strata that were designed to encompass the four distinct habitats within the TMAA and greater GOA. Rone *et al.* (2014) provided stratified line-transect density estimates used in this analysis for fin, humpback, blue, sperm, and killer whales, as well as northern fur seals. Data from a subsequent survey in 2015 were used to calculate alternative density estimates for several species (Rone et al., 2017). However, the reported densities for blue, fin and humpback whales were not prorated for unidentified large whale sightings so the densities from Rone et al. (2014) were maintained.

Rone et al. (2014) defined four strata: Inshore: All waters <1,000 m deep; Slope: From 1,000 m water depth to the Aleutian trench/subduction zone; Offshore: Waters offshore of the Aleutian trench/subduction zone; Seamount: Waters within defined seamount areas. Densities corresponding to these strata were based on data from several different sources, including Navy funded line-transect surveys in the GOA as described above. Compared to the GOA study area (Rone et al., 2014), the proposed survey area does not have a consistent gradual decrease in water depth (''slope'' habitat) from the 1,000 m isobath to the Aleutian Trench, south of the Aleutian Islands. Instead, water depths initially decrease rapidly beyond the 1,000-m isobath to ~4,000 m, then rise again on Hawley Ridge before dropping in the Aleutian Trench. Additionally, waters north of the Aleutian Islands and beyond 1,000 m drop rapidly to ~3,000 m and remain at those depths to the northern extent of the survey lines. For those reasons, and because the Rone et al. (2014) inshore densities were for all waters <1,000 m, the marine mammal densities for the Inshore region were used for both shallow (<100 m) and intermediate (100–1,000 m) water depths, while offshore densities were used for all deepwater areas >1,000 m.

There were insufficient sightings data from the 2009, 2013 and 2015 line-transect surveys to calculate reliable density estimates for other marine mammal species in the GOA. DoN (2014) derived gray whale densities in two zones, nearshore (0–2.25 nmi from shore) and offshore (from 2.25–20 nmi from shore). L–DEO used the nearshore density to represent shallow water (<100 m deep), and the offshore density for intermediate and deep water. Harbor porpoise densities in DoN (2014) were derived from Hobbs and Waite (2010) which included additional shallow water depth strata. The density estimate from the 100–200 m depth strata was used for both shallow and intermediate-depth water in this analysis. Similarly, harbor seals typically remain close to shore so minimal estimates for deep water and a one thousand fold increase of the minimal density was used for shallow and intermediate waters (DoN, 2014). The density estimates for Dall's porpoise in Rone et al. (2017) were somewhat larger than those in Rone et al. (2014), so the larger densities are used here.

Densities for minke whale, Pacific white-sided dolphin, and Cuvier's and Baird's beaked whales were based on Waite (2003 in DoN, 2009). Although sei whale sightings and Stejneger's beaked whale acoustic detections were recorded during the Navy-funded GOA surveys, data were insufficient to calculate densities for these species, so predictions from a global model of marine mammal densities were used (Kaschner et al., 2012 in DoN, 2014). Steller sea lion and northern elephant seal densities were calculated using shore-based population estimates divided by the area of the GOA Large Marine Ecosystem (DoN, 2014). For the Steller sea lion in particular, we invite comment on the suitability of these data and regarding the availability of alternative density information, if any. The North Pacific right whale and Risso's dolphin are only rarely observed in or near the survey area, so minimal densities were used to represent their potential presence (DoN, 2014). No regional density information is available

for the northern right whale dolphin, spotted seal, or ribbon seal.

All densities were corrected for perception bias [f(0)] but only harbor porpoise densities were corrected for availability bias [g(0)], as described by the respective authors. There is some uncertainty related to the estimated density data and the assumptions used in their calculations, as with all density data estimates. However, the approach used here is based on the best available data that are stratified by the water depth (habitat) zones present within the survey area.

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate. In order to estimate the number of marine mammals predicted to be exposed to sound levels that would result in Level A or Level B harassment, radial distances from the airgun array to predicted isopleths corresponding to the Level A harassment and Level B harassment thresholds are calculated, as described above. Those radial distances are then used to calculate the area(s) around the airgun array predicted to be ensonified to sound levels that exceed the Level A and Level B harassment thresholds. The distance for the 160-dB threshold (based on L–DEO model results) was used to draw a buffer around every transect line in GIS to determine the total ensonified area in each depth category. Estimated incidents of exposure above Level A and Level B harassment criteria are presented in Table 6. For additional details regarding calculations of ensonified area, please see Appendix D of L–DEO's application. As noted previously, L–DEO has added 25 percent in the form of operational days, which is equivalent to adding 25 percent to the proposed line-kms to be surveyed. This accounts for the possibility that additional operational days are required, but likely results in an overestimate of actual exposures.

The estimated marine mammal exposures above harassment thresholds are generally assumed here to equate to take, and the estimates form the basis for our proposed take authorization numbers. For the species for which NMFS does not expect there to be a reasonable potential for take by Level A harassment to occur, *i.e.,* mid-frequency cetaceans and all pinnipeds, the estimated exposures above Level A harassment thresholds have been added to the estimated exposures above the Level B harassment threshold to produce a total number of incidents of take by Level B harassment that is proposed for authorization. Estimated exposures and proposed take numbers for authorization are shown in Table 6. Regarding humpback whale take numbers, we assume that whales encountered will follow Wade (2017), *i.e.,* that 86.8 percent of takes would accrue to the Hawaii DPS, 11 percent to the Mexico DPS, and 2.1 percent to the WNP DPS. Of the estimated take of gray whales, we assume that 1.1 percent of encountered whales would be from the WNP stock (Carretta et al., 2019) and propose to authorize take accordingly. Note that the aforementioned modification to certain tracklines to maintain a larger buffer around specific Steller sea lion haul-outs and rookeries has not been accounted for in the take estimation process and, therefore, actual acoustic exposures of Steller sea lions above harassment thresholds would likely be less than assumed here.

TABLE 6—ESTIMATED TAKING BY LEVEL A AND LEVEL B HARASSMENT, AND PERCENTAGE OF POPULATION

Species	Stock [1]	Estimated level B harassment	Estimated level A harassment	Proposed level B harassment	Proposed level A harassment	Total take	Percent of stock [1]
North Pacific right whale [2]	.....	1	0	2	0	2	6.5
Humpback whale	WNP	2,580	140	2,580	140	2,719	245.6
	CNP	.....	.....	.....	.....	.....	26.9
Blue whale	.....	25	2	25	2	27	1.8
Fin whale [5]	.....	2,037	118	2,037	118	2,155	n/a
Sei whale	.....	5	0	5	0	5	1
Minke whale [5]	.....	30	2	30	2	32	n/a
Gray whale	ENP	223	3	223	3	226	0.8
	WNP	3	0	3	0	3	1
Sperm whale [5]	.....	39	3	42	0	42	n/a
Baird's beaked whale [5]	.....	25	2	27	0	27	n/a
Stejneger's beaked whale [5]	.....	43	3	46	0	46	n/a
Cuvier's beaked whale [5]	.....	110	7	117	0	117	n/a
Pacific white-sided dolphin	.....	1,038	64	1,103	0	1,103	4.1
Northern right whale dolphin [3]	.....	.....	.....	58	0	58	0.2
Risso's dolphin [3]	.....	1	0	22	0	22	0.3
Killer whale	Offshore	159	9	169	0	169	56.3
	Transient	.....	.....	.....	.....	.....	28.8
	Resident	.....	.....	.....	.....	.....	7.2
Dall's porpoise	.....	5,424	308	5,424	308	5,732	6.9
Harbor porpoise	.....	935	51	935	51	985	2
Northern fur seal	.....	809	51	860	0	860	0.1
Steller sea lion	.....	489	30	520	0	520	1
Northern elephant seal	.....	110	7	117	0	117	0.1
Harbor seal	.....	198	11	209	0	209	3.7
Spotted seal [4]	.....	.....	.....	5	0	5	0.0
Ribbon seal [4]	.....	.....	.....	5	0	5	0.0

[1] In most cases, where multiple stocks are being affected, for the purposes of calculating the percentage of the stock impacted, the take is being analyzed as if all proposed takes occurred within each stock. Where necessary, additional discussion is provided in the ''Small Numbers Analysis'' section.

[2] Estimated exposure of one whale increased to group size of two (Shelden et al., 2005; Waite et al., 2003; Wade et al., 2011.

[3] L–DEO requests authorization of northern right whale dolphin take equivalent to exposure of one group, and estimated exposure of one Risso's dolphin increased to group size of 22 (Barlow, 2016).

[4] L–DEO requests authorization of five takes each of spotted seal and ribbon seal.

[5] As noted in Table 1, there is no estimate of abundance available for these species.

Proposed 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.

In order to satisfy the MMPA's least practicable adverse impact standard, NMFS has evaluated a suite of basic mitigation protocols for seismic surveys that are required regardless of the status of a stock. Additional or enhanced protections may be required for species whose stocks are in particularly poor health and/or are subject to some significant additional stressor that lessens that stock's ability to weather the effects of the specified activities without worsening its status. We reviewed seismic mitigation protocols required or recommended elsewhere (*e.g.,* HESS, 1999; DOC, 2013; IBAMA, 2018; Kyhn *et al.,* 2011; JNCC, 2017; DEWHA, 2008; BOEM, 2016; DFO, 2008; GHFS, 2015; MMOA, 2016; Nowacek *et al.,* 2013; Nowacek and Southall, 2016), recommendations received during public comment periods for previous actions, and the available scientific literature. We also considered recommendations given in a number of review articles (*e.g.,* Weir and Dolman, 2007; Compton *et al.,* 2008; Parsons *et al.,* 2009; Wright and Cosentino, 2015; Stone, 2015b). This exhaustive review and consideration of public comments regarding previous, similar activities has led to development of the protocols included here.

As described previously, L–DEO has agreed to modify certain tracklines in order to reduce the number and intensity of acoustic exposures of Steller sea lions in waters around the specific haul-outs and rookeries of greatest importance for the stock. Tracklines were modified to ensure that the vessel maintains a standoff distance sufficient to prevent the assumed Level B harassment zone from overlapping with a 3,000-foot (0.9-km) buffer around those haul-outs and rookeries.

Vessel-Based Visual Mitigation Monitoring

Visual monitoring requires the use of trained observers (herein referred to as visual PSOs) to scan the ocean surface for the presence of marine mammals. The area to be scanned visually includes primarily the exclusion zone, within which observation of certain marine mammals requires shutdown of the acoustic source, but also a buffer zone. The buffer zone means an area beyond the exclusion zone to be monitored for the presence of marine mammals that may enter the exclusion zone. During pre-clearance monitoring (*i.e.,* before ramp-up begins), the buffer zone also acts as an extension of the exclusion zone in that observations of marine mammals within the buffer zone would also prevent airgun operations from beginning (*i.e.,* ramp-up). The buffer zone encompasses the area at and below the sea surface from the edge of the 0–500 m exclusion zone, out to a radius of 1,000 m from the edges of the airgun array (500–1,000 m). Visual monitoring of the exclusion zone and adjacent waters is intended to establish and, when visual conditions allow, maintain zones around the sound source that are clear of marine mammals, thereby reducing or eliminating the potential for injury and minimizing the potential for more severe behavioral reactions for animals occurring closer to the vessel. Visual monitoring of the buffer zone is intended to (1) provide additional protection to naïve marine mammals that may be in the area during pre-clearance, and (2) during airgun use, aid in establishing and maintaining the exclusion zone by alerting the visual observer and crew of marine mammals that are outside of, but may approach and enter, the exclusion zone.

L–DEO must use dedicated, trained, NMFS-approved Protected Species Observers (PSOs). The PSOs must have no tasks other than to conduct observational effort, record observational data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements. PSO resumes shall be provided to NMFS for approval.

At least one of the visual and two of the acoustic PSOs (discussed below) aboard the vessel must have a minimum of 90 days at-sea experience working in those roles, respectively, with no more than 18 months elapsed since the conclusion of the at-sea experience. One visual PSO with such experience shall be designated as the lead for the entire protected species observation team. The lead PSO shall serve as primary point of contact for the vessel operator and ensure all PSO requirements per the IHA are met. To the maximum extent practicable, the experienced PSOs should be scheduled to be on duty with those PSOs with appropriate training but who have not yet gained relevant experience.

During survey operations (*e.g.,* any day on which use of the acoustic source is planned to occur, and whenever the acoustic source is in the water, whether activated or not), a minimum of two visual PSOs must be on duty and conducting visual observations at all times during daylight hours (*i.e.,* from 30 minutes prior to sunrise through 30 minutes following sunset). Visual monitoring of the exclusion and buffer zones must begin no less than 30 minutes prior to ramp-up and must continue until one hour after use of the acoustic source ceases or until 30 minutes past sunset. Visual PSOs shall coordinate to ensure 360° visual coverage around the vessel from the most appropriate observation posts, and shall conduct visual observations using binoculars and the naked eye while free from distractions and in a consistent, systematic, and diligent manner.

PSOs shall establish and monitor the exclusion and buffer zones. These zones shall be based upon the radial distance from the edges of the acoustic source

(rather than being based on the center of the array or around the vessel itself). During use of the acoustic source (*i.e.,* anytime airguns are active, including ramp-up), detections of marine mammals within the buffer zone (but outside the exclusion zone) shall be communicated to the operator to prepare for the potential shutdown of the acoustic source.

During use of the airgun (*i.e.,* anytime the acoustic source is active, including ramp-up), detections of marine mammals within the buffer zone (but outside the exclusion zone) should be communicated to the operator to prepare for the potential shutdown of the acoustic source. Visual PSOs will immediately communicate all observations to the on duty acoustic PSO(s), including any determination by the PSO regarding species identification, distance, and bearing and the degree of confidence in the determination. Any observations of marine mammals by crew members shall be relayed to the PSO team. During good conditions (*e.g.,* daylight hours; Beaufort sea state (BSS) 3 or less), visual PSOs shall conduct observations when the acoustic source is not operating for comparison of sighting rates and behavior with and without use of the acoustic source and between acquisition periods, to the maximum extent practicable.

Visual PSOs may be on watch for a maximum of four consecutive hours followed by a break of at least one hour between watches and may conduct a maximum of 12 hours of observation per 24-hour period. Combined observational duties (visual and acoustic but not at same time) may not exceed 12 hours per 24-hour period for any individual PSO.

Passive Acoustic Monitoring

Acoustic monitoring means the use of trained personnel (sometimes referred to as passive acoustic monitoring (PAM) operators, herein referred to as acoustic PSOs) to operate PAM equipment to acoustically detect the presence of marine mammals. Acoustic monitoring involves acoustically detecting marine mammals regardless of distance from the source, as localization of animals may not always be possible. Acoustic monitoring is intended to further support visual monitoring (during daylight hours) in maintaining an exclusion zone around the sound source that is clear of marine mammals. In cases where visual monitoring is not effective (*e.g.,* due to weather, nighttime), acoustic monitoring may be used to allow certain activities to occur, as further detailed below.

Passive acoustic monitoring (PAM) would take place in addition to the visual monitoring program. Visual monitoring typically is not effective during periods of poor visibility or at night, and even with good visibility, is unable to detect marine mammals when they are below the surface or beyond visual range. Acoustical monitoring can be used in addition to visual observations to improve detection, identification, and localization of cetaceans. The acoustic monitoring would serve to alert visual PSOs (if on duty) when vocalizing cetaceans are detected. It is only useful when marine mammals call, but it can be effective either by day or by night, and does not depend on good visibility. It would be monitored in real time so that the visual observers can be advised when cetaceans are detected.

The R/V *Langseth* will use a towed PAM system, which must be monitored by at a minimum one on duty acoustic PSO beginning at least 30 minutes prior to ramp-up and at all times during use of the acoustic source. Acoustic PSOs may be on watch for a maximum of four consecutive hours followed by a break of at least one hour between watches and may conduct a maximum of 12 hours of observation per 24-hour period. Combined observational duties (acoustic and visual but not at same time) may not exceed 12 hours per 24-hour period for any individual PSO.

Survey activity may continue for 30 minutes when the PAM system malfunctions or is damaged, while the PAM operator diagnoses the issue. If the diagnosis indicates that the PAM system must be repaired to solve the problem, operations may continue for an additional five hours without acoustic monitoring during daylight hours only under the following conditions:

- Sea state is less than or equal to BSS 4;
- No marine mammals (excluding delphinids) detected solely by PAM in the applicable exclusion zone in the previous two hours;
- NMFS is notified via email as soon as practicable with the time and location in which operations began occurring without an active PAM system; and
- Operations with an active acoustic source, but without an operating PAM system, do not exceed a cumulative total of five hours in any 24-hour period.

Establishment of Exclusion and Buffer Zones

An exclusion zone (EZ) is a defined area within which occurrence of a marine mammal triggers mitigation action intended to reduce the potential for certain outcomes, *e.g.,* auditory injury, disruption of critical behaviors. The PSOs would establish a minimum EZ with a 500-m radius. The 500-m EZ would be based on radial distance from the edge of the airgun array (rather than being based on the center of the array or around the vessel itself). With certain exceptions (described below), if a marine mammal appears within or enters this zone, the acoustic source would be shut down.

The 500-m EZ is intended to be precautionary in the sense that it would be expected to contain sound exceeding the injury criteria for all cetacean hearing groups, (based on the dual criteria of SEL_{cum} and peak SPL), while also providing a consistent, reasonably observable zone within which PSOs would typically be able to conduct effective observational effort. Additionally, a 500-m EZ is expected to minimize the likelihood that marine mammals will be exposed to levels likely to result in more severe behavioral responses. Although significantly greater distances may be observed from an elevated platform under good conditions, we believe that 500 m is likely regularly attainable for PSOs using the naked eye during typical conditions.

An extended EZ of 1,500 m must be enforced for all beaked whales. No buffer of this extended EZ is required.

Pre-Clearance and Ramp-Up

Ramp-up (sometimes referred to as ''soft start'') means the gradual and systematic increase of emitted sound levels from an airgun array. Ramp-up begins by first activating a single airgun of the smallest volume, followed by doubling the number of active elements in stages until the full complement of an array's airguns are active. Each stage should be approximately the same duration, and the total duration should not be less than approximately 20 minutes. The intent of pre-clearance observation (30 minutes) is to ensure no protected species are observed within the buffer zone prior to the beginning of ramp-up. During pre-clearance is the only time observations of protected species in the buffer zone would prevent operations (*i.e.,* the beginning of ramp-up). The intent of ramp-up is to warn protected species of pending seismic operations and to allow sufficient time for those animals to leave the immediate vicinity. A ramp-up procedure, involving a step-wise increase in the number of airguns firing and total array volume until all operational airguns are activated and the full volume is achieved, is required at all times as part of the activation of

the acoustic source. All operators must adhere to the following pre-clearance and ramp-up requirements:

- The operator must notify a designated PSO of the planned start of ramp-up as agreed upon with the lead PSO; the notification time should not be less than 60 minutes prior to the planned ramp-up in order to allow the PSOs time to monitor the exclusion and buffer zones for 30 minutes prior to the initiation of ramp-up (pre-clearance);
- Ramp-ups shall be scheduled so as to minimize the time spent with the source activated prior to reaching the designated run-in;
- One of the PSOs conducting pre-clearance observations must be notified again immediately prior to initiating ramp-up procedures and the operator must receive confirmation from the PSO to proceed;
- Ramp-up may not be initiated if any marine mammal is within the applicable exclusion or buffer zone. If a marine mammal is observed within the applicable exclusion zone or the buffer zone during the 30 minute pre-clearance period, ramp-up may not begin until the animal(s) has been observed exiting the zones or until an additional time period has elapsed with no further sightings (15 minutes for small odontocetes and pinnipeds, and 30 minutes for all mysticetes and all other odontocetes, including sperm whales, beaked whales, and large delphinids, such as killer whales);
- Ramp-up shall begin by activating a single airgun of the smallest volume in the array and shall continue in stages by doubling the number of active elements at the commencement of each stage, with each stage of approximately the same duration. Duration shall not be less than 20 minutes. The operator must provide information to the PSO documenting that appropriate procedures were followed;
- PSOs must monitor the exclusion and buffer zones during ramp-up, and ramp-up must cease and the source must be shut down upon detection of a marine mammal within the applicable exclusion zone. Once ramp-up has begun, detections of marine mammals within the buffer zone do not require shutdown, but such observation shall be communicated to the operator to prepare for the potential shutdown;
- Ramp-up may occur at times of poor visibility, including nighttime, if appropriate acoustic monitoring has occurred with no detections in the 30 minutes prior to beginning ramp-up. Acoustic source activation may only occur at times of poor visibility where operational planning cannot reasonably avoid such circumstances;
- If the acoustic source is shut down for brief periods (*i.e.,* less than 30 minutes) for reasons other than that described for shutdown (*e.g.,* mechanical difficulty), it may be activated again without ramp-up if PSOs have maintained constant visual and/or acoustic observation and no visual or acoustic detections of marine mammals have occurred within the applicable exclusion zone. For any longer shutdown, pre-clearance observation and ramp-up are required. For any shutdown at night or in periods of poor visibility (*e.g.,* BSS 4 or greater), ramp-up is required, but if the shutdown period was brief and constant observation was maintained, pre-clearance watch of 30 minutes is not required; and
- Testing of the acoustic source involving all elements requires ramp-up. Testing limited to individual source elements or strings does not require ramp-up but does require pre-clearance of 30 min.

Shutdown

The shutdown of an airgun array requires the immediate de-activation of all individual airgun elements of the array. Any PSO on duty will have the authority to delay the start of survey operations or to call for shutdown of the acoustic source if a marine mammal is detected within the applicable exclusion zone. The operator must also establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the acoustic source to ensure that shutdown commands are conveyed swiftly while allowing PSOs to maintain watch. When both visual and acoustic PSOs are on duty, all detections will be immediately communicated to the remainder of the on-duty PSO team for potential verification of visual observations by the acoustic PSO or of acoustic detections by visual PSOs. When the airgun array is active (*i.e.,* anytime one or more airguns is active, including during ramp-up) and (1) a marine mammal appears within or enters the applicable exclusion zone and/or (2) a marine mammal (other than delphinids, see below) is detected acoustically and localized within the applicable exclusion zone, the acoustic source will be shut down. When shutdown is called for by a PSO, the acoustic source will be immediately deactivated and any dispute resolved only following deactivation. Additionally, shutdown will occur whenever PAM alone (without visual sighting), confirms presence of marine mammal(s) in the EZ. If the acoustic PSO cannot confirm presence within the EZ, visual PSOs will be notified but shutdown is not required.

Following a shutdown, airgun activity would not resume until the marine mammal has cleared the 500-m EZ. The animal would be considered to have cleared the 500-m EZ if it is visually observed to have departed the 500-m EZ, or it has not been seen within the 500-m EZ for 15 min in the case of small odontocetes and pinnipeds, or 30 min in the case of mysticetes and large odontocetes, including sperm whales, beaked whales, killer whales, and Risso's dolphins.

The shutdown requirement can be waived for small dolphins if an individual is visually detected within the exclusion zone. As defined here, the small dolphin group is intended to encompass those members of the Family Delphinidae most likely to voluntarily approach the source vessel for purposes of interacting with the vessel and/or airgun array (*e.g.,* bow riding). This exception to the shutdown requirement applies solely to specific genera of small dolphins (*Lagenorhynchus* and *Lissodelphis*).

We include this small dolphin exception because shutdown requirements for small dolphins under all circumstances represent practicability concerns without likely commensurate benefits for the animals in question. Small dolphins are generally the most commonly observed marine mammals in the specific geographic region and would typically be the only marine mammals likely to intentionally approach the vessel. As described above, auditory injury is extremely unlikely to occur for mid-frequency cetaceans (*e.g.,* delphinids), as this group is relatively insensitive to sound produced at the predominant frequencies in an airgun pulse while also having a relatively high threshold for the onset of auditory injury (*i.e.,* permanent threshold shift).

A large body of anecdotal evidence indicates that small dolphins commonly approach vessels and/or towed arrays during active sound production for purposes of bow riding, with no apparent effect observed in those delphinoids (*e.g.,* Barkaszi *et al.,* 2012, 2018). The potential for increased shutdowns resulting from such a measure would require the *Langseth* to revisit the missed track line to reacquire data, resulting in an overall increase in the total sound energy input to the marine environment and an increase in the total duration over which the survey is active in a given area. Although other mid-frequency hearing specialists (*e.g.,* large delphinids) are no more likely to incur auditory injury than are small

dolphins, they are much less likely to approach vessels. Therefore, retaining a shutdown requirement for large delphinids would not have similar impacts in terms of either practicability for the applicant or corollary increase in sound energy output and time on the water. We do anticipate some benefit for a shutdown requirement for large delphinids in that it simplifies somewhat the total range of decision-making for PSOs and may preclude any potential for physiological effects other than to the auditory system as well as some more severe behavioral reactions for any such animals in close proximity to the source vessel.

Visual PSOs shall use best professional judgment in making the decision to call for a shutdown if there is uncertainty regarding identification (*i.e.,* whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived or one of the species with a larger exclusion zone).

Upon implementation of shutdown, the source may be reactivated after the marine mammal(s) has been observed exiting the applicable exclusion zone (*i.e.,* animal is not required to fully exit the buffer zone where applicable) or following 15 minutes for small odontocetes and pinnipeds, and 30 minutes for mysticetes and all other odontocetes, including sperm whales, beaked whales, killer whales, and Risso's dolphins, with no further observation of the marine mammal(s).

L–DEO must implement shutdown if a marine mammal species for which take was not authorized, or a species for which authorization was granted but the takes have been met, approaches the Level A or Level B harassment zones. L–DEO must also implement shutdown if any of the following are observed at any distance:

- Any large whale (defined as a sperm whale or any mysticete species) with a calf (defined as an animal less than two-thirds the body size of an adult observed to be in close association with an adult;
- An aggregation of six or more large whales; and/or
- A North Pacific right whale.

Vessel Strike Avoidance

1. Vessel operators and crews must maintain a vigilant watch for all protected species and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any protected species. A visual observer aboard the vessel must monitor a vessel strike avoidance zone around the vessel (distances stated below). Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.,* PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to (1) distinguish protected species from other phenomena and (2) broadly to identify a marine mammal as a right whale, other whale (defined in this context as sperm whales or baleen whales other than right whales), or other marine mammal.

2. Vessel speeds must also be reduced to 10 knots or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel.

3. All vessels must maintain a minimum separation distance of 500 m from right whales. If a whale is observed but cannot be confirmed as a species other than a right whale, the vessel operator must assume that it is a right whale and take appropriate action.

4. All vessels must maintain a minimum separation distance of 100 m from sperm whales and all other baleen whales.

5. All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other protected species, with an understanding that at times this may not be possible (*e.g.,* for animals that approach the vessel).

6. When protected species are sighted while a vessel is underway, the vessel shall take action as necessary to avoid violating the relevant separation distance (*e.g.,* attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area). If protected species are sighted within the relevant separation distance, the vessel must reduce speed and shift the engine to neutral, not engaging the engines until animals are clear of the area. This does not apply to any vessel towing gear or any vessel that is navigationally constrained.

7. These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply.

We have carefully evaluated the suite of mitigation measures described here and considered a range of other measures in the context of ensuring that we prescribe the means of effecting the least practicable adverse impact on the affected marine mammal species and stocks and their habitat. Based on our evaluation of the proposed measures, as well as other measures considered by NMFS described above, NMFS has preliminarily 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.

Proposed 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.

Vessel-Based Visual Monitoring

As described above, PSO observations would take place during daytime airgun operations. During seismic operations, at least five visual PSOs would be based aboard the *Langseth.* Two visual PSOs would be on duty at all time during daytime hours. Monitoring shall be conducted in accordance with the following requirements:

- The operator shall provide PSOs with bigeye binoculars (*e.g.,* 25 x 150; 2.7 view angle; individual ocular focus; height control) of appropriate quality (*i.e.,* Fujinon or equivalent) solely for PSO use. These shall be pedestal-mounted on the deck at the most appropriate vantage point that provides for optimal sea surface observation, PSO safety, and safe operation of the vessel; and
- The operator will work with the selected third-party observer provider to ensure PSOs have all equipment (including backup equipment) needed to adequately perform necessary tasks, including accurate determination of distance and bearing to observed marine mammals. PSOs must have the following requirements and qualifications:
- PSOs shall be independent, dedicated, trained visual and acoustic PSOs and must be employed by a third-party observer provider;
- PSOs shall have no tasks other than to conduct observational effort (visual or acoustic), collect data, and communicate with and instruct relevant vessel crew with regard to the presence of protected species and mitigation requirements (including brief alerts regarding maritime hazards);
- PSOs shall have successfully completed an approved PSO training course appropriate for their designated task (visual or acoustic). Acoustic PSOs are required to complete specialized training for operating PAM systems and are encouraged to have familiarity with the vessel with which they will be working;
- PSOs can act as acoustic or visual observers (but not at the same time) as long as they demonstrate that their training and experience are sufficient to perform the task at hand;
- NMFS must review and approve PSO resumes accompanied by a relevant training course information packet that includes the name and qualifications (*i.e.,* experience, training completed, or educational background) of the instructor(s), the course outline or syllabus, and course reference material as well as a document stating successful completion of the course;
- NMFS shall have one week to approve PSOs from the time that the necessary information is submitted, after which PSOs meeting the minimum requirements shall automatically be considered approved;
- PSOs must successfully complete relevant training, including completion of all required coursework and passing (80 percent or greater) a written and/or oral examination developed for the training program;
- PSOs must have successfully attained a bachelor's degree from an accredited college or university with a major in one of the natural sciences, a minimum of 30 semester hours or equivalent in the biological sciences, and at least one undergraduate course in math or statistics; and
- The educational requirements may be waived if the PSO has acquired the relevant skills through alternate experience. Requests for such a waiver shall be submitted to NMFS and must include written justification. Requests shall be granted or denied (with justification) by NMFS within one week of receipt of submitted information. Alternate experience that may be considered includes, but is not limited to (1) secondary education and/or experience comparable to PSO duties; (2) previous work experience conducting academic, commercial, or government-sponsored protected species surveys; or (3) previous work experience as a PSO; the PSO should demonstrate good standing and consistently good performance of PSO duties.

For data collection purposes, PSOs shall use standardized data collection forms, whether hard copy or electronic. PSOs shall record detailed information about any implementation of mitigation requirements, including the distance of animals to the acoustic source and description of specific actions that ensued, the behavior of the animal(s), any observed changes in behavior before and after implementation of mitigation, and if shutdown was implemented, the length of time before any subsequent ramp-up of the acoustic source. If required mitigation was not implemented, PSOs should record a description of the circumstances. At a minimum, the following information must be recorded:

- Vessel names (source vessel and other vessels associated with survey) and call signs;
- PSO names and affiliations;
- Dates of departures and returns to port with port name;
- Date and participants of PSO briefings;
- Dates and times (Greenwich Mean Time) of survey effort and times corresponding with PSO effort;
- Vessel location (latitude/longitude) when survey effort began and ended and vessel location at beginning and end of visual PSO duty shifts;
- Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any line change;
- Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions changed significantly), including BSS and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon;
- Factors that may have contributed to impaired observations during each PSO shift change or as needed as environmental conditions changed (*e.g.,* vessel traffic, equipment malfunctions); and
- Survey activity information, such as acoustic source power output while in operation, number and volume of airguns operating in the array, tow depth of the array, and any other notes of significance (*i.e.,* pre-clearance, ramp-up, shutdown, testing, shooting, ramp-up completion, end of operations, streamers, etc.).

The following information should be recorded upon visual observation of any protected species:

- Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);
- PSO who sighted the animal;
- Time of sighting;
- Vessel location at time of sighting;
- Water depth;
- Direction of vessel's travel (compass direction);
- Direction of animal's travel relative to the vessel;
- Pace of the animal;
- Estimated distance to the animal and its heading relative to vessel at initial sighting;
- Identification of the animal (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified) and the composition of the group if there is a mix of species;
- Estimated number of animals (high/low/best);
- Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, etc.);
- Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);
- Detailed behavior observations (*e.g.,* number of blows/breaths, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);

• Animal's closest point of approach (CPA) and/or closest distance from any element of the acoustic source;
• Platform activity at time of sighting (*e.g.,* deploying, recovering, testing, shooting, data acquisition, other); and
• Description of any actions implemented in response to the sighting (*e.g.,* delays, shutdown, ramp-up) and time and location of the action.

If a marine mammal is detected while using the PAM system, the following information should be recorded:
• An acoustic encounter identification number, and whether the detection was linked with a visual sighting;
• Date and time when first and last heard;
• Types and nature of sounds heard (*e.g.,* clicks, whistles, creaks, burst pulses, continuous, sporadic, strength of signal); and
• Any additional information recorded such as water depth of the hydrophone array, bearing of the animal to the vessel (if determinable), species or taxonomic group (if determinable), spectrogram screenshot, and any other notable information.

Reporting

A report would be submitted to NMFS within 90 days after the end of the cruise. The report would describe the operations that were conducted and sightings of marine mammals near the operations. The report would provide full documentation of methods, results, and interpretation pertaining to all monitoring. The 90-day report would summarize the dates and locations of seismic operations, and all marine mammal sightings (dates, times, locations, activities, associated seismic survey activities).

The draft report shall also include geo-referenced time-stamped vessel tracklines for all time periods during which airguns were operating. Tracklines should include points recording any change in airgun status (*e.g.,* when the airguns began operating, when they were turned off, or when they changed from full array to single gun or vice versa). GIS files shall be provided in ESRI shapefile format and include the UTC date and time, latitude in decimal degrees, and longitude in decimal degrees. All coordinates shall be referenced to the WGS84 geographic coordinate system. In addition to the report, all raw observational data shall be made available to NMFS. The report must summarize the data collected as described above and in the IHA. A final report must be submitted within 30 days following resolution of any comments on the draft report.

Reporting Injured or Dead Marine Mammals

Discovery of injured or dead marine mammals—In the event that personnel involved in survey activities covered by the authorization discover an injured or dead marine mammal, the L–DEO shall report the incident to the Office of Protected Resources (OPR), NMFS and to the NMFS Alaska Regional Stranding Coordinator as soon as feasible. 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.

Vessel strike—In the event of a ship strike of a marine mammal by any vessel involved in the activities covered by the authorization, L–DEO shall report the incident to OPR, NMFS and to the NMFS Alaska Regional Stranding Coordinator as soon as feasible. The report must include the following information:
• Time, date, and location (latitude/longitude) of the incident;
• Vessel's speed during and leading up to the incident;
• Vessel's course/heading and what operations were being conducted (if applicable);
• Status of all sound sources in use;
• Description of avoidance measures/requirements that were in place at the time of the strike and what additional measure were taken, if any, to avoid strike;
• Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
• Species identification (if known) or description of the animal(s) involved;
• Estimated size and length of the animal that was struck;
• Description of the behavior of the animal immediately preceding and following the strike;
• If available, description of the presence and behavior of any other marine mammals present immediately preceding the strike;
• Estimated fate of the animal (*e.g.,* dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
• To the extent practicable, photographs or video footage of the animal(s).

Actions To Minimize Additional Harm to Live-Stranded (or Milling) Marine Mammals

In the event of a live stranding (or near-shore atypical milling) event within 50 km of the survey operations, where the NMFS stranding network is engaged in herding or other interventions to return animals to the water, the Director of OPR, NMFS (or designee) will advise L–DEO of the need to implement shutdown procedures for all active acoustic sources operating within 50 km of the stranding. Shutdown procedures for live stranding or milling marine mammals include the following: If at any time, the marine mammal the marine mammal(s) die or are euthanized, or if herding/intervention efforts are stopped, the Director of OPR, NMFS (or designee) will advise the IHA-holder that the shutdown around the animals' location is no longer needed. Otherwise, shutdown procedures will remain in effect until the Director of OPR, NMFS (or designee) determines and advises L–DEO that all live animals involved have left the area (either of their own volition or following an intervention).

If further observations of the marine mammals indicate the potential for re-stranding, additional coordination with the IHA-holder will be required to determine what measures are necessary to minimize that likelihood (*e.g.,* extending the shutdown or moving operations farther away) and to implement those measures as appropriate.

Additional Information Requests—if NMFS determines that the circumstances of any marine mammal stranding found in the vicinity of the activity suggest investigation of the association with survey activities is warranted, and an investigation into the stranding is being pursued, NMFS will submit a written request to L–DEO indicating that the following initial available information must be provided as soon as possible, but no later than 7 business days after the request for information:
• Status of all sound source use in the 48 hours preceding the estimated time of stranding and within 50 km of the discovery/notification of the stranding by NMFS; and
• If available, description of the behavior of any marine mammal(s) observed preceding (*i.e.,* within 48

hours and 50 km) and immediately after the discovery of the stranding.

In the event that the investigation is still inconclusive, the investigation of the association of the survey activities is still warranted, and the investigation is still being pursued, NMFS may provide additional information requests, in writing, regarding the nature and location of survey operations prior to the time period above.

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, our analysis applies to all species listed in Tables 1, given that NMFS expects the anticipated effects of the planned geophysical survey to be similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, NMFS has identified species-specific factors to inform the analysis.

NMFS does not anticipate that serious injury or mortality would occur as a result of L–DEO's planned survey, even in the absence of mitigation, and none would be authorized. Similarly, non-auditory physical effects, stranding, and vessel strike are not expected to occur.

We are proposing to authorize a limited number of instances of Level A harassment of seven species (low- and high-frequency cetacean hearing groups only) and Level B harassment only of the remaining marine mammal species. However, we believe that any PTS incurred in marine mammals as a result of the planned activity would be in the form of only a small degree of PTS, not total deafness, because of the constant movement of both the R/V *Langseth* and of the marine mammals in the project areas, as well as the fact that the vessel is not expected to remain in any one area in which individual marine mammals would be expected to concentrate for an extended period of time. Since the duration of exposure to loud sounds will be relatively short it would be unlikely to affect the fitness of any individuals. Also, as described above, we expect that marine mammals would likely move away from a sound source that represents an aversive stimulus, especially at levels that would be expected to result in PTS, given sufficient notice of the R/V *Langseth's* approach due to the vessel's relatively low speed when conducting seismic surveys. We expect that the majority of takes would be in the form of short-term Level B behavioral harassment in the form of temporary avoidance of the area or decreased foraging (if such activity were occurring), reactions that are considered to be of low severity and with no lasting biological consequences (*e.g.,* Southall *et al.,* 2007, Ellison et al., 2012).

Marine mammal habitat may be impacted by elevated sound levels, but these impacts would be temporary. Prey species are mobile and are broadly distributed throughout the project areas; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the relatively short duration (16 days) and temporary nature of the disturbance, the availability of similar habitat and resources in the surrounding area, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

The tracklines of this survey either traverse or are proximal to critical habitat areas for the Steller sea lion and to a feeding BIA for humpback whales. However, only a portion of seismic survey days would actually occur in or near these areas. As described previously, L–DEO's planned tracklines do not extend within 3 nmi of any island, and L–DEO has agreed to reduce the active array by half of the elements, also reducing the total array volume by half, over the 10 percent of planned tracklines that are closest to shore. Finally, L–DEO has agreed to maintain a standoff distance around specific Steller sea lion haul-outs and rookeries such that the modeled Level B harassment zone would not overlap a 3,000-foot (0.9-km) buffer around those areas. Impacts to Steller sea lions within these areas, and throughout the survey area, are expected to be limited to short-term behavioral disturbance, with no lasting biological consequences.

Yazvenko *et al.* (2007b) reported no apparent changes in the frequency of feeding activity in Western gray whales exposed to airgun sounds in their feeding grounds near Sakhalin Island. Goldbogen *et al.* (2013) found blue whales feeding on highly concentrated prey in shallow depths (such as the conditions expected within humpback feeding BIAs) were less likely to respond and cease foraging than whales feeding on deep, dispersed prey when exposed to simulated sonar sources, suggesting that the benefits of feeding for humpbacks foraging on high-density prey may outweigh perceived harm from the acoustic stimulus, such as the seismic survey (Southall *et al.,* 2016). Additionally, L–DEO will shut down the airgun array upon observation of an aggregation of six or more large whales, which would reduce impacts to cooperatively foraging animals. For all habitats, no physical impacts to habitat are anticipated from seismic activities. While SPLs of sufficient strength have been known to cause injury to fish and fish and invertebrate mortality, in feeding habitats, the most likely impact to prey species from survey activities would be temporary avoidance of the affected area and any injury or mortality of prey species would be localized around the survey and not of a degree that would adversely impact marine mammal foraging. The duration of fish avoidance of a given area after survey effort stops is unknown, but a rapid return to normal recruitment, distribution and behavior is expected. Given the short operational seismic time near or traversing important habitat areas, as well as the ability of cetaceans and prey species to move away from acoustic sources, NMFS expects that

there would be, at worst, minimal impacts to animals and habitat within these areas.

Negligible Impact Conclusions

The proposed survey would be of short duration (16 days of seismic operations), and the acoustic ''footprint'' of the proposed survey would be small relative to the ranges of the marine mammals that would potentially be affected. Sound levels would increase in the marine environment in a relatively small area surrounding the vessel compared to the range of the marine mammals within the proposed survey area. Short term exposures to survey operations are not likely to significantly disrupt marine mammal behavior, and the potential for longer-term avoidance of important areas is limited. The survey vessel would pass Steller sea lion critical habitat only briefly, and would operate at half volume during the ten percent of tracklines closest to the islands.

The proposed mitigation measures are expected to reduce the number and/or severity of takes by allowing for detection of marine mammals in the vicinity of the vessel by visual and acoustic observers, and by minimizing the severity of any potential exposures via shutdowns of the airgun array. Based on previous monitoring reports for substantially similar activities that have been previously authorized by NMFS, we expect that the proposed mitigation will be effective in preventing, at least to some extent, potential PTS in marine mammals that may otherwise occur in the absence of the proposed mitigation (although all authorized PTS has been accounted for in this analysis).

NMFS concludes that exposures to marine mammal species and stocks due to L–DEO's proposed survey would result in only short-term (temporary and short in duration) effects to individuals exposed, over relatively small areas of the affected animals' ranges. Animals may temporarily avoid the immediate area, but are not expected to permanently abandon the area. Major shifts in habitat use, distribution, or foraging success are not expected. NMFS does not anticipate the proposed take estimates to impact annual rates of recruitment or survival.

In summary and as described above, the following factors primarily support our preliminary 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 serious injury or mortality is anticipated or proposed to be authorized;
- The proposed activity is temporary and of relatively short duration (16 days);
- The anticipated impacts of the proposed activity on marine mammals would primarily be temporary behavioral changes due to avoidance of the area around the survey vessel;
- The number of instances of potential PTS that may occur are expected to be very small in number. Instances of potential PTS that are incurred in marine mammals are expected to be of a low level, due to constant movement of the vessel and of the marine mammals in the area, and the nature of the survey design (not concentrated in areas of high marine mammal concentration);
- The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the proposed survey to avoid exposure to sounds from the activity;
- The potential adverse effects on fish or invertebrate species that serve as prey species for marine mammals from the proposed survey would be temporary and spatially limited, and impacts to marine mammal foraging would be minimal; and
- The proposed mitigation measures, including visual and acoustic monitoring, shutdowns, and use of the reduced array in certain areas adjacent to Steller sea lion critical habitat are expected to minimize potential impacts to marine mammals (both amount and severity).

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 proposed mitigation and monitoring measures, NMFS preliminarily 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 Sections 101(a)(5)(A) and (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.

There are several stocks for which the estimated instances of take appear high when compared to the stock abundance (Table 6), or for which there is no currently accepted stock abundance estimate. These include the humpback whale, fin whale, minke whale, sperm whale, three species of beaked whale, and the offshore stock of killer whales. However, when other qualitative factors are used to inform an assessment of the likely number of individual marine mammals taken, the resulting numbers are appropriately considered small. We discuss these in further detail below.

For all other stocks (aside from those referenced above and discussed below), the proposed take is less than one-third of the best available stock abundance (recognizing that some of those takes may be repeats of the same individual, thus rendering the actual percentage even lower).

Existing stock abundance estimates for humpback whales, based on 2006 surveys, are 10,103 animals for the CNP stock and 1,107 animals for the WNP stock. If all takes are assumed to accrue to the WNP stock, the resulting percentage would not be a small number. Here, we refer to additional pieces of information that demonstrate the proposed taking to be of no greater than small numbers. First, Wade (2017) provides a more recent estimate of 14,693 whales for the summer (feeding area) abundance in the Aleutian Islands and Bering Sea, which includes the survey area. The total estimated take of humpback whale (2,719 take incidents) would be 18.5 percent of this estimated summer abundance, *i.e.,* less than NMFS' small numbers threshold of one-third of the best available abundance estimate. Second, we expect that only 2.1 percent of whales encountered in this area would be from the WNP DPS. If we consider the WNP DPS to be a reasonable approximation of the historic WNP stock designation, then approximately 57 takes should be expected to accrue to the stock (or approximately 5 percent of the 2006 abundance estimate for the WNP stock). This information supports a preliminary determination that the take proposed for authorization for humpback whales would be of no greater than small numbers, for any stock.

The stock abundance estimates for the fin, minke, beaked, and sperm whale stocks that occur in the survey area are unknown, according to the latest SARs. Therefore, we reviewed other scientific information in making our small numbers determinations for these whales. As noted previously, partial abundance estimates of 1,233 and 2,020 minke whales are available for shelf and nearshore waters between the Kenai Peninsula and Amchitka Pass and for the eastern Bering Sea shelf, respectively. For the minke whale, these partial abundance estimates alone are sufficient to demonstrate that the proposed take number of 32 is of small numbers. The same surveys produced partial abundance estimates of 1,652 and 1,061 fin whales, for the same areas, respectively. For the fin whale, we must turn to the only available region-wide abundance estimate. Ohsumi and Wada (1974) provided an estimated North Pacific abundance of 13,620–18,680 whales. Using the lower bound produces a proportion of 15.8 percent.

As noted previously, Kato and Miyashita (1998) produced an abundance estimate of 102,112 sperm whales in the western North Pacific. However, this estimate is believed to be positively biased. We therefore refer to Barlow and Taylor (2005)'s estimate of 26,300 sperm whales in the northeast temperate Pacific to demonstrate that the proposed take number of 159 is a small number. There is no abundance information available for any Alaskan stock of beaked whale. However, the take numbers are sufficiently small (ranging from 27–117) that can safely assume that they are small relative to any reasonable assumption of likely population abundance for these stocks.

For the offshore stock of killer whale, it would be unreasonable to assume that all takes would accrue to this stock (which would result in the take of 56.5 percent of the population). During surveys from the Kenai Fjords to Amchitka Pass in the central Aleutian Islands, 59 groups totaling 1,038 individual killer whales were seen, including 39 (66 percent) residents, 14 (24 percent) transients, 2 (3 percent) offshore, and 4 (7 percent) unknown (Wade et al., 2003). Based on this information, we assume it relatively unlikely that encountered killer whales will be of the offshore stock, and that take of offshore killer whales, if any, would be of small numbers.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily 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 is some sealing by indigenous groups in the proposed survey area in the Aleutian Islands. However, given the temporary nature of the proposed activities and the fact that all operations would occur more than 3 nmi from shore, the proposed activity would not be expected to have any impact on the availability of the species or stocks for subsistence users. L–DEO conducted outreach to the Aleut Marine Mammal Commission and to the Alaska Sea Otter and Steller Sea Lion Commission to notify subsistence hunters of the planned survey, to identify the measures that would be taken to minimize any effects on the availability of marine mammals for subsistence uses, and to provide an opportunity for comment on these measures. L–DEO received confirmation from the Aleut Marine Mammal Commissioners that there were no concerns regarding the potential effects of the planned survey on the potential availability of marine mammals for subsistence uses. NMFS is unaware of any other subsistence uses of the affected marine mammal stocks or species that could be implicated by this action. Therefore, NMFS has preliminarily 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.

Endangered Species Act (ESA)

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 whenever we propose to authorize take for endangered or threatened species.

NMFS is proposing to authorize take of blue whales, fin whales, sei whales, sperm whales, WNP and Mexico DPS humpback whales, western DPS Steller sea lions, and WNP gray whales, which are listed under the ESA. The NMFS Office of Protected Resources (OPR) Permits and Conservation Division has requested initiation of Section 7 consultation with the NMFS OPR ESA Interagency Cooperation Division for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to L–DEO for conducting a marine geophysical survey in the Aleutian Islands beginning in September 2020, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at *www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of Proposed IHA for the proposed geophysical survey. We also request at this time comment on the potential Renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent Renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Specified Activities section of this notice is planned or (2) the activities as described in the Specified Activities section of this notice would not be completed by the time the IHA expires and a Renewal would allow for completion of the activities beyond that described in the Dates and Duration section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA);
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with

the exception of reducing the type or amount of take); and

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

• Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: July 22, 2020.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–16322 Filed 7–27–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0121]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; International Study of Adult Skills and Learning (ISASL) [Program for the International Assessment of Adult Competencies (PIAAC) Cycle II]

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing change to an existing information collection request.

DATES: Interested persons are invited to submit comments on or before August 27, 2020.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please call Carrie Clarady, 202–245–6347 or send an email to *NCES.Information.Collections@ed.gov.*

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: International Study of Adult Skills and Learning (ISASL) [Program for the International Assessment of Adult Competencies (PIAAC) Cycle II].

OMB Control Number: 1850–0870.

Type of Review: Change to an existing information collection.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 5,611.

Total Estimated Number of Annual Burden Hours: 1,258.

Abstract: The Program for the International Assessment of Adult Competencies (PIAAC) is a cyclical, large-scale study of adult skills and life experiences focusing on education and employment. PIAAC is an international study designed to assess adults in different countries over a broad range of abilities, from simple reading to complex problem-solving skills, and to collect information on individuals' skill use and background. PIAAC is coordinated by the Organization for Economic Cooperation and Development (OECD) and developed by participating countries with the support of the OECD. In the United States, the National Center for Education Statistics (NCES), within the U.S. Department of Education (ED) conducts PIAAC. The U.S. participated in the PIAAC Main Study data collection in 2012 and conducted national supplement data collections in 2014 and 2017. All three of these collections are part of PIAAC Cycle I. A new PIAAC cycle is to be conducted every 10 years, and PIAAC Cycle II Main Study data collection will be conducted from August 2021 through March 2022. In preparation for the main study collection, PIAAC Cycle II will begin with a Field Test in 2020, in which 34 countries are expected to participate with the primary goal of evaluating newly developed assessment and questionnaire items and to test the PIAAC 2022 planned operations. PIAAC 2022 defines four core competency domains of adult cognitive skills that are seen as key to facilitating the social and economic participation of adults in advanced economies: (1) Literacy, (2) numeracy, (3) reading and numeracy components, and (4) adaptive problem solving. The U.S. will administer all four domains of the PIAAC 2022 assessment to a nationally representative sample of adults, along with a background questionnaire with questions about their education background, work history, the skills they use on the job and at home, their civic engagement, and sense of their health and well-being. The results are used to compare the skills capacities of the workforce-aged adults in participating countries, and to learn more about relationships between educational background, employment, and other outcomes. In addition, in PIAAC 2022, a set of financial literacy questions will be included in the background questionnaire. As in Cycle I, a user-friendly name for PIAAC Cycle II was created—the International Study of Adult Skills and Learning (ISASL)—to represent the program to the public, and will be used on all public-facing materials and reports. As this international program is well-known within the federal and education research communities, we continue to use ''PIAAC'' in all internal and OMB clearance materials and communications, and use the ''PIAAC'' name throughout this submission; however all recruitment and communication materials refer to the study as ISASL. The request to conduct the PIAAC Cycle II Field Test in April–June 2020 was approved by OMB in December 2019 (OMB# 1850–0870 v.7–8). This request updates Part A of the package to reflect a one-year delay in all data collections, due to the global coronavirus pandemic.

Dated: July 22, 2020.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2020–16268 Filed 7–27–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC20–15–000]

Commission Information Collection Activities (FERC–510); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–510 (Application for Surrender of a Hydropower License) 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 27, 2020.

ADDRESSES: Send written comments on FERC–510 to OMB through *www.reginfo.gov/public/do/PRAMain.* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number (1902–0068) in the subject line of your comments. Comments should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.*

A copy of the comments should also be sent to the Commission, in Docket No. IC20–15–000, by any of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *U.S. Postal Service Mail:* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.
- Effective 7/1/2020, delivery of filings other than by eFiling or the U.S. Postal Service should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions:

OMB 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.* 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.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov* and telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–510, Application for Surrender of a Hydropower License.

OMB Control No.: 1902–0068.

Type of Request: Three-year extension of the FERC–510 information collection requirements with no changes to the current reporting and recordkeeping requirements.

Abstract: The information collected under the requirements of FERC–510 is used by the Commission to implement the statutory provisions of sections 4(e), 6, and 13 of the Federal Power Act (FPA) (16 U.S.C. 797(e), 799 and 806). Section 4(e) gives the Commission authority to issue licenses for the purposes of constructing, operating and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines or other power project works necessary or convenient for developing and improving navigation, transmission and utilization of power using bodies of water over which Congress has jurisdiction. Section 6 gives the Commission the authority to prescribe the conditions of licenses including the revocation or surrender of the license. Section 13 defines the Commission's authority to delegate time periods for when a license must be terminated if project construction has not begun. Surrender of a license may be desired by a licensee when a licensed project is retired or not constructed or natural catastrophes have damaged or destroyed the project facilities.

FERC–510 is the application for the surrender of a hydropower license. The information is used by Commission staff to determine the broad impact of such surrender. The Commission will issue a notice soliciting comments from the public and other agencies and conduct a careful review of the application before issuing an order for Surrender of a License. The order is the result of an analysis of the information produced (*i.e.,* dam safety, public safety, and environmental concerns, etc.), which is examined to determine whether any conditions must be satisfied before granting the surrender. The order implements the existing regulations and is inclusive for surrender of all types of hydropower licenses issued by FERC and its predecessor, the Federal Power Commission. The Commission implements these mandatory filing requirements in the Code of Federal Regulations (CFR) under 18 CFR 6.1–6.4.

On April 20, 2020, the Commission published a Notice in the **Federal Register** in Docket No. IC20–15–000 requesting public comments.[1] The Commission received no public comments.

Type of Respondent: Private or Municipal Hydropower Licensees.

Estimate of Annual Burden [2]: The Commission estimates the total annual burden and cost [3] for this information collection as follows:

[1] 85 FR 21846.

[2] ''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.

[3] The Commission staff thinks that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits. The FERC 2019 average salary plus benefits for one FERC full-time equivalent (FTE) is $167,091/year (or $80.00/hour).

FERC–510

Number of respondents [4]	Annual number of responses per respondent	Total number of responses	Average burden hrs. & cost ($) per response	Total annual burden hrs. & total annual cost ($)	Cost per respondent ($)
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
15	1	15	80 hrs.; $6,400	1,200 hrs.; $96,000	$6,400

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 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–16303 Filed 7–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–2380–000]

Saint Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced Saint Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 11, 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 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–16309 Filed 7–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–436–000]

Texas Eastern Transmission, LP; Notice of Schedule for Environmental Review of the Appalachia to Market Project

On May 1, 2020, Texas Eastern Transmission, LP filed an application in Docket No. CP20–436–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed Project is known as the Appalachia to Market Project (Project), and would provide up to 18,000 dekatherms per day of firm natural gas transportation service to UGI Utilities Inc. at an existing delivery point near Reading, Pennsylvania.

On May 11, 2020, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA September 15, 2020
90-day Federal Authorization Decision Deadline December 14, 2020

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

[4] Due to an improved staff estimate, the annual number of respondents has been increased to 15 (rather than the estimated 8 included in the 60-day notice, issued April 14, 2020).

Project Description

The Appalachia to Market Project would consist of the following facilities and actions, all in Pennsylvania. Specifically, Texas Eastern would construct:

- Approximately 0.8 mile of 30-inch-diameter pipeline loop [1] in the same trench as a segment of an abandoned 30-inch-diameter pipe (that would be removed for this project) on the Texas Eastern system in Westmoreland County;
- one crossover at the existing Bechtelsville pig [2]-launcher site in Berks County;
- one crossover at the existing Uniontown pig-receiver site in Fayette County; and
- other related appurtenances.

Background

On May 18, 2020, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Appalachia to Market Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/docs-filing/ferconline.asp* to register for eSubscription.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP20–436), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: July 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–16307 Filed 7–27–20; 8:45 am]

BILLING CODE 6717–01–P

[1] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[2] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG20–217–000.
Applicants: American Kings Solar, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of American Kings Solar, LLC.
Filed Date: 7/22/20.
Accession Number: 20200722–5025.
Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: EG20–218–000.
Applicants: Rancho Seco Solar II LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Rancho Seco Solar II LLC.
Filed Date: 7/22/20.
Accession Number: 20200722–5054.
Comments Due: 5 p.m. ET 8/12/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–1783–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Deficiency Response for Revisions to PJM Tariff for NEET MidAtlantic Indiana to be effective 12/31/9998.
Filed Date: 7/22/20.
Accession Number: 20200722–5028.
Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2065–000; ER20–2066–000.
Applicants: Antelope Expansion 3A, LLC, Antelope Expansion 3B, LLC.
Description: Joint Supplement to June 16, 2020 Antelope Expansion 3A, LLC, et al. tariff filings, et al.
Filed Date: 7/15/20.
Accession Number: 20200715–5173.
Comments Due: 5 p.m. ET 7/27/20.

Docket Numbers: ER20–2286–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: 2236R12 Golden Spread Electric Cooperative, Inc. NITSA NOA Amended to be effective 6/1/2020.
Filed Date: 7/22/20.
Accession Number: 20200722–5032.
Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2465–000.
Applicants: Alcoa Power Generating Inc.
Description: Tariff Cancellation: Cancellation of APGI Transmission Service Agreements to be effective 9/20/2020.
Filed Date: 7/21/20.
Accession Number: 20200721–5132.
Comments Due: 5 p.m. ET 8/11/20.

Docket Numbers: ER20–2466–000.
Applicants: Alcoa Power Generating Inc.
Description: § 205(d) Rate Filing: Executed, Bilateral Transmission Service Agreements for Native Load Customers to be effective 9/20/2020.
Filed Date: 7/21/20.
Accession Number: 20200721–5133.
Comments Due: 5 p.m. ET 8/11/20.

Docket Numbers: ER20–2467–000.
Applicants: Alcoa Power Generating Inc.
Description: § 205(d) Rate Filing: Executed, Bilateral Transmission Service Agreements for Native Load Customers to be effective 9/20/2020.
Filed Date: 7/21/20.
Accession Number: 20200721–5135.
Comments Due: 5 p.m. ET 8/11/20.

Docket Numbers: ER20–2468–000.
Applicants: Alcoa Power Generating Inc.
Description: § 205(d) Rate Filing: Executed, Bilateral Transmission Service Agreements for Native Load Customers to be effective 9/20/2020.
Filed Date: 7/21/20.
Accession Number: 20200721–5127.
Comments Due: 5 p.m. ET 8/11/20.

Docket Numbers: ER20–2469–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: MAIT submits ECSA No. 5647 to be effective 9/20/2020.
Filed Date: 7/21/20.
Accession Number: 20200721–5136.
Comments Due: 5 p.m. ET 8/11/20.

Docket Numbers: ER20–2470–000.
Applicants: Carroll County Energy LLC.
Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 7/23/2020.
Filed Date: 7/22/20.
Accession Number: 20200722–5037.
Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2471–000.

Applicants: NedPower Mount Storm, LLC.

Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 9/20/2020.

Filed Date: 7/22/20.

Accession Number: 20200722–5039.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2472–000.

Applicants: Rancho Seco Solar II LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 9/21/2020.

Filed Date: 7/22/20.

Accession Number: 20200722–5046.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2473–000.

Applicants: Tri-State Generation and Transmission As.

Description: Tariff Cancellation: Request for Administrative Cancellation of eTariff Database to be effective 7/23/2020.

Filed Date: 7/22/20.

Accession Number: 20200722–5055.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2474–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA, SA No. 4841; Queue No. AC2–136 (consent) to be effective 10/25/2017.

Filed Date: 7/22/20.

Accession Number: 20200722–5058.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2475–000.

Applicants: Interstate Power and Light Company.

Description: § 205(d) Rate Filing: IPL–NSP Freeborn LBA Agreement to be effective 9/21/2020.

Filed Date: 7/22/20.

Accession Number: 20200722–5073.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2476–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 381—sPower E&P Agreement to be effective 7/9/2020.

Filed Date: 7/22/20.

Accession Number: 20200722–5083.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2477–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 376, Amendment No. 1 to be effective 6/24/2020.

Filed Date: 7/22/20.

Accession Number: 20200722–5084.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2478–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Revisions to Service Agreement Nos. 218 and 335 (Mead) to be effective 7/1/2020.

Filed Date: 7/22/20.

Accession Number: 20200722–5091.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2479–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 382 to be effective 7/8/2020.

Filed Date: 7/22/20.

Accession Number: 20200722–5096.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2480–000.

Applicants: Arizona Public Service Company.

Description: Tariff Cancellation: Service Agreement No. 373, Cancellation to be effective 9/21/2020.

Filed Date: 7/22/20.

Accession Number: 20200722–5099.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2481–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Mid-Atlantic Interstate Transmision submits Revised IA SA No. 4577 to be effective 9/21/2020.

Filed Date: 7/22/20.

Accession Number: 20200722–5101.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2482–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, SA No. 5684; Queue No. AF1–180 to be effective 6/29/2020.

Filed Date: 7/22/20.

Accession Number: 20200722–5113.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2483–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 4623; Queue Nos. AC1–152/AC1–172 to be effective 5/10/2018.

Filed Date: 7/22/20.

Accession Number: 20200722–5114.

Comments Due: 5 p.m. ET 8/12/20.

Docket Numbers: ER20–2484–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Administrative Clean-up Tariff Revision to be effective 5/7/2020.

Filed Date: 7/22/20.

Accession Number: 20200722–5123.

Comments Due: 5 p.m. ET 8/12/20.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR20–3–000.

Applicants: North American Electric Reliability Corporation.

Description: Supplement to May 29, 2020 North American Electric Reliability Corporation's Report of Comparison of Budgeted to Actual Costs for 2019 for NERC and the Regional Entities.

Filed Date: 7/21/20.

Accession Number: 20200721–5164.

Comments Due: 5 p.m. ET 8/11/20.

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 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–16304 Filed 7–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP20–1025–000.

Applicants: National Fuel Gas Supply Corporation.

Description: Pre-Arranged/Pre-Agreed (Settlement Agreement) Filing of National Fuel Gas Supply Corporation under RP20–1025.

Filed Date: 7/16/20.

Accession Number: 20200716–5035.

Comments Due: 5 p.m. ET 8/3/20.

Docket Numbers: RP20–1026–000.

Applicants: Northern Natural Gas Company.

Description: Northern Natural Gas Company submits tariff filing per 154.204: 20200715 Minimum Level of

MDQ to be effective 8/16/2020 under RP20–1026.

Filed Date: 7/16/20.

Accession Number: 20200716–5090.

Comments Due: 5 p.m. ET 8/3/20.

Docket Numbers: RP20–1029–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Compliance filing Rate Schedules GSS and LSS DETI Flow Thru Refund Report to be effective N/A.

Filed Date: 7/21/20.

Accession Number: 20200721–5022.

Comments Due: 5 p.m. ET 8/3/20.

Docket Numbers: RP20–1030–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: § 4(d) Rate Filing: New Service Agreement Entergy to be effective 8/1/2020.

Filed Date: 7/21/20.

Accession Number: 20200721–5049.

Comments Due: 5 p.m. ET 8/3/20.

Docket Numbers: RP20–1031–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: § 4(d) Rate Filing: Update Non-Conforming List (Entergy) on 7–21–20 to be effective 8/1/2020.

Filed Date: 7/21/20.

Accession Number: 20200721–5051.

Comments Due: 5 p.m. ET 8/3/20.

Docket Numbers: RP20–1032–000.

Applicants: Eastern Shore Natural Gas Company.

Description: § 4(d) Rate Filing: Supply Lateral Transportation Filing to be effective 8/21/2020.

Filed Date: 7/21/20.

Accession Number: 20200721–5128.

Comments Due: 5 p.m. ET 8/3/20.

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 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–16308 Filed 7–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–2379–000]

Sugar Creek Wind One LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

July 22, 2020.

This is a supplemental notice in the above-referenced Sugar Creek Wind One 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 11, 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 22, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–16306 Filed 7–27–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2020–0077; FRL–10012–19]

Certain New Chemicals; Receipt and Status Information for June 2020

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA Section 5, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from 06/01/2020 to 06/30/2020.

DATES: Comments identified by the specific case number provided in this document must be received on or before August 27, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0077, and the specific case number for the

chemical substance related to your comment, 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:* Jim Rahai, Information Management Division (MC 7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@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. Executive Summary

A. What action is the Agency taking?

This document provides the receipt and status reports for the period from 06/01/2020 to 06/30/2020. The Agency is providing notice of receipt of PMNs, SNUNs and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

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

Under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.,* a chemical substance may be either an ''existing'' chemical substance or a ''new'' chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a ''new chemical substance,'' while a chemical substance that is listed on the TSCA Inventory is classified as an ''existing chemical substance.'' (See TSCA section 3(11).) For more information about the TSCA Inventory please go to: *https://www.epa.gov/tsca-inventory.*

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for ''test marketing'' purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

C. Does this action apply to me?

This action provides information that is directed to the public in general.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

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

1. *Submitting confidential business information (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 *http://www.epa.gov/dockets/comments.html.*

II. Status Reports

In the past, EPA has published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (See the **Federal Register** of May 12, 1995, (60 FR 25798) (FRL–4942–7). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of such cases, has increased. In an effort to be responsive to the regulated

community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

III. Receipt Reports

For the PMN/SNUN/MCANs that have passed an initial screening by EPA during this period, Table I provides the following information (to the extent that such information is not subject to a CBI claim) on the notices screened by EPA during this period: The EPA case number assigned to the notice that indicates whether the submission is an initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the submitting manufacturer (*i.e.,* domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI. Submissions which are initial submissions will not have a letter following the case number. Submissions which are amendments to previous submissions will have a case number followed by the letter ''A'' (*e.g.* P–18–1234A). The version column designates submissions in sequence as ''1'', ''2'', ''3'', etc. Note that in some cases, an initial submission is not numbered as version 1; this is because earlier version(s) were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANS APPROVED* FROM 06/01/2020 TO 06/30/2020

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
J–20–0007 ..	1	06/03/2020	CBI	(G) Ethanol production	(G) Biofuel producing Saccharomyces cerevisiae modified, genetically stable.
J–20–0008 ..	1	06/03/2020	CBI	(G) Ethanol production	(G) Biofuel producing Saccharomyces cerevisiae modified, genetically stable.
J–20–0009 ..	1	06/10/2020	CBI	(G) Ethanol production	(G) Biofuel producing Saccharomyces cerevisiae modified, genetically stable.
J–20–0010 ..	1	06/10/2020	CBI	(G) Ethanol production	(G) Biofuel producing Saccharomyces cerevisiae modified, genetically stable.
J–20–0011 ..	1	06/10/2020	CBI	(G) Ethanol production	(G) Biofuel producing Saccharomyces cerevisiae modified, genetically stable.
J–20–0012 ..	1	06/12/2020	CBI	(G) Ethanol production	(G) Biofuel producing Saccharomyces cerevisiae modified, genetically stable.
P–16–0313A	3	06/10/2020	Honeyol, Inc ...	(S) Use in production of resins (raw material used in the production of resins).	(S) Tar acids (shale oil), C6â9 fraction, alkylphenols, low-boiling.
P–16–0345A	4	06/15/2020	CBI	(G) Processing aid	(G) Acrylamide, polymer with methacrylic acid derivatives.
P–16–0449A	3	06/19/2020	CBI	(S) Use per FFDCA: cosmetics, Use per TSCA: Fragrance uses; scented papers, detergents, candles etc.	(S) 2,7-Decadienal, (2E,7Z)-.
P–17–0333A	9	06/09/2020	Miwon North America, Inc.	(S) Reactive diluent for optical film coating.	(G) 2-Propenoic acid, mixed esters with heterocyclic dimethanol and heterocyclic methanol.
P–18–0049A	3	06/09/2020	CBI	(G) Coating component/ processing aid.	(G) Mixed metal halide.
P–18–0084A	8	06/18/2020	ShayoNano USA, Inc.	(S) Additive for water based paints and coatings.	(S) silicon zinc oxide.
P–18–0256A	5	06/10/2020	CBI	(G) Chemical Intermediate.	(S) Undecanol, branched.
P–18–0281A	3	05/13/2020	CBI	(G) Electrolyte additive	(G) Cyclic sulfate.
P–18–0298A	2	06/23/2020	Hexion Inc	(G) Epoxy curing agent ...	(G) 1,3-Propanediol, 2-ethyl-2-(hydroxymethyl)-, polymer with ethyleneamine, 2-(chloromethyl)oxirane, 2-[[4-(1,1-dimethylethyl)phenoxy]methyl]oxirane, 2,2′-[1,6-hexanediylbis(oxymethylene)]bis[oxirane], 4,4′-(1-methylethylidene)bis[phenol], alkyl ether amine, and 2-[(2-methylphenoxy methyl]oxirane.
P–18–0308A	3	06/18/2020	CBI	(G) Additive for engineering plastics.	(G) Bis[(hydroxyalkoxy)aryl]carbopolycyclic.
P–18–0318A	3	06/12/2020	GELEST	(S) Surface treatment for added lubricity and antistatic properties and Research.	(S) 1-Octadecanaminium, N,N-dimethyl-N-[3-(triethoxysilyl)propyl]- chloride.

TABLE I—PMN/SNUN/MCANS APPROVED* FROM 06/01/2020 TO 06/30/2020—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–18–0320A	3	06/17/2020	CBI	(G) Hardner	(G) Alkane, diisocyanato-(isocyanatoalkyl)-.
P–18–0325A	4	06/19/2020	Allnex USA Inc	(S) Industrial crosslinking catalyst.	(G) Benzenesulfonic acid, alkyl derivs., compds. with diisopropanolamine.
P–18–0330A	4	05/27/2020	CBI	(G) initiator	(G) Formaldehyde, polymer with alkyl aryl ketone.
P–18–0341A	8	06/09/2020	CBI	(G) Component in coatings.	(G) Alkane dicarboxylic acid, polymer with alkoxylated polyalcohol , alkyl polyglycol, alkyl dialcohol, and functionalized carboxylic acid.
P–18–0342A	8	06/09/2020	CBI	(G) Component in coatings.	(G) Alkane dicarboxylic acid, polymer with alkyl polyglycol, alkyl dialcohol, and functionalized carboxylic acid.
P–18–0343A	8	06/09/2020	CBI	(G) Component in coatings.	(G) Alkane dicarboxylic acid, polymer with alkoxylated polyalcohol, and alkyl dialcohol, (hydroxy alkyl) ester.
P–18–0344A	8	06/09/2020	CBI	(G) Component in coatings.	(G) Aromatic dicarboxylic acid, polymer with alkane dicarboxylic acid, alkoxylated polyalcohol, and alkyl dialcohol.
P–18–0363A	4	06/19/2020	CBI	(G) Adhesive	(G) Phenol, polymer with formaldehyde, substituted phenol, sodium salts.
P–18–0396A	4	06/11/2020	CBI	(G) Paint	(G) Alkenoic acid, alkyl, polymer with carbomonocyle alkyl propenoate and substituted alkyl alkenoate, ester with substituted alkyl alkanoate, tert-butyl substituted peroxoate-initiated.
P–18–0398A	3	06/11/2020	CBI	(S) Intermediate	(G) Polyalkylpolyalkylenepolyamine.
P–18–0398A	4	06/17/2020	CBI	(S) Intermediate	(G) Polyalkylpolyalkylenepolyamine.
P–18–0407A	3	06/11/2020	CBI	(S) Polyurethane catalyst	(S) 1,2-Ethanediamine, N,N-dimethyl-N-(1-methylethyl)-N-[2-[methyl(1-methylethyl)amino]ethyl]-.
P–19–0036A	5	06/17/2020	Ethox Chemicals, LLC.	(S) As an additive to polymers for improvement in gas barrier performance.	(S) 1,4-Benzenedicarboxylic acid, 1,4-bis(2-phenoxyethyl) ester.
P–19–0036A	6	06/18/2020	Ethox Chemicals, LLC.	(S) As an additive to polymers for improvement in gas barrier performance.	(S) 1,4-Benzenedicarboxylic acid, 1,4-bis(2-phenoxyethyl) ester.
P–19–0036A	7	06/18/2020	Ethox Chemicals, LLC.	(S) As an additive to polymers for improvement in gas barrier performance.	(S) 1,4-Benzenedicarboxylic acid, 1,4-bis(2-phenoxyethyl) ester.
P–19–0038A	4	06/24/2020	Allan Chemical Corporation.	(S) Ink carrier for the ceramic industries.	(S) Fatty acids, coco, iso-Bu esters.
P–19–0048A	7	05/29/2020	CBI	(G) Coating additive	(S) Poly(oxy-1,2-ethanediyl), .alpha.-hydro-.omega.-hydroxy-, mono-C12–14-alkyl ethers, phosphates, sodium salts.
P–19–0064A	11	06/24/2020	The Sherwin Williams Company.	(G) Polymeric film former for coatings.	(G) 4,4'-methylenebis[2,6-dimethyl phenol] polymer with 2-(chloromethyl)oxirane, 1,4-benzyl diol, 2-methyl-2-propenoic acid, butyl 2-methyl 2-propenoate, ethyl 2-methyl 2-propenoate, and ethyl 2-propenoate, reaction products with 2-(dimethylamino) ethanol.
P–19–0131A	3	05/27/2020	CBI	(G) Additive for horizontal oil drilling.	(G) Isoalkylaminium, N-isoalkyl,-N, N-dimethyl chloride.
P–19–0145A	8	05/28/2020	ARC Products, Inc.	(S) Oil Field Drilling Fluid Additive, Petroleum Production Fluid Additive and Fracturing Fluid Additive.	(G) Polyazaalkane with oxirane and methyloxirane, haloalkane.
P–19–0162A	2	06/22/2020	CBI	(G) Component in Oil Production.	(G) fatty acid alkyl amide, (dialkyl) amino alkyl, alkyl quaternized, salts.
P–20–0010A	8	05/27/2020	CBI	(G) Polymerization auxiliary.	(G) Carboxylic acid, reaction products with metal hydroxide, inorganic dioxide and metal.
P–20–0018A	3	06/26/2020	CBI	(G) Component in candles.	(G) Fatty acid dimers, polymers with glycerol and triglycerides.
P–20–0019A	3	06/26/2020	CBI	(G) Component in candles.	(G) Fatty acid dimers, polymers with glycerol and triglycerides.
P–20–0020A	3	06/26/2020	CBI	(G) Component in candles.	(G) Fatty acid dimers, polymers with glycerol and triglycerides.
P–20–0021A	3	06/26/2020	CBI	(G) Component in candles.	(G) Fatty acid dimers, polymers with glycerol and fatty acids.

TABLE I—PMN/SNUN/MCANS APPROVED* FROM 06/01/2020 TO 06/30/2020—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–20–0023A	3	06/11/2020	CBI	(G) The notified substance will be used as a fragrance ingredient.	(G) heteropolycycle, 2,6-dimethyl-3a-(1-methylethyl)-.
P–20–0029A	5	06/19/2020	Kuraray America, Inc.	(G) Oil soluble additive	(S) Octanal, 7(or 8)-formyl-.
P–20–0035A	3	06/02/2020	CBI	(G) Colorant	(G) Substituted aromatic, 3,3′-[[6-[(substituted alkyl amino)]-1,3,5-triazine-2,4-diyl]bis[imino[2-(substituted)-5-[substituted alkoxy]-4,1-phenylene]-2,1-diazenediyl]]bis[substituted, sodium salt].
P–20–0038A	2	06/04/2020	Nissan Chemical Houston Corporation.	(S) PMN substance will be used as resist compound for semiconductor manufacture.	(S) 1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[3-(2-oxiranyl)propyl]-.
P–20–0043A	5	06/04/2020	Saproterra	(S) Soil and Plant amendment. Soil Amendment is any substance which is intended to change the chemical or physical characteristics of soil. Plant amendment is any substance applied to plants or seeds which are intended to improve germination, growth, yield, quality, reproduction, flavor or other desirable characteristics.	(S) Acetic acid, 2-[[3-(4-pyridinyl)-1H–1,2,4-triazol-5-yl]thio]-, compd. with 2-aminoethanol (1:1).
P–20–0051A	4	05/28/2020	CBI	(S) Curing agent for Industrial epoxy coating systems.	(S) 1,8-Octanediamine, 4-(aminomethyl)-, N-benzyl derivs.
P–20–0056A	4	06/04/2020	CBI	(G) Pigment dispersant	(G) Polyphosphoric acids, 2-[(alkyl-1-oxo-alkene-1-yl)oxy]alkyl esters, polymers with acrylic acid, alkyl acrylate, alkyl methacrylate, hydroxyalkyl methacrylate and carbomonocycle, 2,2′-(1,2-diazenediyl)bis[2,4-dialkylalkanenitrogensubstituted]-initiated.
P–20–0057A	2	06/15/2020	Nusil Technology LLC.	(G) Silane coupling agent used in silicone formulations.	(G) Arene, trimethoxysilyl-, hydrolyzed.
P–20–0059A	4	05/27/2020	CBI	(S) Colorant for thermoplastic resins.	(G) Propanedinitrile, 2-[[4-[ethyl[2-[4-(substitute methyl butyl)phenoxy]ethyl]amino]-2-methylphenyl]methylene].
P–20–0068A	2	06/12/2020	CBI	(G) Perfume	(S) 1,3-Propanediol, 2,2-dimethyl-, 1,3-diacetate.
P–20–0069A	5	06/27/2020	CBI	(G) Surface-active chemical.	(G) 2-Propenoic acid, 2-methyl-, polymer with 2-hydroxyethyl 2-methyl-2-propenoate phosphate and 2-propenoic acid salt, peroxydisulfuric acid ([(HO)S(O)2]2O2) sodium salt (1:2)- and sodium (disulfite) (2:1)-initiated.
P–20–0071 ..	6	06/22/2020	CBI	(G) Colorant	(G) Salt of 2-Naphthalenesulfonic acid, hydroxy [(methoxy-methyl-4-sulfophenyl)diazenyl].
P–20–0072A	2	06/18/2020	CBI	(G) Additive used to impart specific physicochemical properties to finished articles.	(G) Multi-walled carbon nanotubes.
P–20–0074A	3	05/29/2020	Clariant Corporation.	(S) Surfactant for use in the formulation of pesticide products.	(S) Oxirane, 2-methyl-, polymer with oxirane, monoundecyl ether, branched and linear.
P–20–0077 ..	2	05/28/2020	Aalborz Chemical LLC.	(S) UV Curing Agent for use in Inks and Coatings.	(G) 1-(dialkyl-diphenylene alkane)-2-alkyl-2-hydrooxazine-1-alkylketone.
P–20–0086A	4	06/24/2020	Daicel Chemtech, Inc.	(G) Component of polymers.	(G) 2-Oxepanone, homopolymer, ester with hydroxyalkyl trioxo heteromonocyclic (3:1).
P–20–0091 ..	3	06/08/2020	AOC	(S) The material in question will be use to make unsaturated polyester resins to service the composite industry.	(S) 2,5-Furandione, polymer with 1,2-ethanediol and 2,2′-oxybis[ethanol], 2-ethylhexyl 3a,4,5,6,7,7a-hexahydro-4,7-methano-1H-indenyl ester.

TABLE I—PMN/SNUN/MCANS APPROVED* FROM 06/01/2020 TO 06/30/2020—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–20–0092A	6	06/22/2020	CBI	(G) Coloration of fabric	(G) Napthalenesulfonic acid, amino-hydroxy-bis [sulfo-[(sulfooxy)ethyl]sulfonyl]phenyl]diazinyl]- ,potassium sodium salt.
P–20–0092A	7	06/25/2020	CBI	(G) Coloration of fabric	(G) Napthalenesulfonic acid, amino-hydroxy-bis [sulfo-[(sulfooxy)ethyl]sulfonyl]phenyl]diazinyl]- ,potassium sodium salt.
P–20–0097A	2	06/08/2020	Nelson Brothers, LLC.	(S) The PMN substance will be used as an emulsifier for applications in explosives.	(G) Butanedioic acid, monopolyisobutylene derivs., mixed dihydroxyalkyl and hydroxyalkoxyalkyl diesters.
P–20–0098 ..	2	06/26/2020	CBI	(S) property modifier for polymers.	(G) Calcium cycloalkylcarboxylate.
P–20–0099 ..	5	06/11/2020	Materion Advanced Chemicals.	(S) A material used for the production of Li ion conductive separators for rechargeable batteries. For example and including, electric automobile batteries.	(G) Mixed Metal Oxide.
P–20–0099A	6	06/25/2020	Materion Advanced Chemicals.	(S) A material used for the production of Li ion conductive separators for rechargeable batteries. For example and including, electric automobile batteries.	(G) Mixed Metal Oxide.
P–20–0100 ..	2	06/16/2020	Evonik Corporation.	(S) Manual Dish Detergent, Hard Surface Cleaner, and Laundry Detergent.	(S) Glycolipids, rhamnose-contg., Pseudomanas putida-fermented, from D-glucose, potassium salts.
P–20–0101 ..	4	05/28/2020	CBI	(S) Coating Resin	(G) Alkanoic acid, hydroxy-(hydroxyalkyl)-alkyl-, polymer with alpha-[(hydroxyalkyl)alkyl]-omega-alkoxypoly(oxy-alkanediyl), (haloalkyl)oxiane polymer (alkylalkylidene)bis[hydroxy-carbomonocycle] alkenoate and isocyanate-alkyl-carbomonocycle, hydroxyalkyl acrylate-blocked.
P–20–0103 ..	3	06/05/2020	Sachem Inc	(G) On site intermediate for the production of finished goods.	(G) Cycloalphatic amine formate.
P–20–0103A	4	06/24/2020	Sachem Inc	(G) On site intermediate for the production of finished goods.	(G) Cycloalphatic amine formate.
P–20–0103A	5	06/24/2020	Sachem Inc	(G) On site intermediate for the production of finished goods.	(G) Cycloalphatic amine formate.
P–20–0104A	3	06/03/2020	CBI	(G) Additive	(G) Alkenoic acid, polymer with (alkyl alkenyl) polyether.
P–20–0104A	4	06/12/2020	CBI	(G) Additive	(G) Alkenoic acid, polymer with (alkyl alkenyl) polyether.
P–20–0105 ..	1	05/28/2020	Sound Agriculture Company.	(S) Maltol lactone is a compound that promotes microbial activity in the soil, resulting in increased availability of phosphorus for crops. This substance will be used on commercial farming operations.	(S) 4H-Pyran-4-one, 3-[(2,5-dihydro-4-methyl-5-oxo-2-furanyl)oxy]-2-methyl-.
P–20–0106 ..	1	06/03/2020	CBI	(G) Polymer reactant	(G) Aminoalkanoic acid, N,N-bis(2-alkoxyalkyl)-, 2-alkoxyalkyl.
P–20–0106A	2	06/22/2020	CBI	(G) Polymer reactant	(G) 3-(2-Alkoxyalkyl)-2-heterocycle.
P–20–0107 ..	2	06/28/2020	CBI	(G) Crosslinking polymer	(G) Carbimide, polyalkylenepolyarylene ester, polymer with 1,2-alkanediol, 2-alkoxyalkyl methacrylate- and 3-(2-alkoxyalkyl)-2-heterocycle-blocked.
P–20–0108 ..	1	06/08/2020	CBI	(G) Film-forming polymer	(G) Alkanoic acid, compds. with diphenolmethane derivative-N1,N1-dialkyl-1,3-alkanediamine-epiclorohydrin-2-cyclic ester homopolymer with dialkylene glycol (2:1) polymer-dialkanolamine reaction products.

TABLE I—PMN/SNUN/MCANS APPROVED* FROM 06/01/2020 TO 06/30/2020—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–20–0108A	2	06/12/2020	CBI	(G) Film-forming polymer	(G) Alkanoic acid, compds. with diphenolmethane derivative-N1,N1-dialkyl-1,3-alkanediamine-epiclorohydrin-2-cyclic ester homopolymer with dialkylene glycol (2:1) polymer-dialkanolamine reaction products.
P–20–0108A	3	06/26/2020	CBI	(G) Film-forming polymer	(G) Alkanoic acid, compds. with diphenolmethane derivative-N1,N1-dialkyl-1,3-alkanediamine-epiclorohydrin-2-cyclic ester homopolymer with dialkylene glycol (2:1) polymer-dialkanolamine reaction products.
P–20–0110	1	06/09/2020	Clariant Corporation.	(S) Base oil additive for lubricants and greases.	(G) Oxirane, 2-methyl-, polymer with oxirane, (alkoxyalkoxy)alkyl alkyl ether.
P–20–0111	1	06/09/2020	Westlake Chemical Corporation.	(G) Component in flexible automotive interior parts.	(S) 1,2,4-Benzenetricarboxylic acid, 1,2,4-trinonyl ester.
P–20–0112	1	06/10/2020	Sefa Group Inc.	(S) Additive for polymers: *e.g.,* rubber, plastics, adhesives, coatings and sealants.	(G) Ashes (residues), reactions products with dicarboxylic acid, silicic acid (H4SiO4) tetra-Et ester and 2-[[3-(trialkoxysilyl)alkoxy]methyl]oxirane.
P–20–0113	1	06/10/2020	Sefa Group Inc.	(S) Additive for polymers: *e.g.,*rubber, plastics, adhesives, coatings and sealants.	(G) Ashes (residues), reactions products with substituted tricarboxylic acid, silicic acid (H4SiO4) tetra-Et ester and 2-[[3-(trialkoxysilyl)alkoxy]methyl]oxirane.
P–20–0114	1	06/10/2020	Sefa Group Inc.	(S) Additive for polymers: *e.g.,* rubber, plastics, adhesives, coatings and sealants.	(G) Ashes (residues), reactions products with dicarboxylic acid, silicic acid (H4SiO4) tetra-Et ester and 2-[[3-(trialkoxysilyl)alkoxy]methyl]oxirane.
P–20–0115	1	06/10/2020	Sefa Group Inc.	(S) Additive for polymers: *e.g.,* rubber, plastics, adhesives, coatings and sealants.	(G) Ashes (residues), reactions products with substituted tricarboxylic acid, silicic acid (H4SiO4) tetra-Et ester and 2-[[3-(trialkoxysilyl)alkoxy]methyl]oxirane.
P–20–0116	1	06/10/2020	Sefa Group Inc.	(S) Additive for polymers: *e.g.,* rubber, plastics, adhesives, coatings and sealants.	(G) Ashes (residues), reactions products with dicarboxylic acid, silicic acid (H4SiO4) tetra-Et ester and 2-[[3-(trialkoxysilyl)alkoxy]methyl]oxirane.
P–20–0117	1	06/10/2020	Sefa Group Inc.	(S) Additive for polymers: *e.g.,* rubber, plastics, adhesives, coatings and sealants.	(G) Ashes (residues), reactions products with dicarboxylic acid, silicic acid (H4SiO4) tetra-Et ester and 2-[[3-(trialkoxysilyl)alkoxy]methyl]oxirane.
P–20–0118	2	06/22/2020	CBI	(G) Additive in household consumer products.	(S) Pyridine, 4-methyl-2-pentyl-.
P–20–0119	1	06/12/2020	CBI	(G) An ingredient used in the manufacture of photoresist.	(G) Carbopolycyclicoxoalkoxy(dialkyl)carbomonocyclic dicarbomonocyclic sulfonium, salt with trialkyl oxoheteropolycyclic substitutedalkyl carboxylate.
P–20–0120	1	06/12/2020	CBI	(G) An ingredient used in the manufacture of photoresist.	(G) Carbomonocyclic sulfonium, salt with trihalosulfoalkyl hydroxycarbopolycyclic carboxylate.
P–20–0121	1	06/17/2020	CBI	(S) Chemical intermediate	(G) Imidic acid, alkyl ester, sulfate,
P–20–0122	3	06/23/2020	Shin-Etsu Microsi.	(G) Microlithography for electronic device manufacturing.	(G) Heterocyclic onium compound with 1-substituted-alkyl 2,2,2-trisubstitutedalkyl 2-methyl-2-propenoate (1:1), polymer with acenaphthylene, 4-ethenyl-a,a-dimethylbenzenemethanol and 4-ethenylphenyl acetate, hydrolyzed.
P–20–0123	1	06/18/2020	CBI	(S) Binder	(G) Nitrogen-substituted heterocycle, homopolymer, N-(nitrogen-substituted alkyl) derivs., sulfates.
P–20–0124	1	06/19/2020	CBI	(G) Additive in Household consumer products.	(S) 5-octen-4-ol, 3,5-dimethyl-, (5E)-.
P–20–0125	1	06/19/2020	CBI	(G) Additive in Household consumer products.	(S) 4-Penten-1-one, 1-(5-ethyl-5-methyl-1-cyclohexen-1-yl)-.
P–20–0126	1	06/24/2020	CBI	(G) Additive in household consumer products.	(S) 4-Decenal, 5,9-dimethyl-.
SN–20–0006	2	06/03/2020	CBI	(G) Color Developer	(S) Phenol, 4,4′-[1-[4-[1-(4-hydroxyphenyl)-1-methylethyl]phenyl]ethylidene]bis-.

*The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission prior to the start of the 90 day review period, and in no way reflects the final status of a complete submission review.

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs that have passed an initial screening by EPA during this period: The EPA case number assigned to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date of commencement provided by the submitter in the NOC, a notation of the type of amendment (*e.g.,* amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE II—NOCS APPROVED* FROM 06/01/2020 TO 06/30/2020

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
P–16–0424	06/24/2020	06/23/2020	N	(G) Tetraalkylpiperidium hydroxide.
P–17–0109	06/24/2020	04/12/2020	N	(S) 1,3-propanediamine, N1-(3-aminopropyl)-N1-[3-(dimethylamino)propyl]-N3,N3-dimethyl-.
P–17–0172A ...	06/22/2020	09/13/2018	Changed to import, incorrectly marked manufacture.	(G) Branched alkylphenol, sulfurized, calcium salts, overbased.
P–18–0035	06/24/2020	06/10/2020	N	(S) Propenoic acid, 2-methyl-, 1,3-dioxolan-4-ylmethyl ester; 2-propenoic acid, 2-methyl-, 1,3-dioxan-5-yl ester.
P–18–0214	06/16/2020	05/07/2020	N	(G) Polycyclic substituted alkane, polymer with cyclicalkylamine, epoxide, and polycyclic epoxide ether, reaction products with dialkylamine substituted alkyl amine.
P–18–0292	06/15/2020	06/15/2020	N	(G) Alkanediol, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, alkylaminoalkyl methacrylate-blocked.
P–18–0347	06/09/2020	06/03/2020	N	(S) Amines, polyethylenepoly-, triethylenetetramine fraction, polymers with guanidine hydrochloride (1:1).
P–18–0375A ...	06/08/2020	05/17/2020	NOC not received within 30 days of import date per regulation.	(S) Oils, vegetable, sulfonated, sodium salts.
P–19–0051	06/09/2020	05/12/2020	N	(G) 1,3-propanediamine, N1, N1-dimethyl-, polymers with alkylene glycol ether with alkyltriol (3:1) mixed acrylates and adipates, and alkylene glycol monoacrylate ether with alkyltriol (3:1).
P–19–0134	06/12/2020	06/10/2020	N	(G) 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane], [Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-hydro-.omega.-hydroxy-, polymer with 1,6-diisocyanatohexane], polymer with [Poly(oxy-1,4-butanediyl), .alpha.-hydro-.omega.-hydroxy-], [Cyclic amine-ketone adduct, reduced], and [1,3-Propanediol, 2-ethyl-2-(hydroxymethyl).
P–20–0050	06/18/2020	06/16/2020	N	(S) Benzenepentanol, alpha,gamma-dimethyl-.
P–20–0052	06/04/2020	05/24/2020	N	(S) Oxirane, 2-methyl-, polymer with oxirane, mono(3,5,5-trimethylhexanoate).

*The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission.

In Table III of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information that has been received during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 06/01/2020 TO 06/30/2020

Case No.	Received date	Type of test information	Chemical substance
P–18–0293	05/29/2020	Physical Chemical Properties of Chemilian L3000 XP	(S) Propanedioic acid, 2-methylene-, 1,3-dihexyl ester.
P–19–0147	06/16/2020	Water Solubility Stability Study Draft Report (OECD Test Guideline 105), and Environmental Assessment.	(G) Alkoxylated butyl alkyl ester.

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

(Authority: 15 U.S.C. 2601 *et seq.*)

Dated: July 10, 2020.

Pamela Myrick,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2020–16288 Filed 7–27–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (OMB No. 3064–0153)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its ongoing obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collection described below (OMB No. 3064–0153).

DATES: Comments must be submitted on or before September 28, 2020.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Jennifer Jones (202–898–6768), Counsel, MB–3078, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jennifer Jones, Counsel, 202–898–6768, *jennjones@fdic.gov,* MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: *Proposal to renew the following currently approved collection of information:*

1. *Title:* Regulatory Capital Rules.

OMB Number: 3064–0153.

Affected Public: Insured state nonmember banks and state savings associations.

Burden Estimate:

ESTIMATED HOURLY BURDEN

	Type of burden	Estimated number of respondents	Estimated time per response	Frequency of response	Total annual estimated burden
BASEL III Advanced Approaches: Recordkeeping, Disclosure, and Reporting					
Implementation plan—Section __.121(b): Ongoing	Recordkeeping	1	330	On Occasion	330
Documentation of advanced systems—Section __.122(j): Ongoing.	Recordkeeping	1	19	On Occasion	19
Systems maintenance—Sections __.122(a), __123(a), __.124(a): Ongoing.	Recordkeeping	1	27.90	On Occasion	28
Supervisory approvals—Sections __.122(d)–(h), __.132(b)(3), __.132(d)(1), __.132(d)(1)(iii): Ongoing.	Recordkeeping	1	16.82	On Occasion	17
Control, oversight and verification of systems—Sections __.122 to __.124: Ongoing.	Recordkeeping	1	11.05	On Occasion	11
(CCR)—Section __.132(b)(2)(iii)(A): One-time	Recordkeeping	1	80	On Occasion	80
(CCR)—Section __.132(b)(2)(iii)(A): Ongoing	Recordkeeping	1	16	On Occasion	16
(CCR)—Section __.132(d)(2)(iv): One-time	Recordkeeping	1	80	On Occasion	80
(CCR)—Section __.132(d)(2)(iv): Ongoing	Recordkeeping	1	40	On Occasion	40
(CCR)—Section __.132(d)(3)(vi): One-time	Recordkeeping	1	80	On Occasion	80
(CCR)—Section __.132(d)(3)(viii): One-time	Recordkeeping	1	80	On Occasion	80
(CCR)—Section __.132(d)(3)(viii) Ongoing	Recordkeeping	1	10	Quarterly	40
(CCR)—Section __.132(d)(3)(ix): One-time	Recordkeeping	1	40	On Occasion	40
(CCR)—Section __.132(d)(3)(ix): Ongoing	Recordkeeping	1	40	On Occasion	40
(CCR)—Section __.132(d)(3)(x): One-time	Recordkeeping	1	20	On Occasion	20
(CCR)—Section __.132(d)(3)(xi): One-time	Recordkeeping	1	40	On Occasion	40
(CCR)—Section __.132(d)(3)(xi): Ongoing	Recordkeeping	1	40	On Occasion	40
(OC)—Section __.141(b)(3), __.141(c)(1), __.141(c)(2)(i)–(ii), __.153: One-time.	Recordkeeping	1	40	On Occasion	40
(OC)—Section __.141(c)(2)(i)–(ii): Ongoing	Recordkeeping	1	10	Quarterly	40
Sections __.142 and __.171: Ongoing	Disclosure	1	5.78	On Occasion	6
(CCB and CCYB)—Section __.173, Table 4 (Securitization)—Section __.173, Table 9 (IRR)—Section __.173, Table 12: Ongoing.	Disclosure	1	25	Quarterly	100
(CCB and CCYB)—Section __.173, Table 4 (Securitization)—Section __.173, Table 9 (IRR)—Section __.173, Table 12: One-time.	Disclosure	1	200	On Occasion	200
(Capital Structure)—Section __.173, Table 2: Ongoing	Disclosure	1	2	Quarterly	8
(Capital Structure)—Section __.173, Table 2: One-time	Disclosure	1	16	On Occasion	16
(Capital Adequacy)—Section __.173, Table 3: Ongoing	Disclosure	1	2	Quarterly	8
(Capital Adequacy)—Section __.173, Table 3: One-time	Disclosure	1	16	On Occasion	16
(CR) —Section __.173, Table 5: Ongoing	Disclosure	1	12	Quarterly	48
(CR)—Section __.173, Table 5: One-time	Disclosure	1	96	On Occasion	96
Section __.304—Opt-In Relief and Related FDIC Approval: Ongoing.	Reporting	7	12	On Occasion	84
Subtotal: One-time Recordkeeping and Disclosure					788
Subtotal: Ongoing Recordkeeping, Disclosure, and Reporting.					875

ESTIMATED HOURLY BURDEN—Continued

	Type of burden	Estimated number of respondents	Estimated time per response	Frequency of response	Total annual estimated burden
Total Recordkeeping, Disclosure, and Reporting					1,663
Minimum Regulatory Capital Ratios: Recordkeeping					
(CCR Operational Requirements)—Sections __.3(d) and __.22(h)(2)(iii)(A): Ongoing.	Recordkeeping	3,489	16	On Occasion	55,824
Subtotal: One-time Recordkeeping					0
Subtotal: Ongoing Recordkeeping					55,824
Total Recordkeeping					55,824
Standardized Approach: Recordkeeping and Disclosure					
(QCCP)—Section __.35(b)(3)(i)(A): One-time	Recordkeeping	1	2	On Occasion	2
(QCCP)—Section __.35(b)(3)(i)(A): Ongoing	Recordkeeping	3,489	2	On Occasion	6,978
(CT)—Section __.37(c)(4)(i)(E): One-time	Recordkeeping	1	80	On Occasion	80
(CT)—Section __.37(c)(4)(i)(E): Ongoing	Recordkeeping	3,489	16	On Occasion	55,824
(SE)—Section __.41(b)(3) and __.41(c)(2)(i): One-time	Recordkeeping	1	40	On Occasion	40
(SE)—Section __.41(c)(2)(ii): Ongoing	Recordkeeping	3,489	2	On Occasion	6,978
(S.E.)—Section __.42(e)(2), (C.R.) Sections __.62(a), (b), & (c), (Q&Q) Sections__.63(a) & (b): One-time.	Disclosure	1	226.25	On Occasion	226
(S.E.)—Section __.42(e)(2), (C.R.) Sections __.62(a), (b), & (c), (Q&Q) Sections __.63(a) & (b) and __.63 Tables: Ongoing.	Disclosure	1	131.25	Quarterly	525
Subtotal: One-time Recordkeeping and Disclosure					348
Subtotal: Ongoing Recordkeeping and Disclosure					70,305
Total Recordkeeping and Disclosure					70,653
Estimated Cost to Respondents Associated With Hourly Burden					
Total One-Time Burden Hours					1,136
Total Ongoing Burden Hours					127,004
Total Burden Hours					128,140

General Description of Collection: This collection comprises the disclosure and recordkeeping requirements associated with minimum capital requirements and overall capital adequacy standards for insured state nonmember banks, state savings associations, and certain subsidiaries of those entities. The data is used by the FDIC to evaluate capital before approving various applications by insured depository institutions, to evaluate capital as an essential component in determining safety and soundness, and to determine whether an institution is subject to prompt corrective action provisions.

The annual burden for this information collection remains unchanged and is estimated to be 128,140 hours.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the 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; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on July 23, 2020.

James P. Sheesley,

Acting Assistant Executive Secretary.

[FR Doc. 2020–16293 Filed 7–27–20; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

Correction

The notice appearing in the **Federal Register** of July 23, 2020, FR Doc. 2020–15973, on page 44536, in the third column, is withdrawn.

Board of Governors of the Federal Reserve System, July 23, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–16344 Filed 7–27–20; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Granting of Requests for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these

proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED
JUNE 1, 2020 THRU JUNE 30, 2020

06/01/2020		
20200974	G	Robert Faith; Bruce C. Ward; Robert Faith.
06/02/2020		
20201062	G	Molina Healthcare, Inc.; Magellan Health, Inc.; Molina Healthcare, Inc.
20201069	G	KKR Rainbow Aggregator L.P.; Agnaten SE; KKR Rainbow Aggregator L.P.
20201071	G	Aurora Equity Partners V, L.P.; FMG TopCo, LLC; Aurora Equity Partners V, L.P.
06/04/2020		
20191377	G	ZF Friedrichshafen AG; WABCO Holdings Inc.; ZF Friedrichshafen AG.
20191792	G	Odyssey Investment Partners Fund V, LP; General Dynamics Corporation; Odyssey Investment Partners Fund V, LP.
20200514	G	The Charles Schwab Corporation; TD Ameritrade Holding Corp.; The Charles Schwab Corporation.
20201051	G	Orlando Health, Inc.; Community Health Systems, Inc.; Orlando Health, Inc.
06/05/2020		
20201057	G	Koch Industries, Inc.; ON Semiconductor Corporation; Koch Industries, Inc.
06/11/2020		
20201068	G	Elliott Associates, L.P.; Softbank Group Corp.; Elliott Associates, L.P.
20201070	G	Christopher L. Winfrey; Charter Communications, Inc.; Christopher L. Winfrey.
20201073	G	VanEck Vectors ETF Trust; Core Laboratories N.V.; VanEck Vectors ETF Trust.
20201079	G	Insight Venture Partners Growth-Buyout Coinvestment Fund; nCino, Inc.; Insight Venture Partners Growth-Buyout Co-investment Fund.
20201082	G	Lion Capital Fund III, L.P.; Lion/Hendrix Corp.; Lion Capital Fund III, L.P.
20201086	G	Brynwood Partners VIII L.P.; Nestle S. A.; Brynwood Partners VIII L.P.
20201088	G	Spectrum Equity VII, L.P.; OrangeDot Inc.; Spectrum Equity VII, L.P.
20201090	G	Thomas M. Rutledge; Charter Communications, Inc.; Thomas M. Rutledge.
20201091	G	Bluestem Aggregator LLC; Northstar Holdings Inc. (DIP); Bluestem Aggregator LLC.
20201096	G	Arlington Capital Partners V, L.P.; J&J Maintenance, Inc.; Arlington Capital Partners V, L.P.
20201101	G	Merck & Co., Inc.; Wayne and Wendy Holman; Merck & Co., Inc.
06/15/2020		
20201080	G	Sinch AB; SAP SE; Sinch AB.
06/17/2020		
20201099	G	Merck & Co., Inc.; Themis Bioscience GmbH; Merck & Co., Inc.
20201102	G	Cisco Systems, Inc.; ThousandEyes, Inc.; Cisco Systems, Inc.
20201108	G	Akorn Holdings Topco LLC; Akorn, Inc.; Akorn Holdings Topco LLC.
20201109	G	BBH Capital Partners V, L.P.; Sunstar Insurance Group, LLC; BBH Capital Partners V, L.P.
20201112	G	National Instruments Corporation; Optimal Plus Ltd.; National Instruments Corporation.
20201113	G	Uno Co-Invest LP.; USI Advantage Corp.; Uno Co-Invest LP.
20201114	G	Zynga Inc.; Peak Oyun Yazilim Pazarlama Anonim Sirketi; Zynga Inc.
20201117	G	KKR Management LLP; USI Advantage Corp.; KKR Management LLP.
20201119	G	Carlyle Partners VII, L.P.; ABRY Partners VIII, L.P.; Carlyle Partners VII, L.P.
20201120	G	Groundworks Holding, LLC; Bob Genord; Groundworks Holding, LLC.
06/22/2020		
20201125	G	Delta Parent Holdings, Inc.; Verus Analytics Limited Partnership; Delta Parent Holdings, Inc.
20201126	G	Apax X USD L.P.; KAR Auction Services, Inc.; Apax X USD L.P.
20201127	G	GTCR Fund XI/A LP; Great Point Partners II, L.P.; GTCR Fund XI/A LP.
20201130	G	NICE Ltd.; Guardian Analytics, Inc; NICE Ltd.
20201131	G	Johnson & Johnson; Fate Therapeutics, Inc.; Johnson & Johnson.
20201132	G	The Goldman Sachs Group, Inc.; Steven M. H. Wallman; The Goldman Sachs Group, Inc.
20201133	G	NetApp, Inc.; Spotinst Ltd.; NetApp, Inc.
20201135	G	Wind Point Partners IX–A, L.P.; Handgards, Inc.; Wind Point Partners IX–A, L.P.
20201136	G	One Equity Partners VII, L.P.; Cerberus Institutional Partners VI, L.P.; One Equity Partners VII, L.P.
20201138	G	Zip Co Ltd; QuadPay Inc.; Zip Co Ltd.
20201143	G	ABRY Senior Equity V, L.P.; M. Nazie Eftekhari; ABRY Senior Equity V, L.P.
06/24/2020		
20200854	S	Tri Star Energy, LLC; Mr. Ronald L. Hollingsworth; Tri Star Energy, LLC.
20201115	G	TowerBrook Investors V (Onshore), L.P.; KKR Enterprise Co-Invest L.P.; TowerBrook Investors V (Onshore), L.P.

EARLY TERMINATIONS GRANTED—Continued
JUNE 1, 2020 THRU JUNE 30, 2020

20201116	G	TowerBrook Investors V (Onshore), L.P.; Ascension Health Alliance; TowerBrook Investors V (Onshore), L.P.
		06/26/2020
20191689	S	Eldorado Resorts, Inc.; Caesars Entertainment Corporation; Eldorado Resorts, Inc.
20201104	G	AdaptHealth Corp.; Linden Capital Partners IV–A LP; AdaptHealth Corp.
20201111	G	One Equity Partners VII, L.P.; AdaptHealth Corp.; One Equity Partners VII, L.P.
		06/29/2020
20201151	G	U.S. Aggregator 1 LP; Emerald Holding, Inc.; U.S. Aggregator 1 LP.
20201154	G	Halmont Properties Corporation; Superior Plus Corp.; Halmont Properties Corporation.
20201163	G	HPS Offshore Mezzanine Partners; Albertsons Investor Holdings LLC; HPS Offshore Mezzanine Partners.
20201165	G	William Goldring; Wolf Pen Branch, LP; William Goldring.
		06/30/2020
20201153	G	Thomas H. Lee Parallel Fund VIII, L.P.; Seniorlink Incorporated; Thomas H. Lee Parallel Fund VIII, L.P.
20201164	G	Trive Capital Fund III LP; Seven Aces Limited; Trive Capital Fund III LP.

FOR FURTHER INFORMATION CONTACT: Theresa Kingsberry (202–326–3100), Program Support Specialist, Federal Trade Commission Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024.

By direction of the Commission.

April J. Tabor,

Secretary.

[FR Doc. 2020–16310 Filed 7–27–20; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (''PRA''), the Federal Trade Commission (''FTC'' or ''Commission'') is seeking public comment on its proposal to extend for an additional three years the Office of Management and Budget clearance for information collection requirements in the Business Opportunity Rule (''Rule''). That clearance expires on January 31, 2021.

DATES: Comments must be submitted by September 28, 2020.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Business Opportunity Rule Paperwork Comment, FTC File No. P114408'' 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, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), 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 J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Christine M. Todaro, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, CC–8528, Washington, DC 20580, (202) 326–3711.

SUPPLEMENTARY INFORMATION:

Title of Collection: Disclosure Requirements Concerning Business Opportunities, 16 CFR part 437.

OMB Control Number: 3084–0142.

Type of Review: Extension without change of currently approved collection.

Affected Public: Private Sector: Businesses and other for-profit entities.

Estimated Annual Burden Hours: 10,065.

Estimated Annual Labor Costs: $703,141.

Estimated Annual Non-Labor Costs: $3,056,503.

Abstract: The Business Opportunity Rule requires business opportunity sellers to furnish prospective purchasers a disclosure document that provides information regarding the seller, the seller's business, and the nature of the proposed business opportunity, as well as additional information to substantiate any claims about actual or potential sales, income, or profits for a prospective business opportunity purchaser. The seller must also preserve information that forms a reasonable basis for such claims.

The Rule is designed to ensure that prospective purchasers receive information to help them evaluate business opportunities. Sellers must disclose five key items of information in a simple, one-page document: (1) The seller's identifying information; (2) whether the seller makes a claim about the purchaser's likely earnings (and, if yes, the seller must provide information supporting any such claims); (3) whether the seller, its affiliates, or key personnel have been involved in certain legal actions (and, if yes, the seller must provide a separate list of those actions); (4) whether the seller has a cancellation or refund policy (and, if yes, the seller must provide a separate document stating the material terms of such policies); and (5) a list of persons who have purchased the business opportunity within the previous three years. Misrepresentations and omissions are prohibited under the Rule, and for sales conducted in languages other than English, all disclosures must be provided in the language in which the sale is conducted.

Burden Estimates

FTC staff estimates there are approximately 3,050 business opportunity sellers covered by the Rule, including vending machine, rack display, work-at-home, and other opportunity sellers. Of this total, staff estimates that on an annual basis approximately 90% are established sellers and the remaining 10% are new entrants (*i.e.,* 2,745 existing business opportunity sellers plus 305 new entrants). In addition, staff estimates that approximately 92 business

opportunity sellers market business opportunities in Spanish (in addition to English) and another 61 sellers market in languages other than English or Spanish (in addition to English).[1]

A. Estimated Hours Burden

Compliance burdens will vary depending on a business opportunity seller's prior experience with the Rule. Appendices A and B to the Rule provide models of the required disclosure documents in both English and Spanish, reducing the potential burden that sellers may incur to provide the required disclosures. Commission staff estimates that 2,745 existing business opportunity sellers will require approximately two hours to update their disclosure documents annually. This yields a total annual burden of 5,490 hours for established sellers. Staff also projects that 305 new business opportunity sellers will require approximately five hours to develop their initial disclosure documents. This yields a total annual burden of approximately 1,525 hours. In addition, staff estimates that all business opportunity sellers will require approximately one hour to file and store required records for a total of 3,050 hours. This yields a cumulative total of 10,065 hours.

B. Estimated Labor Cost

The Commission determines estimated labor costs by applying applicable wage rates to the burden hours discussed above. Commission staff assumes that an attorney likely would prepare or update required disclosure documents at an approximate hourly rate of $69.86.[2] Accordingly, staff estimates that cumulative labor costs are $703,141 (10,065 hours × $69.86 per hour).

C. Estimated Non-Labor Costs

1. Printing and Mailing of the Disclosure Document

Business opportunity sellers may also incur costs to print and distribute the single-page disclosure document, plus any attachments. These costs vary based upon the length of the attachments and the number of copies produced to meet the expected demand. Commission staff estimates that 3,050 business opportunity sellers will print and mail approximately 1,000 disclosure documents per year at a cost of $1.00 per document, for a total cost of $3,050,000. Conceivably, many business opportunity sellers will elect to furnish disclosures electronically; thus, the total cost could be much less.

2. Translating the Required Disclosures Into a Language Other Than English

The costs associated with translating the disclosures will vary depending upon a business opportunity seller's prior experience and the language the seller uses to market business opportunities. Because Appendices A and B to the Rule provide illustrations of the required disclosure documents in both English and Spanish, business opportunity sellers marketing in Spanish will not incur costs to translate their disclosure documents. Existing sellers who market business opportunities in either Spanish or another non-English language may incur translation costs to update their disclosures over time. New entrants that market business opportunities in languages other than English or Spanish will incur costs to translate Appendix A into other languages.

Informed by Census data, FTC staff estimates that 92 sellers market business opportunities in Spanish and an additional 61 sellers market in languages other than English or Spanish. This includes an estimated 9 new entrants annually that market business opportunities in Spanish and 6 new entrants that market business opportunities in languages other than English or Spanish.

FTC staff estimates that approximately 137 existing business opportunity sellers are marketing business opportunities in languages other than English. Staff estimates these sellers will require on average approximately 250 words (about one standard, double-spaced page) to update initial disclosures. Therefore, staff estimates the total cost to translate the updates to sellers' initial disclosures is approximately $5,994 [137 sellers × (17.5[3] cents per word × 250 words)].

In addition, staff estimates that new entrant business opportunity sellers marketing in languages other than English or Spanish will incur burden to translate the required disclosures. There are 485 words in Appendix A to the Rule. Therefore, staff estimates that the average annual cost burden for new business opportunity sellers to translate the required disclosures into a language other than English or Spanish will be approximately $509 [6 sellers × (17.5 cents per word × 485 words)].

Thus, cumulative estimated non-labor costs are $3,056,503 ($3,050,000 + $5,994 + $509).

Request for Comment

Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing clearance for the information collection requirements contained in the Business Opportunity Rule, 16 CFR part 437 (OMB Control Number 3084–0142).

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) 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, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 28, 2020. Write

[1] FTC bases these estimates on census data. *See* American Community Survey, Household Language Table K201601 (2018), at *https://data.census.gov/cedsci/.* The census data indicates that approximately 3% of Spanish-speaking U.S. households are classified as limited English speaking households. In addition, the data indicates that approximately 2% of the United States population speaks a language other than Spanish or English at home and are classified as limited English speaking households. Staff estimates that approximately 3% of all entities selling business opportunities market in Spanish and 2% of all such entities market in languages other than English or Spanish.

[2] This figure is derived from the mean hourly wage for Lawyers. See ''Occupational Employment and Wages—May 2019,'' Bureau of Labor Statistics, U.S. Department of Labor (March 31, 2020), Table 1 (''National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2019''), available at *https://www.bls.gov/news.release/pdf/ocwage.pdf.*

[3] Staff estimates that this represents the current market rate per word to translate the disclosure documents into the language the sellers use to market business opportunities.

''Business Opportunity Rule Paperwork Comment, FTC File No. P114408'' on your comment. Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it through the *https://www.regulations.gov* website by following the instructions on the web-based form provided. Your comment, including your name and your state—will be placed on the public record of this proceeding, including the *https://www.regulations.gov* website.

If you file your comment on paper, write ''Business Opportunity Rule Paperwork Comment, FTC File No. P114408'' 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 J), 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, Washington, DC 20024. If possible, please submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the public record, 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 that 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 *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment, 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.

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 September 28, 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.*

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2020–16301 Filed 7–27–20; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''AHRQ Safety Program for Improving Surgical Care and Recovery.''

DATES: Comments on this notice must be received by 60 days after date of publication of this Notice.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

AHRQ Safety Program for Improving Surgical Care and Recovery

This is a quality improvement project that aims to provide technical assistance to hospitals to help them implement evidence-based practices to improve outcomes and prevent complications among patients who undergo surgery. Enhanced recovery pathways are a constellation of preoperative, intraoperative, and postoperative practices that decrease complications and accelerate recovery. A number of studies and meta-analyses have demonstrated successful results. In order to facilitate broader adoption of these evidence-based practices among U.S. hospitals, this AHRQ project will adapt the Comprehensive Unit-based Safety Program (CUSP), which has been demonstrated to be an effective approach to reducing other patient harms, to enhanced recovery of surgical patients. The approach uses a combination of clinical and cultural (*i.e.,* technical and adaptive) intervention components. The adaptive elements include promoting leadership and frontline staff engagement, close teamwork among surgeons, anesthesia providers, and nurses, as well as enhancing patient communication and engagement. Interested hospitals will voluntarily participate.

This project has the following goals:

- Improve outcomes of surgical patients by disseminating and supporting implementation of evidence-based enhanced recovery practices within the CUSP framework
- Develop a bundle of technical and adaptive interventions and associated tools and educational materials to support implementation
- Provide technical assistance and training to hospitals for implementing enhanced recovery practices
- Assess the adoption and evaluate the effectiveness of the intervention among the participating hospitals

This project is being conducted by AHRQ through its contractor, Johns Hopkins Armstrong Institute for Patient Safety and Quality (JHU), with subcontractors, University of California,

San Francisco, American College of Surgeons (ACS) and Westat, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of this project the following data collections will be implemented:

Safety culture survey. The project team will assess changes in perioperative safety culture in hospitals since the inception of the program by requesting that hospitals ask their staff to complete the safety culture survey at the beginning of the program. Hospitals receive their survey results and then debrief their staff on their safety culture and identify opportunities for further improvement. JHU will provide technical assistance for this effort. Participating hospitals will promote awareness of the survey among their staff, coordinate implementation of the survey, encourage staff to complete the survey and provide staff time to do so, and organize their local debrief of the reports of their hospital's results. JHU will assist this effort by providing an electronic portal for hospital staff to anonymously submit the survey, and by analyzing the data and sending a report to the hospital. Data will also be analyzed in aggregate across all participating hospitals to evaluate the impact of the overall quality improvement effort on measured safety culture.

Patient experience survey. Hospitals will also assess the impact of participation in the project on the patient's experience with care. AHRQ intends to assist hospitals in assessing patient experience by adapting the CAHPS® (Consumer Assessment of Healthcare Providers and Systems) Outpatient and Ambulatory Surgery Survey for use in a hospital setting and adding in selected questions adapted from other surveys, including Hospital CAHPS, the CAHPS Surgical Survey, and PROMIS (Patient Reported Outcomes Measurement Information System). The approach minimizes burden on the hospitals but will yield important information that will then be used to further drive improvements in the patient's experience with the healthcare system.

A pre-implementation assessment of patient experience will be done with patients before the project is implemented at the hospital. A post-implementation assessment of patient experience will be done after the project is implemented, surveying patients that were treated on the enhanced recovery pathway at participating hospitals.

The survey will be administered by Westat. Hospitals will provide patient contact information to the project team after execution of a data use agreement. This information will be provided to Westat to send the survey to patients on behalf of the hospital. Westat will provide a summative report to each hospital with the hospital's results to promote additional local quality improvement work.

While the primary purpose of both surveys is the hospital's quality improvement purpose, the data will also be analyzed in aggregate across all participating hospitals to evaluate the impact of the overall quality improvement effort.

Readiness and Implementation Assessments: Semi-structured qualitative interviews. Semi-structured qualitative interviews will be conducted with key stakeholders at participating hospitals (*e.g.,* project leads, physician project champions, etc.). These include a readiness assessment conducted after a hospital's enrollment in the project and an implementation assessment conducted after a period of implementation. The readiness assessment will help identify which, if any, technical components of the enhanced surgical care and recovery intervention already exist at the hospital, project management and resources, clinician engagement, leadership engagement and potential barriers and facilitators to implementation. The implementation assessment will evaluate what elements of the enhanced recovery practices have been adopted, resources invested, team participation, major barriers (*e.g.,* medications, equipment, trained personnel), and leadership participation. These assessments will help identify training needs of hospitals and inform the JHU team's approach. In addition, the results will inform the JHU team's understanding of local adaptations of the intervention and the degree to which intervention fidelity impacts changes in outcomes.

Site visits. Semi-structured site visits will be conducted at a subset of participating hospitals. Sites will be selected using the following criteria: (1) Active participation (2) geographic location; and (3) willingness to host the research team. Findings will help inform the JHU's project implementation strategy. Information from these visits will be critical in understanding if and how team and/or leadership issues may affect implementation of enhanced recovery practices, including how this may differ across surgical service lines. Interviews will help uncover misalignments in role clarity, needed time and resources, best practices, and potential enablers of and barriers to enhanced surgical care and recovery implementation. Site visits will be conducted at approximately 4 hospitals per year, and each will be 1 day long. The types of hospital personnel anticipated to be involved in part or all of the site visit include senior leadership, perioperative leadership, and patient safety and quality staff. Participating hospitals will receive a structured debriefing and brief summary report at the end of the one-day visit.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this project.

Safety Culture Survey

A pre-implementation safety culture survey will be administered as a web-based survey to nurses, physicians and other clinical staff participating in the project. Based on the experience with response rates from the base period of the project and Cohort 1, and the approximately 200 new hospitals that will join the project in Cohort 4, we anticipate approximately 50 responses each from 20 hospitals, or 1,000 total responses from hospital staff. Based on earlier experience we expect that approximately 50 percent of responses will be from physicians and surgeons, and 50 percent will be from nurses.

Patient Experience Survey

During this period, a post-implementation patient experience survey will be administered by mail to patients discharged from the hospital in the surgical specialties included in the project. Assuming an average of 86 patients being surveyed per hospital, about 3,268 patients would be surveyed. With a 30% response rate, the patient experience survey will be completed by about 980 patients. This survey requires about 22 minutes to complete.

Readiness and Implementation Assessments

A pre-and post-assessment will be administered as a semi-structured interview with the hospital project leads (*e.g.* one physician, one nurse). Assuming an average of 2 staff being part of each pre- and post- interview per hospital, about 760 staff would be surveyed during this period. With a

90% response rate, the readiness and implementation assessment will be completed by about 684 staff. This survey requires 60 minutes to complete.

Site visits

Six site visits will be conducted during this period. Assuming an average of 3 staff being a part of each site visit, about 18 staff would take part in the site visits that will take 4 hours to complete.

Exhibit 1 shows estimated annualized burden hours, and Exhibit 2 shows the estimated annualized cost burden associated with the respondents' time to participate in this project. The total cost burden is estimated to be $96,530 annually.

Estimated Annual Respondent Burden

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Safety culture survey	1,000	1	.25	250
Patient experience survey	980	1	0.37	363
Readiness and Implementation assessment	684	1	1	684
Site visits	18	1	4	72
Total	2,681	N/A	N/A	1,368

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Safety culture survey	500	125	[a] $121.17	$15,146
Safety culture survey	500	125	[b] 37.24	4,655
Patient experience survey	980	363	[d] 27.54	9,997
Readiness and Implementation assessment	342	342	[a] 121.17	41,440
Readiness and Implementation assessment	342	342	[c] 55.37	18,937
Site visits	9	36	[a] 121.17	4,362
Site Visits	9	36	[c] 55.37	1,993
Total	2,682	1,368	N/A	96,530

National Compensation Survey: Occupational wages in the United States May 2019 "U.S. Department of Labor, Bureau of Labor Statistics:" *http://www.bls.gov/oes/current/oes_stru.htm*.

[a] Based on the mean wages for *29–1240 Physicians and Surgeons*.

[b] Based on the mean wages for *29–1141 Registered Nurse*.

[c] Based on the mean wages for *11–9111 Medical and Health Services Managers*.

[d] Based on the mean wages for *00–0000 All Occupations*.

Request for Comments

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: July 23, 2020.

Virginia L. Mackay-Smith,

Associate Director.

[FR Doc. 2020–16341 Filed 7–27–20; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[CDC–2018–0055, Docket Number NIOSH–156–D]

IDLH Value Profile for Bromine Trifluoride, Chlorine Trifluoride, and Ethylene Dibromide

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 *IDLH Value Profiles for Bromine Trifluoride, Chlorine Trifluoride, and Ethylene Dibromide.*

DATES: The final documents were published on July 21, 2020 on the CDC website.

ADDRESSES: The documents may be obtained at the following links: Bromine Trifluoride: *https://www.cdc.gov/niosh/docs/2020-123/default.html;* Chlorine Trifluoride: *https://www.cdc.gov/niosh/docs/2020-124/default.html;* Ethylene Dibromide: *https://www.cdc.gov/niosh/docs/2020-125/default.html.*

FOR FURTHER INFORMATION CONTACT: R. Todd Niemeier (mail to: *RNiemeier1@cdc.gov*), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1090 Tusculum Ave, MS C–15,

Cincinnati, OH 45226. Phone (513) 533–8166 (not a toll-free number).

SUPPLEMENTARY INFORMATION: On June 8, 2018, NIOSH published a request for public review in the **Federal Register** [**Federal Register** Number 2018–12364] [83 FR 26685] on the draft versions of the documents *IDLH Value Profile for Bromine Trifluoride, IDLH Value Profile for Chlorine Trifluoride, IDLH Value Profile for Ethylene Dibromide.*

All comments received were carefully reviewed and addressed, where appropriate. In response to comments received, revisions were made to clarify the data used by NIOSH in its support of the development of the IDLH values for these chemicals. NIOSH Responses to Peer Review and Public Comments 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. 2020–16254 Filed 7–27–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–20–20QO; Docket No. CDC–2020–0084]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Pilot Implementation of the Violence Against Children and Youth Survey (VACS) in the United States.'' This study is designed to conduct a pilot implementation of the Violence Against Children and Youth Survey (VACS) in the United States, which CDC has conducted in 24 countries globally.

DATES: CDC must receive written comments on or before September 28, 2020.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2020–0084 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

4. Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Pilot Implementation of the Violence Against Children and Youth Survey (VACS) in the United States—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Violence against children is a global human rights violation that spans every country worldwide and affects a billion children each year. In the U.S., many youths are the victims of multiple forms of violence and abuse. An estimated 10 million children in the U.S. have experienced child abuse and neglect. Each day, about a dozen youth are victims of homicide and more than 100 times that number (~1,400) are treated annually in emergency rooms for physical assault injuries. Youth are also involved in high levels of peer violence, which is one of the leading causes of death for people ages 10–24. A body of research has shown that the impact of violence against children goes far beyond the initial incident, and that those who have experienced emotional, physical, and sexual violence can experience severe short to long-term health and social consequences. Given the serious and lasting impact on children, it is critical to understand the magnitude and nature of violence against children in order to develop effective prevention and response strategies. Currently, data to guide state and local violence prevention and response efforts in the U.S. are quite limited. While some studies have provided information on the risks and impact on violence against children, they are mostly limited in scale and cannot be generalized to the scope of violence against youth across the U.S. or for specific regions.

VACS is a methodology which CDC has conducted in 24 countries globally to measure the magnitude of physical, sexual, and emotional violence against children as well as associated risk and protective factors. VACS have contributed to research throughout the world, demonstrating the high prevalence of violence against children

in a variety of countries and cultures, and have proven to be critical tools that can fill data gaps in ways that are vital to informing strategic planning and evidence-based public health efforts in many countries. However, VACS have not been implemented in the U.S., and the existing representative datasets of violence against youth in the U.S. have significant limitations that prevent the data from being actionable for prevention planning by public health departments at the local level. VACS in the U.S. will help fill this gap with rigorous probability-based estimates of the problem of youth violence combined with an internationally tested approach to embed the VACS survey into the local strategic planning process of local public health partners.

The present project will implement a pilot testing for the adapted VACS survey and methodology in two contexts: (1) A representative sample of 13–24 year old youth in Baltimore and (2) a convenience sample of 13–24 year old youth in rural Garrett County, Maryland to test the VACS in-person methodology in a rural location. The proposed study will pilot test the adaptation of the VACS for use in a domestic context, using a representative sample of youth in urban Baltimore and a convenience sample of youth in rural Garrett County, Maryland. Data will be collected through in-person probability-based household surveys, which will be conducted using a combination of interviewer-administration and Audio Computer-Assisted Self-Interview Software on tablets. Data will be analyzed using statistical software to account for the complexity of the survey design to compute weighted counts, percentages, and confidence intervals using probability-based survey data at the local level. The findings from this pilot study will be used primarily to better understand the feasibility and effectiveness of implementing VACS in the U.S., which will ultimately determine the magnitude of violence against children and underlying risk and protective factors in order to make recommendations to national and international agencies and non-governmental organizations on developing strategies to identify, treat and prevent violence against children.

The total estimated annualized burden hours are 800. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Data collection	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Head of Household	Invitation letter	2983	1	2/60	100
	Screener Questionnaire	2721	1	3/60	135
	Head of Household Consent Form	634	1	2/60	22
	Head of Household Questionnaire	608	1	15/60	152
Youth ages 13–24 in Baltimore or Garrett County, Maryland.	Youth participant consent/assent	608	1	3/60	31
	Core Youth Participant Questionnaire for male.	180	1	1	180
	Core Youth Participant Questionnaire for female.	180	1	1	180
Total:					800

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2020–16259 Filed 7–27–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–20–0943]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled, National Post-Acute and Long-Term Care Study (NPALS) to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on October 25, 2019 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of

Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Data collection for the residential care community and adult day service center components of the National Post-Acute and Long-Term Care Study (OMB Control No. 0920–0943)—Reinstatement with Change—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, ''shall collect statistics on health resources . . . [and] utilization of health care, including extended care facilities, and other institutions.''

NCHS seeks approval to collect data for the residential care community (RCC) and adult day services center (ADSC) survey components of the 5th National Post-Acute and Long-Term Care Study or NPALS (formerly known as the National Study of Long-Term Care Providers or NSLTCP). A two-year clearance is requested.

The NPALS is designed to (1) broaden NCHS' ongoing coverage of paid, regulated long-term care (LTC) providers; (2) merge with existing administrative data on LTC providers and service users (*i.e.,* Centers for Medicare and Medicaid Services (CMS) data on inpatient rehabilitation facilities and patients, long-term care hospitals and patients, nursing homes and residents, home health agencies and patients, and hospices and patients); (3) update data more frequently on LTC providers and service users for which nationally representative administrative data do not exist; and (4) enable comparisons across LTC sectors and timely monitoring of supply and use of these sectors over time.

Data will be collected from two types of LTC providers in the 50 states and the District of Columbia: 11,600 RCCs and 5,500 ADSCs in each wave. Data were collected in 2012, 2014, 2016, and 2018. The data to be collected in 2020 include the basic characteristics, services, staffing, and practices of RCCs and ADSCs, and aggregate-level distributions of the demographics, selected health conditions and health care utilization, physical functioning, and cognitive functioning of RCC residents and ADSC participants. For 2020, we plan to add seven questions that will ask about: (1) Number of COVID–19 cases among service users and among staff (2) number of hospitalizations and of deaths among COVID–19 cases (3) availability of personal protective equipment, (4) shortages of COVID–19 testing, (5) use of telemedicine/telehealth, (6) restrictions on visitors, and (7) general infection control policies and practices.

Expected users of data from this collection effort include, but are not limited to; other Department of Health and Human Services (DHHS) agencies, such as the Office of the Assistant Secretary for Planning and Evaluation, the Administration for Community Living, and the Agency for Healthcare Research and Quality; associations, such as LeadingAge, National Center for Assisted Living, American Seniors Housing Association, Argentum, and National Adult Day Services Association; universities; foundations; and other private sector organizations such as the Alzheimer's Association, the AARP Public Policy Institute, and the National Academies of Sciences, Engineering, and Medicine.

Expected burden from data collection for eligible cases is 30 minutes per respondent, except 5% of RCCs and ADSCs that will need five minutes of data retrieval. We calculated the burden based on a 100% response rate. A two-year clearance is requested to cover the collection of data. The burden for the collection is estimated to be 4,311 hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
RCC Director/Designated Staff Member	RCC Questionnaire	5,800	1	30/60
ADSC Director/Designated Staff Member	ADSC Questionnaire	2,750	1	30/60
RCC and ADSC Directors/Designated Staff Members	Data Retrieval	428	1	5/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2020–16258 Filed 7–27–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–20–1078; Docket No. CDC–2020–0081]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled on Public Health Associate Program (PHAP) Alumni and Host Site Assessment. This project is designed to assess the quality and value of the Public Health Associate Programs. The collection of information will inform program improvements and future decision making.

DATES: CDC must receive written comments on or before September 28, 2020.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2020–0081, by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov. Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.*

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Public Health Associate Program (PHAP) Alumni and Host Site Assessment (OMB Control No. 0920–1078, Exp. 03/31/2021)—Extension—Center for State, Tribal, Local, and Territorial Support (CSTLTS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) works to protect America from health, safety and security threats, both foreign and in the U.S. CDC strives to fulfill this mission, in part, through a competent and capable public health workforce. One mechanism to developing the public health workforce is through training programs like the Public Health Associate Program (PHAP).

The mission of the Public Health Associate Program (PHAP) is to train and provide experiential learning to early career professionals who contribute to the public health workforce. PHAP targets recent graduates with bachelors or masters degrees who are beginning a career in public health. Each year, a new cohort of up to 200 associates is enrolled in the program. Associates are CDC employees who complete two-year assignments in a host site (*i.e.,* a state, tribal, local, or territorial health department or non-profit organization). Host sites design their associates' assignments to meet their agency's unique needs while also providing on-the-job experience that prepare associates for future careers in public health. At host sites, associates are mentored by members of the public health workforce (referred to as ''host site supervisors''). It is the goal of PHAP that following participation in the two-year program, alumni will seek employment within the public health system (*i.e.,* federal, state, tribal, local, or territorial health agencies, or non-governmental organizations), focusing on public health, population health, or health care.

Efforts to systematically evaluate PHAP began in 2014 and continue to date. Evaluation priorities focus on continuously learning about program processes and activities to improve the program's quality and documenting program outcomes to demonstrate impact and inform decision making about future program direction.

The purpose of this ICR is to collect information from two key stakeholder groups (host site supervisors and alumni) via two distinct surveys. The information collected will enable CDC to; a) learn about program processes and activities to improve the program's quality, and b) document program outcomes to demonstrate impact and inform decision making about future program direction. The results of these surveys may be published in peer reviewed journals and/or in non-scientific publications such as practice reports and/or fact sheets.

The respondent universe is comprised of PHAP host site supervisors and PHAP alumni. Both surveys will be administered electronically; a link to the survey websites will be provided in the email invitation. The PHAP Host Site Supervisor survey will be deployed once every two years to all active PHAP host site supervisors. The total estimated burden is 20 minutes per respondent per survey.

The PHAP Alumni Survey will be administered at three different time points (one year post-graduation, three years post-graduation, and five years post-graduation) to PHAP alumni. Assessment questions will remain consistent at each administration (*i.e.,* one year, three years, or five years post-PHAP graduation). The language, however, will be updated for each survey administration to reflect the appropriate time period. The total estimated burden is eight minutes per respondent per survey. The total annualized estimated burden is 213 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per respondent (in hrs.)	Total burden (in hrs.)
PHAP Host Site Supervisors	PHAP Host Site Supervisor Survey	400	1	20/60	133

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per respondent (in hrs.)	Total burden (in hrs.)
PHAP Alumni	PHAP Alumni Survey	600	1	8/60	80
Total					213

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2020–16260 Filed 7–27–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review, Special Emphasis Panel; Basic Mechanisms in Immunology.

Date: August 6, 2020.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Deborah Hodge, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4207, MSC 7812, Bethesda, MD 20892, (301) 435–1238, *hodged@mail.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. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 22, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–16269 Filed 7–27–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel; Small Business: Computational, Modeling, and Biodata Management.

Date: August 5, 2020.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Allen Richon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892, 301–379–9351, *allen.richon@nih.hhs.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. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 22, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–16261 Filed 7–27–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2020–0319]

National Offshore Safety Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee video teleconference meeting.

SUMMARY: The National Offshore Safety Advisory Committee (Committee) will meet via video teleconference to discuss Committee matters relating to the safety of operations and other matters affecting the offshore oil and gas industry.

DATES:

Meeting: The National Offshore Safety Advisory Committee will meet by video teleconference on Wednesday, August 26, 2020 from 10 a.m. to 2:30 p.m. Eastern Daylight Time. This video teleconference may close early if the Committee has completed its business.

Comments and supporting documentation: To ensure your comments are received by Committee members before the video teleconference, submit your written comments no later than August 21, 2020.

ADDRESSES: To join the video teleconference or to request special accommodations, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 1 p.m. on August 21, 2020, to obtain the needed information. The number of the video teleconference lines are limited and will be available on a first-come, first served basis.

Instructions: You are free to submit comments at any time, including orally at the video teleconference as time permits, but if you want Committee members to review your comment before the video teleconference, please submit your comments no later than August 21, 2020. We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov* call or email the individual in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. You must include the docket number [USCG–2020–0319]. Comments received will be posted without alteration at *https://www.regulations.gov* including any personal information provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). If you encounter technical difficulties with comments submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below.

Docket Search: Documents mentioned in this notice as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign-up for email alerts, you will be notified when comments are posted.

FOR FURTHER INFORMATION CONTACT: Commander Stephen West, Designated Federal Officer of the National Offshore Safety Advisory Committee, Commandant (CG–OES–2), U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, Stop 7509, Washington, DC 20593–7509; telephone (202) 372–1410, fax (202) 372–8382 or email: *Stephen.E.West@uscg.mil,* or Mr. Patrick Clark, telephone (202) 372–1358, fax (202) 372–8382 or email *patrick.w.clark@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this video teleconference is in compliance with the *Federal Advisory Committee Act,* (5 U.S.C. Appendix). The National Offshore Safety Advisory Committee provides advice and recommendations to the Department of Homeland Security on matters relating to activities directly involved with or in support of the exploration of offshore mineral and energy resources insofar as they relate to matters within Coast Guard jurisdiction.

Agenda

The National Offshore Safety Advisory Committee will meet via video teleconference on August 26, 2020 from 10 a.m. to 2:30 p.m. (Eastern Daylight Time) to review and discuss the progress of the Lifeboats and Rescue Craft Safety on the Outer Continental Shelf (OCS) Subcommittee; the Coast Guard's investigation into the lifeboat accident on the Shell AUGER platform and other items of import to the Committee. The Committee will then use this information and consider public comments in discussing and formulating recommendations to the United States Coast Guard. Public comments or questions will be taken at the discretion of the Designated Federal Officer during the discussion and recommendation portions of the video teleconference and during the public comment period, see Agenda item (6). A complete agenda for the August 26, 2020 full Committee video teleconference is as follows:

(1) Welcoming remarks.

(2) General administration and acceptance of minutes from the April 28, 2020 National Offshore Safety Advisory Committee public teleconference.

(3) Current business—Presentation and discussion of progress from the Lifeboats and Rescue Craft Safety on the Outer Continental Shelf (OCS) Subcommittee.

(4) New Business—

(a) Presentation on Source Control Response Centers in an Incident Command.

(b) Shell Auger Investigation Discussion.

(c) Fast Rescue Craft Near Miss Lessons Learned.

(5) Open Committee Discussion.

(6) Public comment period.

(7) Closing Remarks.

(8) Adjournment of video teleconference.

A copy of all pre-meeting documentation will be available at *https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/nosac/meetings* no later than August 17, 2020. Alternatively, you may contact Commander Stephen West or Mr. Patrick Clark as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Public comments or questions will be taken throughout the video teleconference as the Committee discusses the issues and prior to deliberations and voting. There will also be a public comment period at the end of the video teleconference. Speakers are requested to limit their comments to 2 minutes.

Please note that the public comment period may end before the period allotted, following the last call for comments. Contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section above to register as a speaker.

Dated: July 15, 2020.

Jeffery G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2020–16321 Filed 7–27–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/A0A501010.999900 253G]

Advisory Board of Exceptional Children

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Indian Education (BIE) is announcing an upcoming meeting of the Advisory Board for Exceptional Children. The purpose of the meeting is to meet the mandates of the Individuals with Disabilities Education Act of 2004 (IDEA) for Indian children with disabilities. Due to the COVID–19 pandemic and for the safety of all individuals, the meeting will be conducted online.

DATES: The BIE Advisory Board meeting will start Wednesday, August 19, 2020 from 8 a.m. to 3:30 p.m. Pacific Daylight Time (PDT). The second day will start on Thursday, August 20, 2020 from 8 a.m. to 3:30 p.m. PDT. Public comment periods will be held on both days.

ADDRESSES: All Advisory Board activities and meetings will be conducted online. See the **SUPPLEMENTARY INFORMATION** section of this notice for directions to join online.

FOR FURTHER INFORMATION CONTACT: Jennifer Davis, Designated Federal Officer (DFO), Bureau of Indian Education, 2600 N Central Ave., Suite 800, Phoenix, Arizona 85004, email at *Jennifer.davis@indianaffairs.gov* or telephone numbers (202) 860–7845 or (602) 240–8597.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act, the BIE is announcing that the Advisory Board will hold its next meeting online. The Advisory Board was established under the Individuals with Disabilities Act of 2004

(20 U.S.C. 1400 *et seq.*) to advise the Secretary of the Interior, through the Assistant Secretary-Indian Affairs, on the needs of Indian children with disabilities. The meeting is open to the public.

The following items will be on the agenda:

- Update Reports Regarding Special Education from: BIE Central Office, BIE/Division of Performance and Accountability (DPA), BIE/Special Education Program, BIE/Associate Deputy Directors for Tribally Controlled Schools, Bureau Operated Schools and Navajo Schools.
- Work on 2020 Annual Report.
- Public Comments (via teleconference call, Wednesday, August 19, 2020 and Thursday, August 20, 2020).

During the August 19, 2020 meeting, time has been set aside for public comments via webinar or telephone conference call from 1:15 p.m. to 1:45 p.m. Pacific Daylight Time; You can join by using your computer, tablet or smartphone using *https://global.gotomeeting.com/join/516506149,* or you can dial in using your phone, United States: +1 (669) 224–3412 and Access Code: 516–506–149; or you can join from a video-conferencing room or system by dialing in or type 67.217.95.2 or *inroomlink.goto.com,* Meeting ID: 516 506 149. Or dial directly: 516506149@67.217.95.2 or 67.217.95.2##516506149.

During the August 20, 2020 meeting, time has been set aside for public comments via webinar or telephone conference call from 10:20 a.m. to 10:50 a.m. Pacific Daylight Time. You can join by using your computer, tablet or smartphone using *https://global.gotomeeting.com/join/732100405,* or you can dial in using your phone, United States: +1 (646) 749–3122 and Access Code: 732–100–405; or you can join from a video-conferencing room or system by dialing in or type: 67.217.95.2 or *inroomlink.goto.com,* Meeting ID: 732 100 405. Or dial directly: 732100405@67.217.95.2 or 67.217.95.2##732100405.

Public comments can also be emailed to the DFO at *Jennifer.davis@indianaffairs.gov;* or faxed to (602) 265–0293 Attention: Jennifer Davis, DFO; or mailed or hand delivered to the Bureau of Indian Education, Attention: Jennifer Davis, DFO, 2600 N Central Ave., Suite 800, Phoenix, Arizona 85004.

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.

Directions for Joining Online

You can join the first meeting from your computer, tablet, or smartphone using *https://global.gotomeeting.com/join/516506149,* or you can dial in using your phone, United States: +1 (669) 224–3412 and Access Code: 516–506–149; or you can join from a video-conferencing room or system by dialing in or typing: 67.217.95.2 or *inroomlink.goto.com,* Meeting ID: 516 506 149. Or dial directly: 516506149@67.217.95.2 or 67.217.95.2##516506149. If you are new to GoToMeeting you can get the app by using this link: *https://global.gotomeeting.com/install/516506149.*

You can join the second meeting from your computer, tablet, or smartphone using *https://global.gotomeeting.com/join/732100405,* or you can dial in using your phone, United States: +1 (646) 749–3122 and Access Code: 732–100–405; or you can join from a video-conferencing room or system by dialing in or type: 67.217.95.2 or *inroomlink.goto.com,* Meeting ID: 732 100 405. Or dial directly: 732100405@67.217.95.2 or 67.217.95.2##732100405. If you are new to GoToMeeting you can get the app by using this link: *https://global.gotomeeting.com/install/732100405.*

Authority: 5 U.S.C. Appendix 5; 20 U.S.C. 1400 *et seq.*

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–16272 Filed 7–27–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTC030–L16100000–DO0000]

Notice of Intent To Prepare a Resource Management Plan and Associated Environmental Impact Statement for the North Dakota Field Office, North Dakota

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA), and the National Environmental Policy Act of 1969 (NEPA), as amended, the Bureau of Land Management (BLM) North Dakota Field Office intends to prepare a Resource Management Plan (RMP) with an associated Environmental Impact Statement (EIS) for BLM public lands and resources managed by the North Dakota Field Office in North Dakota. Through this notice public scoping is being announced to solicit public comments and assist with identification and development of planning issues. The RMP will replace the existing North Dakota RMP, dated April 1988, as amended.

DATES: This notice initiates the public scoping process for the RMP and associated EIS. Comments and resources information should be submitted by August 27, 2020. A series of public scoping meetings will be held in the planning area. Meeting times and locations will be announced 15 days prior to each event through local news media, newsletters, and at the BLM e-Planning website at *https://eplanning.blm.gov* and search: North Dakota Resource Management Plan Revision.

Formal scoping comments should be submitted prior to the close of the scoping period. The BLM will provide additional opportunities for public participation upon publication of the Draft RMP/EIS.

ADDRESSES: Documents related to the proposal may be viewed at the North Dakota Field Office, 99 23rd Ave. West, Suite A, Dickinson, ND 58601, during regular business hours from 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays, or online at: *https://eplanning.blm.gov.* Written public comments and input may be submitted by any of the following methods:

- *Website: https://eplanning.blm.gov.*
- *Mail:* North Dakota Field Office, Attention: North Dakota RMP, 99 23rd Ave. West, Suite A, Dickinson, ND 58601.

FOR FURTHER INFORMATION CONTACT: Kristine Braun, RMP Project Manager, North Dakota Field Office, at telephone: (701) 227–7725, or at the mailing address and website listed earlier. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Braun during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This document provides notice that the BLM intends to prepare an RMP with an associated EIS, for BLM-administered

lands and resources located in North Dakota. This notice also announces the beginning of the scoping process and seeks public input on issues, planning criteria, and nominations for Areas of Critical Environmental Concern (ACEC).

The RMP/EIS will fulfill the needs and obligations set forth by FLPMA, NEPA, and BLM management policies. The North Dakota planning area comprises approximately 58,900 acres of BLM-managed surface lands and approximately 4.6 million acres of BLM-administered Federal minerals. The bulk of the Federal mineral estate is coal. Additional acres are Federal oil and gas reserves only. The remaining acres are comprised of all minerals, coal and oil and gas only, and other reservations. The focus of the North Dakota Field Office has been mineral management on split estate lands (private surface and Federal minerals).

The BLM will work collaboratively with interested parties and cooperating agencies to identify the management decisions that are best suited to local, regional, tribal and national needs and concerns. The public scoping process will identify, develop, and refine planning issues and planning criteria, including an evaluation of the existing RMP, in the context of the needs and interests of the public. Planning issues and criteria will guide the planning process. Comments on issues and planning criteria may be submitted in writing to the BLM at any public scoping meeting or by using one of the methods listed earlier.

Preliminary issues, management concerns and planning criteria have been identified by BLM personnel and other agencies. This information represents the BLM's knowledge to date regarding the existing issues and concerns with current land management. The preliminary issues that will be addressed in this planning effort include:

- Minerals and energy development
- Vegetation management (including noxious weeds and invasive species management);
- Fish and wildlife habitat;
- Air quality;
- Recreation and visitor services;
- Livestock grazing;
- Lands and realty authorizations; and
- Special management area designations (including nominations for ACECs and comments specific to ACECs and other special designation areas).

After public comments are gathered regarding issues the RMP/EIS should address, they will be placed in one of three categories:

1. Issues to be resolved in the RMP/EIS;
2. Issues to be resolved through policy or administrative action; or
3. Issues beyond the scope of the RMP/EIS.

Rationale will be provided in the RMP/EIS for each comment placed in category two or three. In addition to these issues, a number of management concerns will be addressed in the RMP/EIS. The public is encouraged to help identify these questions and concerns during the scoping phase.

The following preliminary planning criteria have been proposed to guide development of the RMP/EIS, avoid unnecessary data collection and analyses, and ensure the RMP/EIS is tailored to the issues. Other criteria may be identified during the public scoping process. After gathering comments on preliminary planning criteria, the BLM will finalize the criteria and provide feedback to the public on the criteria to be used throughout the planning process. Some of the planning criteria that are under consideration include:

- The plan will be completed in compliance with FLPMA and all other applicable laws.
- The plan will recognize valid existing rights.
- The planning process will include an EIS that will comply with NEPA.
- The plan will establish new guidance and identify existing guidance upon which the BLM will rely in managing public lands within the North Dakota Field Office.
- The planning process will include early coordination and Endangered Species Act (ESA) consultation meetings with the U.S. Fish and Wildlife Service during the development of the plan.
- The plan will recognize the State's responsibility to manage wildlife populations, including uses such as hunting and fishing, within the planning area.
- The planning process would involve American Indian tribal governments and tribal leaders and would provide strategies for the protection of recognized traditional and cultural uses.
- Decisions in the plan will strive to be compatible with the existing plans and policies of adjacent local, State, tribal, and Federal agencies as long as the decisions are in conformance with legal mandates on management of public lands.

Before including your address, phone number, email address, or other personally identifiable information in your protest, be aware that your entire protest—including your personally identifiable information—may be made publicly available at any time. While you can ask us in your protest to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

(Authority: 40 CFR 1501.7 and 43 CFR 1610.2)

John Mehlhoff,

Montana/Dakotas State Director.

[FR Doc. 2020–16276 Filed 7–27–20; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORL00000.L10200000.XZ0000. LXSSH1050000.20X.HAG 20–00XX]

Notice of Public Meetings for the Southeast Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior Bureau of Land Management's (BLM) Southeast Oregon Resource Advisory Council (RAC) will meet as indicated below:

DATES: The Southeast Oregon RAC will meet Wednesday and Thursday, August 26 and 27, 2020, at 1 p.m. Pacific Time Wednesday and 8 a.m. Thursday. This is a rescheduled meeting for the postponed April 22–23 meeting. A public comment period will be offered at 10:15 a.m. on Thursday, August 27, 2020. If public health restrictions remain in place, the meeting will be held virtually.

ADDRESSES: The meetings will be held at the Harney County Community Center, 478 N Broadway, Burns, Oregon. If a virtual meeting in necessary, directions to access the meeting will be posted at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/southeast-oregon-rac.*

FOR FURTHER INFORMATION CONTACT: Larisa Bogardus, Public Affairs Officer, 3100 H St., Baker City, Oregon 97814; 541–219–6863; *lbogardus@blm.gov.*

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Southeast Oregon RAC is chartered, and the 15 members are appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, conservation, and general interests. The RAC serves in an advisory capacity to BLM and U.S. Forest Service officials concerning planning and management of public land and national forest resources located, in whole or part, within the boundaries of the BLM's Vale Field Office of the Vale District, the Burns District, and the Lakeview District and the Fremont-Winema and Malheur National Forests. All meetings are open to the public in their entirety. Information to be distributed to the RAC is requested before the start of each meeting.

Agenda items include updates regarding the Southeast Oregon and Lakeview Resource Management Plan Amendment processes; management of energy and minerals, timber, rangeland and grazing, commercial and dispersed recreation, wildland fire and fuels, and wild horses and burros; review of and/or recommendations regarding proposed actions by the Burns, Vale or, Lakeview BLM Districts; and any other business that may reasonably come before the RAC. A final agenda will be posted online at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/southeast-oregon-rac* at least one week before the meeting. Comments can be mailed to: BLM Lakeview District; Attn. Todd Forbes; 1301 South G Street; Lakeview, OR 97630.

Before including your address, phone number, email address, or other personal identifying information in your comments, please 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 we will be able to do so.

(Authority: 43 CFR 1784.4–2)

James (Todd) Forbes,

Lakeview District Manager.

[FR Doc. 2020–16339 Filed 7–27–20; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[20X.LLAK930100 L510100000.ER0000]

Notice of Availability of the Record of Decision for the Ambler Mining District Industrial Access Road Environmental Impact Statement, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) for the Environmental Impact Statement (EIS) for the Ambler Mining District Industrial Access Road Project.

DATES: The BLM issued a ROD for the Ambler Road EIS on July 23, 2020.

ADDRESSES: To access the ROD or to request an electronic or paper copy, please reach out to:

- *Website: http://www.blm.gov/alaska,*
- *Email: tmcmastergoering@blm.gov,*
- *Mail:* BLM Alaska State Office, 222 West 7th Avenue #13, Anchorage, Alaska 99513.

FOR FURTHER INFORMATION CONTACT: Tina McMaster-Goering, Ambler Road EIS Project Manager, telephone: 907–271–1310; address: 222 West 7th Avenue, #13, Anchorage, Alaska 99513. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Ambler Road EIS analyzed an application for a Right of Way grant for a year-round industrial access road in support of mining exploration and development, and for construction, operation, and maintenance of facilities associated with that access, The EIS disclosed potential effects associated with the construction, operation, maintenance and reclamation of the road. The road would run from the existing Dalton Highway to the Ambler Mining District. The Alaska Industrial Development and Export Authority (AIDEA), a public corporation of the State of Alaska, is the applicant.

The AIDEA estimates the creation of an annual average of 486 jobs during road construction and up to 68 full-time jobs over the life of the road.

(Authority: 40 CFR 1506.6(b))

Chad B. Padgett,

State Director, Alaska.

[FR Doc. 2020–16289 Filed 7–27–20; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[20X.LLAK940000 L510100000.ER0000]

Notice of Availability of the Record of Decision for the Alaska LNG Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of its Record of Decision (ROD) for the Alaska LNG project, approving the subsequent grant of right-of-way for a natural gas pipeline and sale of mineral materials on BLM-administered lands in Alaska. The Principal Deputy Assistant Secretary, Exercising the authority of the Assistant Secretary, Land and Minerals Management, signed the ROD on July 10, 2020, which constitutes the Department of the Interior's final decision and makes the ROD effective immediately.

ADDRESSES: The ROD is available on the BLM ePlanning website at *https://eplanning.blm.gov/eplanning-ui/project/124122/510.* Click on the Documents link to find the electronic version of these materials. Hard copies of the ROD are available for public inspection at the following locations:

- BLM Alaska Public Information Center, Federal Building, 222 West 7th Avenue, Anchorage, Alaska 99513;
- BLM Fairbanks District Office, 222 University Ave., Fairbanks, Alaska 99709;
- BLM Anchorage District Office, 4700 BLM Road, Anchorage, Alaska 99507; and
- BLM Glennallen Field Office, Milepost 186.5 Glenn Highway, Glennallen, Alaska 99588;

FOR FURTHER INFORMATION CONTACT: Earle Williams, BLM Alaska State Office, 907–271–5762. People who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to

contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Alaska Gasline Development Corporation (AGDC) seeks permits to construct and operate the Alaska LNG project, which includes a proposed 807-mile pipeline to transmit natural gas from a gas treatment plant in Prudhoe Bay, Alaska, to a liquefaction facility near Nikiski, Alaska. The pipeline route would cross approximately 228 miles of BLM-administered lands, almost all of which are within the BLM's Utility Corridor planning area. The AGDC has applied to the BLM for a right-of-way across the BLM-administered lands and its plan of development includes BLM mineral material sales along the pipeline route.

The Federal Energy Regulatory Commission (FERC) was the lead agency in the development of the EIS with the BLM as a cooperating agency. The FERC's Notice of Availability (NOA) for the Final EIS was published on March 12, 2020. The BLM has adopted the FERC's Final EIS No. 20200066 (FERC EIS–0296F), filed March 13, 2020, with the U.S. Environmental Protection Agency. Since the BLM was a cooperating agency, recirculating the document is not necessary under 40 CFR 1506.3(c).

The ROD adopts the EIS and approves the development of the Alaska LNG project on BLM-administered lands as proposed and described in the Final EIS. The ROD also adopts mitigation measures developed through the EIS process and the reasonable and prudent measures from the biological opinion released by the U.S. Fish & Wildlife Service on June 17, 2020, pursuant to the Endangered Species Act.

(Authority: 40 CFR 1506.6(b))

Chad B. Padgett,

State Director, Alaska.

[FR Doc. 2020–16316 Filed 7–27–20; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#-30613; 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 11, 2020, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by August 12, 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 11, 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:

MASSACHUSETTS

Suffolk County

Malcolm X-Ella Little Collins House, 72 Dale St., Boston, SG100005455

NEW YORK

Dutchess County

Hopewell Junction Depot, 36 Railroad Ave., Hopewell Junction, SG100005449

Erie County

Barcalo Manufacturing Company Factory, 225 Louisiana St., Buffalo, SG100005457

University Heights-Summit Park-Berkshire Terrace Historic District, Portions of East Amherst St., Northrup Pl., Berkshire, Comstock, Cordova, Dartmouth, Dunlop, Hewett, Highgate, LaSalle, Lisbon, Minnesota, Parkridge, Shirley, Stockbridge and Winspear Aves., Buffalo, SG100005458

South Side Bank of Buffalo, 2221 Seneca St., Buffalo, SG100005463

Herkimer County

Cedar Lake Methodist Episcopal Church, 548 Goodier Rd., Cedar Lake, SG100005464

Kings County

Bay Ridge Reformed Church, 7915 Ridge Blvd., Brooklyn, SG100005438

Rugby Congregational Church, 4901 Snyder Ave., Brooklyn, SG100005439

Oneida County

Uptown Theatre, 2014 Genesee St., Utica, SG100005466

Suffolk County

Cerny's Bakery, 1165 Smithtown Ave., Bohemia, SG100005450

Ulster County

Held, Al, House and Studio, 26 Beechford Dr., Boiceville, SG100005440

Deyo-Dubois House, 161 Vineyard Ave., Highland, SG100005451

De Meyer-Burhans-Felten Farm, 81–101 Bogert Ln., Ulster, SG100005452

Hardenbergh-Jenkins Farm, 128 Crispell Ln., Gardiner, SG100005453

OHIO

Franklin County

Knights of Columbus Building, 80 South 6th St./306 East State St., Columbus, SG100005448

Market-Mohawk Center, 250 East Town St., Columbus, SG100005454

Hamilton County

Warsaw Avenue Historic District, 3104–3220 Warsaw Ave., Cincinnati, SG100005462

TEXAS

Denton County

John B. Denton College Neighborhood Historic District, Roughly bounded by West Hickory St., Panhandle St., Carroll Blvd., and Ponder Ave., Denton, SG100005459

Travis County

McFarland House, 3805 Red River St., Austin, SG100005460

Wilson County

Floresville Chronicle-Journal Building, 1000 C St., Floresville, SG100005461

VIRGINIA

Lynchburg Independent City

Carnegie Hall, 1501 Lakeside Dr., Lynchburg, SG100005441

Madison County

Coates Barn, 934 Champe Plain Rd., Etlan vicinity, SG100005442

Newport News Independent City

Walker-Wilkins-Bloxom Warehouse Historic District, 208–218 23rd St., Newport News, SG100005443

Page County

Almond, 2620 US 340 North, Luray, SG100005444

WYOMING

Teton County

Darwin Ranch, (Ranches, Farms, and Homesteads in Wyoming, 1860–1960 MPS), 1 Kinky Creek Rd., Cora vicinity, MP100005445

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

CALIFORNIA

Los Angeles County

Federal Building, 11000 Wilshire Blvd., Los Angeles vicinity, SG100005446

MONTANA

Carbon County

Sage Creek Ranger Station, Custer Gallatin NF, Sage Creek Guard Station Rd. 2223, Pryor Mts., Bridger vicinity, SG100005456

WYOMING

Lincoln County

Gateway, Address Restricted, La Barge vicinity, SG100005447

(Authority: Section 60.13 of 36 CFR part 60)

Dated: July 14, 2020.

Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2020–16294 Filed 7–27–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Frederick M. Silvers, M.D.; Decision and Order

On January 12, 2018, the Acting Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, Government), issued an Order to Show Cause to Frederick M. Silvers, M.D., (hereinafter, Registrant), of Los Angeles, California. Order to Show Cause (hereinafter, OSC), at 1. The OSC proposed the revocation of Registrant's Certificate of Registration No. AS6936201. It alleged that Registrant is without ''authority to handle controlled substances in the state of California, the state in which [Registrant is] registered with the DEA.'' *Id.* (citing 21 U.S.C. 823(f) and 824(a)(3)).[1]

Specifically, the OSC alleged that the Medical Board of California (hereinafter, Board) issued a Default Decision and Order (hereinafter, Order) on May 15, 2017, revoking Registrant's license to practice medicine effective June 14, 2017. *Id.* at 2. The OSC further alleged that, because the Board revoked Registrant's medical license, Registrant lacks the authority to handle controlled substances in the state of California and is no longer a practitioner within the meaning of the Controlled Substances Act. *Id.*

The OSC notified Registrant of the right to either request a hearing on the allegations or submit a written statement in lieu of exercising the right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* at 4 (citing 21 CFR 1301.43). The OSC also notified Registrant of the opportunity to submit a corrective action plan. *Id.* at 4–5 (citing 21 U.S.C. 824(c)(2)(C)).

Adequacy of Service

In its Request for Final Agency Action (hereinafter, RFAA), the Government detailed its multiple attempts to serve Registrant with the OSC. In a Declaration dated December 5, 2019, a DEA Diversion Investigator (hereinafter, DI) assigned to the Los Angeles Field Division detailed her attempts to personally serve the OSC on Registrant. RFAA Exhibit (hereinafter, RFAAX) 3. On January 18, 2018, DI attempted to serve Registrant at his residence located at 14 Oakmont Dr., Los Angeles, California, 90049 and at his registered address at 10921 Wilshire Blvd., Suite #514, Los Angeles, CA 90049. *Id.* at 1. DI found the home address and registered address to be vacant. *Id.* at 1–2, App. A (photo of ''Space Available'' sign at registered address). DI further related that she called the phone number associated with Registrant's registered address and ''learned that the telephone number was inactive.'' *Id.* at 2.

The Government also submitted a Declaration from another DI (hereinafter DI2), assigned to the Los Angeles Field Division, who stated that on February 27, 2018, she mailed copies of the OSC, via US Postal Service first class mail, to what she declared was the Registrant's ''last known residence, located at 10075 Ojai Santa Paula Road, Ojai, California 93023'' and to the address of his ''last known attorney.'' RFAAX 4, at 1–2.[2] DI2 stated that neither mailings were returned as undeliverable. *Id.* at 2. DI2 also emailed a copy of the OSC to Registrant's email address and did not receive an email response indicating an error or that it was undeliverable. *Id.* at 2, App. B (copy of February 28, 2018 email sent to Registrant). DI2 stated that the Agency has not received any correspondence from either Registrant or the attorney to whom she mailed the OSC. *Id.* at 2.

The Government forwarded its RFAA, along with the evidentiary record, to this office on January 8, 2020. In its RFAA, the Government contends that although it was unable to personally serve Registrant with the OSC, its mailings and emails were reasonably calculated to give Registrant actual notice of the OSC and satisfied due process. RFAA, at 3–4. The Government requests a final order revoking Registrant's Certificate of Registration on the basis of his lack of state authority to dispense controlled substances. *Id.* at 6.

Based on the DIs' Declarations, the Government's written representations, and my review of the record, I find that the Government's attempts to serve Registrant were legally sufficient. Due process does not require actual notice. *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006). ''[I]t requires only that the Government's effort be reasonably calculated to apprise a party of the pendency of the action.'' *Dusenbery* v. *United States,* 534 U.S. 161, 170 (2002) (internal quotations omitted). In this case, the Government attempted to personally serve Registrant at both his registered address and his residence, both of which were locations where the Government reasonably believed Registrant would be located. The Government further served him by first class mail at his last known residence, and by the email address Respondent provided to the Agency. Neither the first class mailings nor the emailed OSC were returned as undeliverable. ''[T]he Due Process Clause does not require . . . heroic efforts by the Government'' to find Registrant. *Id.* I find, therefore, that under the circumstances, the Government's efforts to notify Registrant of the OSC were reasonable and satisfied due process. *See Mikhayl*

[1] The OSC also alleged that Registrant's continued registration is inconsistent with the public interest because Registrant ''issued prescriptions for controlled substances in violation of federal and state law.'' OSC, at 2. The Government, however, has only requested Final Agency Action on the ground that Registrant is not presently authorized to handle controlled substances in the state of California. RFAA, at 2.

[2] The ''last known attorney'' was an individual who represented Registrant in a matter before the Medical Board of California on June 14, 2017. *See* RFAAX 4, App. A, at 1. The Government has offered no evidence that service to this attorney was adequate to provide notice to Registrant in this matter; however, the Government also did not rely on this service alone, but made attempts to serve Registrant through a variety of available means as described herein.

Soliman, M.D., 81 FR 47,826, 47,827 (2016) (use of email to serve applicant satisfied due process because service was made to an email address he had previously provided to the Agency and the Government did not receive back either an error or undeliverable message) (collecting cases)).

I also find that more than thirty days have now passed since the Government accomplished service of the OSC. Further, based on the Government's written representations, I find that neither Registrant, nor anyone purporting to represent the Registrant, requested a hearing, submitted a written statement while waiving Registrant's right to a hearing, or submitted a corrective action plan. Accordingly, I find that Registrant has waived the right to a hearing and the right to submit a written statement and corrective action plan. 21 CFR 1301.43(d) and 21 U.S.C. 824(c)(2)(C). I, therefore, issue this Decision and Order based on the record submitted by the Government, which constitutes the entire record before me. 21 CFR 1301.46.

Findings of Fact

Registrant's DEA Registration

Registrant is the holder of DEA Certificate of Registration No. AS6936201 at the registered address of 10921 Wilshire Boulevard #514, P.O. Box 491610, Los Angeles, California 90049. RFAAX 2. Pursuant to this registration, Registrant is authorized to dispense controlled substances in schedules II through V as a practitioner. *Id.* Registrant's registration expired on February 29, 2020.[3] *Id.*

The Status of Registrant's State License

On May 15, 2017, the Medical Board of California issued a Default Decision and Order (hereinafter, Order) revoking Registrant's license to practice medicine in the state of California. RFAAX 4, App. A, at 21. The Board's Order was issued pursuant to a complaint filed against Registrant on July 30, 2015, which alleged violations of the California Business and Professions Code, including Gross Negligence and General Unprofessional Conduct. *Id.* at 2–12.[4] The Order found the allegations in the complaint to be true. *Id.* at 15. According to the Order, Registrant, with respect to his care and treatment of two patients, acted with gross negligence in his ''prescribing practices, failure to verify patients' medical records and prescription history, and illegible treatment records.'' *Id.* at 16. Specifically, the Board found that in prescribing Adderall (amphetamine and dextroamphetamine), a schedule II controlled substance, to the two patients, who both had histories of substance abuse, Registrant acted in ''extreme departure from the standard of care.'' *Id.* at 17–19. The Board also found that Registrant's treatment records for the two patients were so lacking that they also ''reflect[ed] an extreme departure from the standard of care'' and violated California Business and Professions Code § 2266 (''The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.''). *Id.* The Board further found that Registrant engaged in unprofessional conduct when he made inappropriate sexual remarks to both patients, which represented an ''extreme departure from the standard of care'' and violated California Business and Professions Code § 726 (''The commission of any act or sexual abuse, misconduct, or relations with a patient . . . constitutes unprofessional conduct and grounds for disciplinary action . . . .''). *Id.* at 20.

The Board's Order revoking Registrant's license became effective on June 14, 2017. *Id.* at 21. On the same date, the Board issued an Order Denying Petition for Reconsideration in Registrant's matter. *Id.* at 1.

According to the online records of the California Department of Consumer Affairs, of which I take official notice, Registrant's license remains revoked.[5] *https://search.dca.ca.gov/results* (last visited July 21, 2020). California's online records show that Registrant's medical license remains revoked and that Registrant is not authorized in California to prescribe controlled substances. *Id.*

Accordingly, I find that Registrant currently is neither licensed to engage in the practice of medicine nor registered to dispense controlled substances in California, the state in which Registrant is registered with the DEA.

Discussion

Loss of State Authority in California

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the CSA ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, the DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper, M.D.,* 76 FR 71,371 (2011), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27,616, 27,617 (1978).

This rule derives from the text of two provisions of the CSA. First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, the DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper,* 76 FR at 71,371–72; *Sheran Arden Yeates, M.D.,* 71 FR

[3] The fact that a Registrant allows his registration to expire during the pendency of an OSC does not impact my jurisdiction or prerogative under the Controlled Substances Act (hereinafter, CSA) to adjudicate the OSC to finality. *Jeffrey D. Olsen, M.D.,* 84 FR 68,474 (2019).

[4] The Order stated that Registrant had requested a hearing on the complaint but failed to appear at the hearing. Accordingly, the Medical Board found Registrant had waived his right to a hearing and was in default pursuant to California Government Code section 11520. RFAAX 4, App. A, at 14–15.

[5] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' Accordingly, Registrant may dispute my finding by filing a properly supported motion for reconsideration within fifteen calendar days of the date of this Order. Any such motion shall be filed with the Office of the Administrator and a copy shall be served on the Government. In the event Registrant files a motion, the Government shall have fifteen calendar days to file a response. Any such motion and response may be filed and served by email (*dea.addo.attorneys@dea.usdoj.gov*).

39,130, 39,131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51,104, 51,105 (1993); *Bobby Watts, M.D.,* 53 FR 11,919, 11,920 (1988); *Frederick Marsh Blanton,* 43 FR at 27,617.

According to California statute, ''[n]o person other than a physician . . . shall write or issue a prescription.'' Cal. Health & Safety Code § 11150 (West 2020). Further, ''physician,'' as defined by California statute, is a person who is ''licensed to practice'' in California. *Id.* at § 11024.

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice medicine in California. As already discussed, a physician must be a licensed practitioner to dispense a controlled substance in California. Thus, because Registrant lacks authority to practice medicine in California and, therefore, is not authorized to handle controlled substances in California, Registrant is not eligible to maintain a DEA registration. Accordingly, I will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. AS6936201 issued to Frederick M. Silvers, M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(f), I hereby deny any pending application of Frederick M. Silvers, M.D. to renew or modify this registration, as well as any pending application of Frederick M. Silvers, M.D. for registration in California. This Order is effective August 27, 2020.

Timothy J. Shea,

Acting Administrator.

[FR Doc. 2020–16343 Filed 7–27–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–686]

Bulk Manufacturer of Controlled Substances Application: Ampac Fine Chemicals LLC

Correction

Notice document 2020–16104, appearing on page 44924 in the issue of Friday, July 24th, 2020, was published as a duplicate of notice document 2020–16104 appearing on pages 44924–44925, and is withdrawn. Notice document 2020–16100, which should have published Friday, July 24, 2020, is republished elsewhere in this issue.

[FR Doc. C1–2020–16104 Filed 7–27–20; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–683]

Bulk Manufacturer of Controlled Substances Application: AMPAC Fine Chemicals Virginia, LLC

Editorial Note: Notice document 2020–16100, which should have published Friday, July 24, 2020, did not appear in that issue. We are republishing it here in its entirety.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before September 28, 2020.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on March 16, 2020, AMPAC Fine Chemicals Virginia, LLC, 2820 North Normandy Drive, Petersburg, Virginia 23805–2380, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Methylphenidate	1724	II
Levomethorphan	9210	II
Levorphanol	9220	II
Morphine	9300	II
Thebaine	9333	II
Noroxymorphone	9668	II
Tapentadol	9780	II

The company plans to manufacture the above-listed controlled substances in bulk for distribution to its customers. No other activities for these drug codes are authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. R1–2020–16100 Filed 7–27–20; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On July 21, 2020, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Hawaii in the lawsuit entitled *United States* v. *Pacific Energy South West Pacific, Ltd.,* Civil Action No. 20–CV–322.

The United States filed this lawsuit under the Clean Water Act. The United States' complaint seeks injunctive relief and civil penalties for violations of a National Pollutant Discharge Elimination System permit, violations of an administrative order issued by the United States Environmental Protection Agency, and unpermitted discharges of pollutants to waters of the United States at the American Samoa Terminal, a fuel terminal that the defendant Pacific Energy South West Pacific, Ltd., operates in Pago Pago, American Samoa. The consent decree requires the defendant to perform injunctive relief and pay a $300,000 civil penalty.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Pacific Energy South West Pacific, Ltd.,* D.J. Ref. No. 90–5–1–1–12086. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $11.50 (25 cents per page

reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2020–16299 Filed 7–27–20; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting

SUMMARY: Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage (*www.ncua.gov.*) and access the provided webcast link.

DATES: 10 a.m., Thursday, July 30, 2020.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. NCUA Rules and Regulations, Chartering and Field of Membership.
2. NCUA Rules and Regulations, Transition to CECL Methodology.
3. NCUA Rules and Regulations, Fees Paid By Federal Credit Unions.
4. Request for Comment, Overhead Transfer Rate and Operating Fee Methodologies.
5. Board Briefing, 2020 Mid-Session Budget.

CONTACT PERSON FOR MORE INFORMATION: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2020–16366 Filed 7–24–20; 11:15 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on September 21–22, 2020. A sample of agenda items to be discussed during the public session includes: A discussion of the ACMUI's review and analysis of medical events from fiscal year 2019; a discussion of the ACMUI's review and analysis of non-medical events from fiscal year 2019; a discussion on the U.S. Food and Drug Administration's regulatory process for the development of drugs and devices; an update on the NRC's Phase 2 revision of Regulatory Guide 8.39, ''Release of Patients Administered Radioactive Material''; and an update on the activities of the NRC's Medical Radiation Safety Team. The agenda is subject to change. The current agenda and any updates will be available on the ACMUI's Meetings and Related Documents web page at *https://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2020.html* or by emailing Ms. Kellee Jamerson at the contact information below.

Purpose: Discuss issues related to 10 CFR part 35 Medical Use of Byproduct Material.

Date and Time for Open Sessions: September 21, 2020, from 10 a.m. to 2 p.m. and September 22, 2020, from 12:15 p.m. to 1:45 p.m. Eastern Standard Time (EST).

Date	Webinar information
September 21, 2020.	Link: *https://usnrc.webex.com.* Event number: 199 744 7681.
September 22, 2020.	Link: *https://usnrc.webex.com.* Event number: 199 319 2198.

Date and Time for Closed Session: September 22, 2020, from 10 a.m. to 12 p.m. EST. This session will be closed to conduct the ACMUI's required annual training.

Public Participation: The meeting will be held as a webinar using the WebEx meeting platform. Any member of the public who wishes to participate in any open sessions of this meeting should register in advance of the meeting by visiting the link and entering the event number(s) provided above. Upon successful registration, a confirmation email will be generated providing the telephone bridge line and a link to join the webinar on the day of the meeting. Members of the public should also monitor the NRC's Public Meeting Schedule at *https://www.nrc.gov/pmns/mtg* for any meeting updates. If there are any questions regarding the meeting, persons should contact Ms. Jamerson using the information below.

Contact Information: Ms. Kellee Jamerson, email: *Kellee.Jamerson@nrc.gov,* telephone: 301–415–7408.

Conduct of the Meeting

Darlene F. Metter, M.D. will chair the meeting. Dr. Metter will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Jamerson using the contact information listed above. All submittals must be received by the close of business on September 15, 2020, three business days before the meeting, and must pertain to the topics on the agenda for the meeting.
2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the Chairman.
3. The draft transcript and meeting summary will be available on ACMUI's website *https://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2020.html* on or about November 6, 2020.
4. Persons who require special services, such as those for the hearing impaired, should notify Ms. Jamerson of their planned participation.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in title 10 of the *Code of Federal Regulations,* Part 7.

Dated at Rockville, Maryland, this 23rd day of July, 2020.

For the U.S. Nuclear Regulatory Commission.

Russell E. Chazell,

Federal Advisory Committee Management Officer.

[FR Doc. 2020–16290 Filed 7–27–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0168]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to section 189.a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the

Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person. This biweekly notice includes all amendments issued, or proposed to be issued, from June 29, 2020, to July 13, 2020. The last biweekly notice was published on July 14, 2020.

DATES: Comments must be filed by August 27, 2020. A request for a hearing or petitions for leave to intervene must be filed by September 28, 2020.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0168. Address questions about NRC Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Bernadette H. Abeywickrama, Office of Nuclear Reactor Regulation, telephone: 301–415–4081, email: *Bernadette.Abeywickrama@nrc.gov,* U.S. Nuclear Regulatory Commission, Washington DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0168, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0168.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

B. Submitting Comments

Please include Docket ID NRC–2020–0168, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown below, the Commission finds that the licensee's analyses provided, consistent with title 10 of the *Code of Federal Regulations* (10 CFR) section 50.91 is sufficient to support the proposed determination that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination, any hearing will take place after issuance. The Commission expects that the need to take action on an amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The

E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The table below provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensee's proposed NSHC determination. For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Florida Power & Light Company, et al; St. Lucie Plant, Unit No. 2; St. Lucie County, FL

Application Date	February 18, 2020.
ADAMS Accession No	ML20049A388.
Location in Application of NSHC	Pages 6 and 7 of Attachment 1.
Brief Description of Amendments	The proposed amendments would replace the current time-limited reactor coolant system pressure/temperature limit curves and low temperature overpressure protection setpoints with curves and setpoints that would remain effective for 55 effective full power years.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Debbie Hendell, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd., MS LAW/JB, Juno Beach, FL 33408–0420.
Docket No	50–389.
NRC Project Manager, Telephone Number	Natreon Jordan, 301–415–7410

PSEG Nuclear LLC; Hope Creek Generating Station; Salem County, NJ

Application Date	June 15, 2020.
ADAMS Accession No	ML20167A190.
Location in Application of NSHC	Pages 8 and 9 of the Enclosure.
Brief Description of Amendments	The amendment would revise Technical Specification ¾.5.1, ''ECCS [Emergency Core Cooling System]—Operating,'' Limiting Condition for Operation 3.5.1, Action c, to clarify the entry conditions for the action and to add a new action to address the condition where the high pressure coolant injection system is inoperable, coincident with inoperability of a low pressure coolant injection subsystem and a core spray system subsystem.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jodi Varon, PSEG Services Corporation, 80 Park Plaza, T–5, Newark, NJ 07101.
Docket No	50–354.
NRC Project Manager, Telephone Number	James Kim, 301–415–4125.

Southern Nuclear Operating Company, Inc.; Joseph M Farley Nuclear Plant, Units 1 and 2; Houston County, AL

Application Date	May 29, 2020.
ADAMS Accession No	ML20150A329.
Location in Application of NSHC	Pages E–2 to E–4 of the Enclosure.
Brief Description of Amendments	The proposed amendments would adopt TSTF–567, ''Add Containment Sump TS [Technical Specification] to Address GSI–191 Issues.''
Proposed Determination	NSHC.

Name of Attorney for Licensee, Mailing Address	Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201–1295.
Docket Nos	50–348, 50–364.
NRC Project Manager, Telephone Number	Shawn Williams, 301–415–1009.

Susquehanna Nuclear, LLC and Allegheny Electric Cooperative, Inc.; Susquehanna Steam Electric Station, Units 1 and 2; Luzerne County, PA

Application Date	May 26, 2020.
ADAMS Accession No	ML20148L497.
Location in Application of NSHC	Pages 10–12 of Enclosure 1.
Brief Description of Amendments	The proposed amendments would create a new technical specification action for an inoperable manual synchronization circuit requiring restoration within 14 days. The amendments are necessary to reduce the potential for an unnecessary dual unit shutdown.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Damon D. Obie, Esq, 835 Hamilton St., Suite 150, Allentown, PA 18101.
Docket Nos	50–387, 50–388.
NRC Project Manager, Telephone Number	Sujata Goetz, 301–415–8004.

Vistra Operations Company LLC; Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2; Somervell County, TX

Application Date	June 24, 2020.
ADAMS Accession No	ML20176A281.
Location in Application of NSHC	Pages 25–27 of the Enclosure.
Brief Description of Amendments	The amendments would revise Technical Specification (TS) 3.7.19, ''Safety Chilled Water,'' to extend the completion time for one safety chilled water train inoperable from 72 hours to 7 days on a one-time basis to allow the replacement of Comanche Peak Nuclear Power Plant Unit 2 Safety Chiller 2–06 (Train B) compressor during Unit 2 Cycle 19. The proposed revised TS 3.7.19 includes a regulatory commitment that identifies compensatory measures to be implemented during the extended completion time.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Timothy P. Matthews, Esq., Morgan, Lewis and Bockius, 1111 Pennsylvania Avenue NW, Washington, DC 20004.
Docket Nos.	50–445, 50–446.
NRC Project Manager, Telephone Number	Dennis Galvin, 301–415–6256.

Wolf Creek Nuclear Operating Corporation; Wolf Creek Generating Station, Unit 1; Coffey County, KS

Application Date	June 8, 2020.
ADAMS Accession No	ML20160A458.
Location in Application of NSHC	Pages 21 to 23 of Attachment 1.
Brief Description of Amendments	The proposed amendment would support the replacement of Engineered Safety Features transformers that have active automatic load tap changers.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jay E. Silberg, Pillsbury Winthrop Shaw Pittman LLP, 1200 17th St. NW, Washington, DC 20036.
Docket No	50–482.
NRC Project Manager, Telephone Number	Samson Lee, 301–415–3168.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action, see (1) the application for amendment; (2) the amendment; and (3) the Commission's related letter, Safety Evaluation, and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Progress, LLC; Shearon Harris Nuclear Power Plant, Unit 1; Wake and Chatham Counties, NC

Date Issued	June 29, 2020.
ADAMS Accession No	ML20099F505.
Amendment No	177.
Brief Description of Amendment	The amendment revised Technical Specification (TS) ¾.10.3, ''Special Test Exceptions, Physics Tests,'' and TS ¾.10.4, ''Special Test Exceptions, Reactor Coolant Loops,'' to eliminate the ''within 12 hours'' restriction from Surveillance Requirement (SR) 4.10.3.2 for performing an Analog Channel Operational Test (ACOT) on the intermediate and power range neutron monitors prior to initiating physics tests and to eliminate the ''within 12 hours'' restriction from SR 4.10.4.2 for performing an ACOT on the intermediate range monitors, power range monitors, and P-7 interlock prior to initiating startup or physics tests, respectively.
Docket No	50–400.

Energy Harbor Nuclear Corp.; Perry Nuclear Power Plant, Unit 1; Lake County, OH	
Date Issued	July 9, 2020.
ADAMS Accession No	ML20154K700.
Amendment No	190.
Brief Description of Amendment	The amendment revises the fire protection program licensing basis and abandon in place the general area heat detection system in the drywell.
Docket No	50–440.

Energy Northwest; Columbia Generating Station; Benton County, WA	
Date Issued	June 29, 2020.
ADAMS Accession No	ML20135H084.
Amendment No	260.
Brief Description of Amendment	The amendment allowed adoption of Technical Specifications Task Force (TSTF) Traveler TSTF-563, Revision 0, ''Revise Instrument Testing Definitions to Incorporate the Surveillance Frequency Control Program,'' which revised the technical specification (TS) definitions of Channel Calibration and Channel Functional Test to allow the required frequency for testing these components or devices in each step to be determined in accordance with the TS Surveillance Frequency Control Program.
Docket No	50–397.

Entergy Operations, Inc.; Arkansas Nuclear One, Unit 1; Pope County, AR	
Date Issued	June 30, 2020.
ADAMS Accession No	ML20160A147.
Amendment No	270.
Brief Description of Amendment	The amendment changed the technical specifications to revise the current instrumentation testing definitions of channel calibration and channel functional test to permit determination of the appropriate frequency to perform the surveillance requirement based on the devices being tested in each step. The changes are based on Technical Specifications Task Force (TSTF) Traveler, TSTF–563, Revision 0, ''Revise Instrument Testing Definitions to Incorporate the Surveillance Frequency Control Program.''
Docket No	50–313.

Entergy Operations, Inc.; Arkansas Nuclear One, Units 1 and 2; Pope County, AR	
Date Issued	June 30, 2020.
ADAMS Accession No	ML20135H141.
Amendment Nos	269 (Unit 1) and 321 (Unit 2).
Brief Description of Amendments	The amendments revised the licensing basis documents for Arkansas Nuclear One, Units 1 and 2, to utilize the Tornado Missile Risk Evaluator methodology as the licensing basis to qualify several components that have been identified as not conforming to the unit-specific current licensing basis.
Docket Nos	50–313, 50–368.

Exelon Generation Company, LLC; Braidwood Station, Units 1 and 2; Will County, IL; Exelon Generation Company, LLC; Byron Station, Unit Nos. 1 and 2, Ogle County, IL; Exelon Generation Company, LLC, Clinton Power Station, Unit No. 1, DeWitt County, IL; Exelon Generation Company, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL; Exelon Generation Company, LLC and Exelon FitzPatrick, LLC; James A. FitzPatrick Nuclear Power Plant; Oswego County, NY; Exelon Generation Company, LLC, LaSalle County Station, Units 1 and 2; LaSalle County, IL; Exelon Generation Company, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA; Exelon Generation Company, LLC; Nine Mile Point Nuclear Station, Unit 1; Oswego County, NY; Exelon Generation Company, LLC and PSEG Nuclear LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York and Lancaster Counties, PA; Exelon Generation Company, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL; Exelon Generation Company, LLC; R. E. Ginna Nuclear Power Plant; Wayne County, NY	
Date Issued	July 10, 2020.
ADAMS Accession No	ML20141L636.
Amendment Nos	Braidwood (212/212), Byron (216/216), Clinton (233), Dresden (270/263), FitzPatrick (337), LaSalle (245/231), Limerick (247/209), Nine Mile Point (244), Peach Bottom (335/338), Quad Cities (283/279), and R. E. Ginna (142).
Brief Description of Amendments	The amendments revised the requirements related to the unavailability of barriers in the technical specifications for each facility. The amendments are based on Technical Specifications Task Force (TSTF) traveler TSTF–427, ''Allowance for Non Technical Specification Barrier Degradation on Supported System OPERABILITY,'' Revision 2 (ADAMS Accession No. ML061240055).
Docket Nos	50-456, 50-457, 50–454, 50-455, 50-461, 50-237, 50-249, 50-333, 50-373, 50-374, 50-352, 50-353, 50-220, 50-277, 50-278, 50-254, 50-265, and 50-244.

Exelon Generation Company, LLC; Braidwood Station, Units 1 and 2; Will County, IL; Exelon Generation Company, LLC; Byron Station, Unit Nos. 1 and 2, Ogle County, IL; Exelon Generation Company, LLC; Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2; Calvert County, MD; Exelon Generation Company, LLC, Clinton Power Station, Unit No. 1, DeWitt County, IL; Exelon Generation Company, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL; Exelon Generation Company, LLC and Exelon FitzPatrick, LLC; James A. FitzPatrick Nuclear Power Plant; Oswego County, NY; Exelon Generation Company, LLC, LaSalle County Station, Units 1 and 2; LaSalle County, IL; Exelon Generation Company, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA; Exelon Generation Company, LLC; Nine Mile Point Nuclear Station, Units 1 and 2; Oswego County, NY; Exelon Generation Company, LLC and PSEG Nuclear LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York and Lancaster Counties, PA; Exelon Generation Company, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL; Exelon Generation Company, LLC; R. E. Ginna Nuclear Power Plant; Wayne County, NY; Exelon Generation Company, LLC; Three Mile Island Nuclear Station, Unit 1; Dauphin County, PA	
Date Issued	July 8, 2020.
ADAMS Accession No	ML20134H940.
Amendment Nos	Braidwood (211/211), Byron (215/215), Calvert Cliffs (335/313), Clinton (232), Dresden (269/262), FitzPatrick (336), LaSalle (244/230), Limerick (246/208), Nine Mile Point (243/181), Peach Bottom (334/337), Quad Cities (282/278), R. E. Ginna (141). and Three Mile Island (298).
Brief Description of Amendments	The amendments revise the technical specifications for each facility to establish standard language across the Exelon Generation Company, LLC fleet for the high radiation area administrative controls.
Docket Nos	50-456, 50-457, 50–454, 50-455, 50-317, 50-318, 50-461, 50-237, 50-249, 50-333, 50-373, 50-374, 50-352, 50-353, 50-220, 50-410, 50-277, 50-278, 50-254, 50-265, 50-244, and 50-289.

NextEra Energy Duane Arnold, LLC; Duane Arnold Energy Center; Linn County, IA	
Date Issued	July 10, 2020.
ADAMS Accession No	ML20134J104.
Amendment No	311.
Brief Description of Amendments	The amendment revised the license and associated Technical Specifications consistent with the permanent cessation of reactor operation and permanent defueling of the reactor.
Docket Nos	50–331.

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL	
Date Issued	June 26, 2020.
ADAMS Accession No	ML20085G896.
Amendment Nos	312, 335, and 295.
Brief Description of Amendments	The amendments revise the Browns Ferry Nuclear Plant, Units 1, 2, and 3, Emergency Plan to extend staff augmentation times for Emergency Response Organization functions.
Docket Nos	50–259, 50–260, 50–296.

Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Rhea County, TN	
Date Issued	June 22, 2020.
ADAMS Accession No	ML20016A278.
Amendment Nos	135 (Unit 1) and 39 (Unit 2).
Brief Description of Amendments	The amendments revised the Watts Bar Nuclear Plant, Units 1 and 2, Technical Specifications to make several administrative changes.
Docket Nos	50–390, 50–391.

Vistra Operations Company LLC; Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2; Somervell County, TX	
Date Issued	July 6, 2020.
ADAMS Accession No	ML20167A318.
Amendment Nos	174 (Unit 1) and 174 (Unit 2).
Brief Description of Amendments	The amendments adopted Technical Specifications Task Force (TSTF) Traveler ''TSTF–563, ''Revise Instrument Testing Definitions to Incorporate the Surveillance Frequency Control Program.'' Specifically, the amendments revised the technical specification definitions for Channel Calibration, Channel Operational Test, and Trip Actuating Device Operational Test.
Docket Nos	50–445, 50–446.

IV. Previously Published Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, including the applicable notice period, see the individual notice in the **Federal Register** on the day and page cited.

Exelon Generation Company, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL; Exelon Generation Company, LLC, LaSalle County Station, Units 1 and 2; LaSalle County, IL; Exelon Generation Company, LLC; Limerick Generating Station, Units 1 and 2; Montgomery County, PA; Exelon Generation Company, LLC; Nine Mile Point Nuclear Station, Unit 2; Oswego County, NY; Exelon Generation Company, LLC and PSEG Nuclear LLC; Peach Bottom Atomic Power Station, Units 2 and 3; York and Lancaster Counties, PA; and Exelon Generation Company, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL	
Application Date	April 30, 2020.
ADAMS Accession No	ML20121A274.
Brief Description of Amendments	The proposed amendments would revise certain technical specification (TS) requirements for the following physical parameters: (1) The drywell-to-suppression chamber differential pressure at Dresden and Quad Cities; (2) the primary containment oxygen concentration at Dresden, LaSalle, Nine Mile Point, Peach Bottom, and Quad Cities; and (3) the drywell and suppression chamber oxygen concentration at Limerick. The proposed changes are based, in part, on Technical Specification Task Force (TSTF) traveler TSTF–568, Revision 2, ''Revise Applicability of BWR/4 [Boiling-Water Reactor, Type 4] TS 3.6.2.5 and TS 3.6.3.2.'' (ADAMS Accession No. ML19141A122).
Date & Cite of **Federal Register** Individual Notice	July 6, 2020; 85 FR 40323.
Expiration Dates for Public Comments & Hearing Requests.	Submit comments by August 5, 2020. Requests for a hearing or petitions for leave to intervene must be filed by September 4, 2020.
Docket Nos	50–237, 50–249, 50–373, 50–374, 50–352, 50–353, 50–410, 50–277, 50–278, 50–254, and 50–265.

Dated: July 16, 2020.

For the Nuclear Regulatory Commission.

Mohamed K. Shams,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2020–15817 Filed 7–27–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0212]

Information Collection: NRC Form 4, Cumulative Occupational Exposure History

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''NRC Form 4, Cumulative Occupational Exposure History.''

DATES: Submit comments by August 27, 2020. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0212 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2019–0212. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2019–0212 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession Nos. ML20022A082 and ML20022A083. The supporting statement is available in ADAMS under Accession No. ML20202A572.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, ''NRC Form 4, Cumulative Occupational Exposure History.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on April 15, 2020, 85 FR 21030.

1. *The title of the information collection:* NRC Form 4, ''Cumulative Occupational Exposure History.''

2. *OMB approval number:* 3150–0005.

3. *Type of submission:* Extension.

4. *The form number if applicable:* NRC Form 4.

5. *How often the collection is required or requested:* On occasion. The NRC does not collect NRC Form 4. However, NRC inspects the NRC Form 4 records at NRC-licensed facilities. In addition, NRC licensees must provide the NRC Form 4 to workers annually and each time a monitored transient worker changes employment sites.

6. *Who will be required or asked to respond:* NRC licensees who are required to comply with part 20 of title 10 of the *Code of Federal Regulations* (10 CFR).

7. *The estimated number of annual responses:* 241,014 (1,880 reporting responses + 234,988 third party disclosure responses + 4,146 recordkeepers).

8. *The estimated number of annual respondents:* 4,146.

9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 65,954 (157 reporting + 7,050 third-party disclosure + 58,747 recordkeeping).

10. *Abstract:* The NRC Form 4 is used to record the summary of an occupational worker's cumulative occupational radiation dose, including prior occupational exposure and the current year's occupational radiation exposure. The NRC Form 4 is used by licensees, and inspected by the NRC, to ensure that the occupational radiation doses do not exceed the regulatory limits specified in 10 CFR 20.1501.

Dated: July 22, 2020.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2020–16251 Filed 7–27–20; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89378; File No. SR–NYSECHX–2020–20]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 1.1 To Include Active Proxy Portfolio Shares, Tracking Fund Shares, Proxy Portfolio Shares, and Index Fund Shares

July 22, 2020.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 10, 2020, the NYSE Chicago, Inc. (''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 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 Rule 1.1 to include Active Proxy Portfolio Shares, Tracking Fund Shares, Proxy Portfolio Shares, and Index Fund Shares in the definition of ''UTP Exchange Traded Product.'' 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 Rule 1.1(k), which sets forth the meanings of ''Exchange Traded Product'' and ''UTP Exchange Traded Product'' as those terms are used in Exchange rules.

Specifically, the Exchange proposes to amend the definition of ''UTP Exchange Traded Product'' to include Active Proxy Portfolio Shares listed pursuant to NYSE Arca, Inc. (''NYSE Arca'') Rule 8.601–E, Tracking Fund Shares listed pursuant to Cboe BZX Exchange, Inc. (''BZX'') Rule 14.11(m), and Proxy Portfolio Shares which may in the future be listed pursuant to Nasdaq Stock Market LLC (''Nasdaq'') Rule 5750[4] as additional types of Exchange Traded Products (''ETPs'') that may trade on the Exchange pursuant to unlisted trading privileges (''UTP'').

To effect this change, the Exchange proposes to add a bullet point listing ''Active Proxy Portfolio Shares listed pursuant to NYSE Arca, Inc. Rule 8.601–E, Tracking Fund Shares listed pursuant to Cboe BZX Exchange, Inc. Rule 14.11(m), and Proxy Portfolio Shares listed pursuant to Nasdaq Stock Market LLC Rule 5750'' in Rule 1.1(k) to include them in the enumerated list of ETPs that may trade on the Exchange on a UTP basis. The Exchange also proposes non-substantive changes to accommodate the addition of this bullet point as the final item in the bulleted list in Rule 1.1(k).

The Exchange also proposes to amend Rule 1.1(k) to include Index Fund Shares listed pursuant to BZX Rule 14.11(c) or Nasdaq Rule 5705(b) as a type of ETP that may trade pursuant to UTP. To effect this change, the Exchange proposes to amend the existing bullet point listing ''Investment Company Units'' to include Index Fund Shares as the alternative name for the same product. Accordingly, the Exchange proposes to revise the bullet point to list ''Investment Company Units listed pursuant to NYSE Arca, Inc. Rule 5.2–E(j)(3) and Index Fund Shares listed pursuant to Cboe BZX Exchange, Inc. Rule 14.11(c) or Nasdaq Stock Exchange LLC Rule 5705(b).''

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, because it is designed to remove impediments to and perfect the mechanism of a free and open market, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

The proposed rule change is designed to remove impediments to and perfect the mechanism of a free and open market, promote just and equitable principles of trade, and, in general, to protect investors and the public interest because it modifies Rule 1.1(k) to state the complete list of ETPs that may trade on a UTP basis on the Exchange, providing specificity, clarity, and transparency in the Exchange's rules. Moreover, the proposed rule change will facilitate the trading of additional types of ETPs on the Exchange pursuant to UTP, thereby enhancing competition among market participants for the benefit of investors and the marketplace.

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 proposed change would provide the public and investors with up-to-date information about the types of ETPs that can trade on the Exchange on a UTP basis and would promote competition by adding additional types of ETPs that may trade on the Exchange pursuant to UTP.

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.

[4] Active Proxy Portfolio Shares, Tracking Fund Shares, and Proxy Portfolio Shares are substantially similar products with different names and generally refer to shares of actively managed exchange-traded funds for which the portfolio is disclosed in accordance with standard mutual fund disclosure rules. *See* Securities Exchange Act Release No. 89185 (June 29, 2020) (order approving NYSE Arca Rule 8.601–E); Securities Exchange Act Release No. 88887 (May 15, 2020), 85 FR 30990 (May 21, 2020) (order approving BZX Rule 14.11(m)); Securities Exchange Act Release No. 89110 (June 22, 2020), 85 FR 38461 (June 26, 2020) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Adopt Nasdaq Rule 5750 to List and Trade Proxy Portfolio Shares). On June 4, 2020, BZX commenced trading its first securities listed under BZX Rule 14.11(m) (Fidelity Blue Chip Growth ETF (FBCG), Fidelity Blue Chip Value ETF (FBCV), and Fidelity New Millennium ETF (FMIL)). Although Nasdaq has rules pertaining to Proxy Portfolio Shares, it does not yet list any such product.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) & (5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. The Exchange believes that a waiver of the operative delay is consistent with the protection of investors and the public interest because it would allow for the immediate trading, pursuant to UTP, of Active Proxy Portfolio Shares, Tracking Fund Shares, and Proxy Portfolio Shares on the Exchange and therefore would provide investors with an additional trading venue option. In addition, the proposal would specifically name products substantially similar to Investment Company Units known as Index Fund Shares on other exchanges in the list of product that may trade on the Exchange pursuant to unlisted trading privileges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[11]

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSECHX–2020–20 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSECHX–2020–20. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSECHX–2020–20 and should be submitted on or before August 18, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–16264 Filed 7–27–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89379; File No. SR–NYSENAT–2020–21]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 1.1 To Include Active Proxy Portfolio Shares, Tracking Fund Shares, Proxy Portfolio Shares, and Index Fund Shares

July 22, 2020.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on July 10, 2020, NYSE National, Inc. (''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 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 Rule 1.1 to include Active Proxy Portfolio Shares, Tracking Fund Shares, Proxy Portfolio Shares, and Index Fund Shares in the definition of ''UTP Exchange Traded Product.'' 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,

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 1.1(m), which sets forth the meanings of ''Exchange Traded Product'' and ''UTP Exchange Traded Product'' as those terms are used in Exchange rules.

Specifically, the Exchange proposes to amend the definition of ''UTP Exchange Traded Product'' to include Active Proxy Portfolio Shares listed pursuant to NYSE Arca, Inc. (''NYSE Arca'') Rule 8.601–E, Tracking Fund Shares listed pursuant to Cboe BZX Exchange, Inc. (''BZX'') Rule 14.11(m), and Proxy Portfolio Shares which may in the future be listed pursuant to Nasdaq Stock Market LLC (''Nasdaq'') Rule 5750 [4] as additional types of Exchange Traded Products (''ETPs'') that may trade on the Exchange pursuant to unlisted trading privileges (''UTP'').

To effect this change, the Exchange proposes to add a bullet point listing ''Active Proxy Portfolio Shares listed pursuant to NYSE Arca, Inc. Rule 8.601–E, Tracking Fund Shares listed pursuant to Cboe BZX Exchange, Inc. Rule 14.11(m), and Proxy Portfolio Shares listed pursuant to Nasdaq Stock Market LLC Rule 5750'' in Rule 1.1(m) to include them in the enumerated list of ETPs that may trade on the Exchange on a UTP basis. The Exchange also proposes non-substantive changes to accommodate the addition of this bullet point as the final item in the bulleted list in Rule 1.1(m).

The Exchange also proposes to amend Rule 1.1(m) to include Index Fund Shares listed pursuant to BZX Rule 14.11(c) or Nasdaq Rule 5705(b) as a type of ETP that may trade pursuant to UTP. To effect this change, the Exchange proposes to amend the existing bullet point listing ''Investment Company Units'' to include Index Fund Shares as the alternative name for the same product. Accordingly, the Exchange proposes to revise the bullet point to list ''Investment Company Units listed pursuant to NYSE Arca, Inc. Rule 5.2–E(j)(3) and Index Fund Shares listed pursuant to Cboe BZX Exchange, Inc. Rule 14.11(c) or Nasdaq Stock Exchange LLC Rule 5705(b).''

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, because it is designed to remove impediments to and perfect the mechanism of a free and open market, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

The proposed rule change is designed to remove impediments to and perfect the mechanism of a free and open market, promote just and equitable principles of trade, and, in general, to protect investors and the public interest because it modifies Rule 1.1(m) to state the complete list of ETPs that may trade on a UTP basis on the Exchange, providing specificity, clarity, and transparency in the Exchange's rules. Moreover, the proposed rule change will facilitate the trading of additional types of ETPs on the Exchange pursuant to UTP, thereby enhancing competition among market participants for the benefit of investors and the marketplace.

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 proposed change would provide the public and investors with up-to-date information about the types of ETPs that can trade on the Exchange on a UTP basis and would promote competition by adding additional types of ETPs that may trade on the Exchange pursuant to UTP.

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

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. The Exchange believes that a waiver of the operative delay is consistent with the protection of investors and the public interest because it would allow for the immediate trading, pursuant to UTP, of Active Proxy Portfolio Shares, Tracking Fund Shares, and Proxy Portfolio Shares on the Exchange and therefore would provide investors with an additional trading venue option. In addition, the proposal would specifically name products substantially similar to Investment Company Units known as Index Fund Shares on other exchanges in the list of product that may trade on the Exchange pursuant to unlisted trading privileges. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission

[4] Active Proxy Portfolio Shares, Tracking Fund Shares, and Proxy Portfolio Shares are substantially similar products with different names and generally refer to shares of actively managed exchange-traded funds for which the portfolio is disclosed in accordance with standard mutual fund disclosure rules. *See* Securities Exchange Act Release No. 89185 (June 29, 2020) (order approving NYSE Arca Rule 8.601–E); Securities Exchange Act Release No. 88887 (May 15, 2020), 85 FR 30990 (May 21, 2020) (order approving BZX Rule 14.11(m)); Securities Exchange Act Release No. 89110 (June 22, 2020), 85 FR 38461 (June 26, 2020) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Adopt Nasdaq Rule 5750 to List and Trade Proxy Portfolio Shares). On June 4, 2020, BZX commenced trading its first securities listed under BZX Rule 14.11(m) (Fidelity Blue Chip Growth ETF (FBCG), Fidelity Blue Chip Value ETF (FBCV), and Fidelity New Millennium ETF (FMIL)). Although Nasdaq has rules pertaining to Proxy Portfolio Shares, it does not yet list any such product.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) & (5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

hereby waives the operative delay and designates the proposed rule change operative upon filing.[11]

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–NYSENAT–2020–21 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–NYSENAT–2020–21. 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–NYSENAT–2020–21 and should be submitted on or before August 18, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–16262 Filed 7–27–20; 8:45 am]

BILLING CODE 8011–01–P

[11] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89376; File No. SR–NYSEAMER–2020–57]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE American Options Fee Schedule

July 22, 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 16, 2020 NYSE American LLC (''NYSE American'' 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 modify its rules to conform the terminology in the NYSE American Options Fee Schedule (''Fee Schedule'') to Rule 960.1NY (Requirements for Penny Interval Program), which permits quoting in penny increments for certain option classes on a permanent basis. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify its rules to conform the terminology in the Fee Schedule to Rule 960.1NY (Requirements for Penny Interval Program), which permits quoting in penny increments for certain option classes on a permanent basis. In sum, the Exchange proposes to define ''Penny'' and ''Non-Penny'' options, with cross-reference to Rule 960.1NY and to eliminate from the Fee Schedule obsolete references to the ''Pilot'' program. This filing is technical in nature as it merely updates the nomenclature regarding transactions in Penny and Non-Penny options and does not modify any associated fees or credits for such transactions.

Background

On April 1, 2020, the U.S. Securities and Exchange Commission (the ''Commission'') approved Amendment No. 5 to the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options to Adopt a Penny Interval Program (''Amendment No. 5'').[4] The Exchange then filed to conform its rules—including Rule 960.1NY—to Amendment No. 5, which rules (like Amendment No. 5) became operative July 1, 2020 (the ''Penny Program'').[5] The Penny Pilot, which was adopted in

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 88532 (April 1, 2020), 85 FR 19545 (April 7, 2020) (File No 4–443).

[5] *See* Securities Exchange Act Release No. 88947 (May 26, 2020), 85 FR 33249 (June 1, 2020) (NYSEAMER–2020–41) (immediately effective filing that is operative on July 1, 2020, which outlines the history of the Penny Pilot program and details the process for the Penny Interval Program).

2007 and extended and expanded over the years, expired by its own terms on June 30, 2020.[6]

Proposed Changes

The Exchange proposes to modify the terminology in the Fee Schedule to align with the terminology in the Penny Program by amending the definitions for ''Penny'' and ''Non-Penny'' options and eliminating all references to ''Pilot.'' [7] As proposed, a '''Penny' option refers to option classes that participate in the Penny Interval Program, as described in Rule 960.1NY'' and a '''Non-Penny' option refers to option classes that do not participate in the Penny Interval Program, as described in Rule 960.1NY.'' [8]

Consistent with the foregoing, the Exchange proposes to eliminate from the Fee Schedule all references to ''Pilot'' as that term relates to the ''Penny Pilot'' because such references became obsolete as of July 1, 2020.[9]

For consistency in usage and terminology, the Exchange proposes to modify references to ''Non-Penny'' in existing text to capitalize and hyphenate the term [10] and, in note 1 to the Complex CUBE Auction table in Section I.G. In addition, the Exchange proposes to remove the terms ''Pilot'' and ''Pilot issues'' from the Complex CUBE Auction table in Section I.G. The Exchanges believes these changes would add clarity, transparency and internal consistency.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[11] in general, and furthers the objectives of Section 6(b)(5) of the Act,[12] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the proposed rule change, which conforms the terminology in the Fee Schedule to Rule 960.1NY, promotes just and equitable principles of trade because it does not alter any existing fees or credits but instead is technical in nature insofar as it amends the definitions for ''Penny'' and ''Non-Penny'' options, consistent with Exchange rules, and removes references to the now-expired (Penny) ''Pilot.'' This proposed change would provide internal consistency within Exchange rules and operate to protect investors and the investing public by making the Exchange rules easier to navigate and comprehend. The proposed change would render the rules more accurate and reduce potential investor confusion, thus helping to facilitate the maintenance of a fair and orderly market.

Regarding the proposed technical changes (*see supra* notes 9 and 10), the Exchange believes the changes would add clarity and transparency to the Fee Schedule making it easier to navigate and comprehend to the benefit of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal, which modifies the terminology in the Fee Schedule to align with the terminology in the Exchange's rules, is not a competitive filing. Instead, the proposed change is meant to add clarity and transparency to the Fee Schedule to the benefit of all market participants that trade on the Exchange. Given the technical nature of this filing, the Exchange anticipates that other options exchanges will similarly update their fee schedules (as needed) to align with any rule(s) adopted in conformance with Amendment No. 5.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [13] and Rule 19b–4(f)(6) thereunder.[14] Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6) [16] thereunder. The Exchange has proposed to implement the proposed rule change immediately upon filing and has asked the Commission to waive the 30-day operative delay for this filing.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to modify the terminology in its fee schedule to conform it to the Penny Program, which is currently described in NYSE American Rule 960.1NY. The proposed rule change does not raise any novel issues and is technical in nature as it is designed to update the language in the Exchange's fee schedule to reflect the language used throughout the Exchange's rulebook. The Commission believes that the proposed rule change proposes ministerial changes which are designed to alleviate the potential for investor confusion. Accordingly, the Commission designates the proposed rule change as operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[6] *See* Securities Exchange Act Release No. 87633 (November 26, 2019) 84 FR 66251 (December 3, 2019) (NYSEAMER–2019–51).

[7] *See generally* proposed Fee Schedule.

[8] *See* proposed Fee Schedule, KEY TERMS and DEFINITIONS.

[9] *See* proposed Fee Schedule, Sections I.G and I.H (deleting reference to ''Pilot'' throughout).

[10] *See id.* The Exchange also proposes the non-substantive change of adding a period to the last sentence of note 1 to the Complex CUBE Auction table in Section I.G. *See* proposed Fee Schedule, Sections I.G.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–NYSEAMER–2020–57 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–NYSEAMER–2020–57. 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–NYSEAMER–2020–57 and should be submitted on or before August 18, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–16265 Filed 7–27–20; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 11171]

30-Day Notice of Proposed Information Collection: Request for Advisory Opinion

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to August 27, 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: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Andrea Battista, who may be reached at *BattistaAL@state.gov* or 202–663–3136.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Request for Advisory Opinion.
- *OMB Control Number:* 1405–0174.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Directorate of Defense Trade Controls, Bureau of Political Military Affairs, Department of State (T/PM/DDTC).
- *Form Number:* DS–7786.
- *Respondents:* Individuals and companies registered with DDTC and engaged in the business of manufacturing, brokering, exporting, or temporarily importing defense hardware or defense technology data.
- *Estimated Number of Respondents:* 125.
- *Estimated Number of Responses:* 125.
- *Average Time per Response:* 2 hours.
- *Total Estimated Burden Time:* 250 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

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

Abstract of Proposed Collection

The Directorate of Defense Trade Controls (DDTC), located in the Political-Military Affairs Bureau of the Department of State, has the principal mission of licensing the export and temporary import of defense articles or defense services as enumerated in the United States Munitions List (USML), and to ensure that the sale, transfer, or brokering of such items are in the interest of United States national security and foreign policy.

Sections 126.9 and 129.9 of the International Traffic in Arms Regulations (ITAR, 22 CFR 120–130) may be used by entities and individuals involved in the brokering, manufacture, export, and temporary import of defense articles and defense services to request an advisory opinion as to whether DDTC would be likely to grant a license or other approval for the export of a particular defense article or defense service to a particular country; for general or regulatory guidance; or whether certain activity constitutes brokering under the meaning of the ITAR. Except for determinations made with reference to ITAR § 129.9(b),

[18] 17 CFR 200.30–3(a)(12).

advisory opinions are not binding on the Department of State and may not be used in future matters before the Department.

Users electronically submit requests for advisory opinions to DDTC via The Defense Export Control and Compliance System (DECCS) portal; users are able to retrieve responses using the same system. DDTC staff members have defined the data fields which are most relevant and necessary for requests for advisory opinions and developed the means to accept this information from the industry in a secure system. The revision of this information collection is meant to conform the current OMB-approved data collection to DDTC's new case management system.

Methodology

This information will be collected by electronic submission to the Directorate of Defense Trade Controls.

Neal Kringel,

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

[FR Doc. 2020–16318 Filed 7–27–20; 8:45 am]

BILLING CODE 4710–25–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 303 (Sub–No. 57X)]

Wisconsin Central Ltd.—Discontinuance of Service Exemption—in Barron County, Wis.

Wisconsin Central Ltd. (WCL) has filed a verified notice of exemption under 49 CFR part 1152, subpart F—*Exempt Abandonments and Discontinuances of Service,* to discontinue service over an approximately 4.52-mile portion of WCL's Barron Subdivision between milepost 85.40 at Poskin (immediately east of 9¾ Street) and extending west to milepost 80.88 at Almena (approximately 1.0 mile southwest of the railroad crossing at Lightning Creek), all in Barron County, Wis. (the Line). The Line traverses U.S. Postal Service Zip Codes 54805 and 54889.

WCL has certified that: (1) No local traffic has moved over the Line for at least two years; (2) overhead traffic (of which none exists) could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad— Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) [1] to subsidize continued rail service has been received, this exemption will be effective on August 27, 2020, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2) [2] must be filed by August 7, 2020.[3] Petitions for reconsideration must be filed by August 17, 2020, with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001.

A copy of any petition filed with Board should be sent to WCL's representative, Bradon J. Smith, Fletcher & Sippel LLC, 29 N Wacker Drive, Suite 800, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available at *www.stb.gov.*

Decided: July 23, 2020.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Regena Smith-Bernard,

Clearance Clerk.

[FR Doc. 2020–16331 Filed 7–27–20; 8:45 am]

BILLING CODE 4915–01–P

[1] Persons interested in submitting an OFA to subsidize continued rail service must first file a formal expression of intent to file an offer, indicating the intent to file an OFA for subsidy and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(2)(i).

[2] The filing fee for OFAs can be found at 49 CFR 1002.2(f)(25).

[3] Because this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require environmental review.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on a Land Release Request at Malden Regional Airport & Industrial Park (MAW), Malden, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release of airport land.

SUMMARY: The FAA proposes to rule and invites public comment on the request to release and sell 5.0 acres of federally obligated airport property at the Malden Regional Airport & Industrial Park (MAW), Malden, Missouri.

DATES: Comments must be received on or before August 27, 2020.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE–620G, 901 Locust, Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: David Blalock, Airport Manager, City of Malden Regional Airport & Industrial Park, 3077 Mitchell Drive, P.O. Box 411, Malden, MO 63863–0411, (573) 276–2279.

FOR FURTHER INFORMATION CONTACT: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE–620G, 901 Locust, Room 364, Kansas City, MO 64106, (816) 329–2603, *amy.walter@faa.gov.* The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release 5.0 acres of airport property at the Malden Regional Airport & Industrial Park (MAW) under the provisions of 49 U.S.C. 47107(h)(2). This is a Surplus Property Airport. The City of Malden requested a release from the FAA to sell the 5.0 acre tract. The buyer, S and S Trucking and Transportation LLC will use the land for development. The FAA determined this request to release and sell property at the Malden Regional Airport & Industrial Park (MAW) submitted by the Sponsor meets the procedural requirements of the FAA and the release and sale of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner

than thirty days after the publication of this notice.

The following is a brief overview of the request:

The Malden Regional Airport & Industrial Park (MAW) is proposing the release and sale of airport property containing 5.0 acres. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the land at the Malden Regional Airport & Industrial Park (M) being changed from aeronautical to non-aeronautical use and release the lands from the conditions of the Airport Improvement Program Grant Agreement Grant Assurances in order to sell the land. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value for the property, which will be subsequently reinvested in another eligible airport improvement project for general aviation use.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon appointment and request, inspect the application, notice and other documents determined by the FAA to be related to the application in person at the Malden City Hall.

Issued in Kansas City, MO, on July 22, 2020.

Jim A. Johnson,

Director, FAA Central Region, Airports Division.

[FR Doc. 2020–16311 Filed 7–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Discretionary Funding Opportunity: Grants for Pilot Program for Expedited Project Delivery

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of funding opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for a total of $225 million in Fiscal Year (FY) 2020, FY 2019, FY 2017 and FY 2016 funds under the Expedited Project Delivery Pilot Program (EPD Pilot Program) authorized by Section 3005(b) of the Fixing America's Surface Transportation Act (FAST Act). The EPD Pilot Program is aimed at expediting delivery of new fixed guideway capital projects, small starts projects, or core capacity improvement projects. These projects must utilize public-private partnerships, be operated and maintained by employees of an existing public transportation provider, and have a Federal share not exceeding 25 percent of the project cost. The FAST Act specifies that not more than eight projects can be awarded grants under the EPD Pilot Program. FTA may award additional funds if they are made available to the EPD Pilot Program.

DATES: Applications will be accepted on a rolling basis until up to eight grants are awarded and subject to funding availability. Complete proposals must be submitted electronically through the EPD Pilot Program website at *https://www.transit.dot.gov/funding/grants/pilot-program-expedited-project-delivery-3005b.* Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: Susan Eddy, FTA Office of Planning and Environment, 202–366–5499, or *susan.eddy@dot.gov.*

SUPPLEMENTARY INFORMATION:

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A. Program Description

Section 3005(b) of the FAST Act, Public Law 114–94 (December 4, 2015), authorizes FTA to award not more than eight grants for the EPD Pilot Program through a discretionary process, as described in this notice, for new fixed guideway capital projects, small starts projects, or core capacity improvement projects that have not yet entered a construction grant agreement with the FTA. The law defines these types of eligible projects for the EPD Pilot Program in a manner similar to, but not entirely the same as, FTA's Capital Investment Grants (CIG) program. The FTA encourages applicants to review the definitions found in Section C of this NOFO to ensure the project's eligibility. Projects must utilize public-private partnerships, be operated and maintained by employees of an existing public transportation provider, and have a Federal share not exceeding 25 percent of the project cost.

On September 12, 2018, FTA published a **Federal Register** Notice (FRN) soliciting expressions of interest in the EPD Pilot Program. In response to the FRN, four project sponsors, representing a total of seven projects, submitted expressions of interest. FTA worked with all four project sponsors to further define the steps in the EPD Pilot Program for the projects to be eligible for funding. On August 28, 2019, FTA announced the allocation of $125 million under the EPD Pilot Program to the Santa Clara Valley Transportation Authority (VTA) for the Bay Area Rapid Transit (BART) Silicon Valley Phase II project. VTA was one of the four sponsors that previously expressed an interest in the program. The remaining $100 million is currently available for allocation.

All interested project sponsors, including those who submitted expressions of interest in response to the FRN, even if they have received or will receive an allocation, must meet the EPD Pilot Program requirements contained in this NOFO and must apply based on the requirements further described in this NOFO before they can be considered for a construction grant agreement. Project sponsors who did not previously express an interest in the EPD Pilot Program are eligible to apply to the EPD Pilot Program consistent with the eligibility and application requirements of the EPD Pilot Program.

B. Federal Award Information

Congress appropriated $100 million for the EPD Pilot Program in FY 2020, $100 million in FY 2019, $20 million in FY 2017, and $5 million in FY 2016. The FTA is announcing the opportunity to apply for $225 million in grant funding through this notice. Successful applicants will receive a grant from FTA.

The FTA will grant pre-award authority to incur costs for selected projects beginning on the date that the project selections are announced.

C. Eligibility Information

1. Eligible Applicants

Eligible applicants to the EPD Pilot Program are state or local government authorities who must demonstrate:

a. The requisite legal, financial, and technical capacities to carry out the eligible project, including the safety and security aspects of the eligible project;

b. Satisfactory continuing control over the use of the equipment or facilities;

c. The technical and financial capacity to maintain new and existing equipment and facilities;

d. That they have qualified advisors providing guidance on the terms and structure of the project who are

independent from investors in the project; and

e. That the existing public transportation system is in a state of good repair.

2. Cost Sharing or Matching

a. The maximum Federal share for projects selected under the EPD Pilot Program is 25 percent of the total project cost.

b. The remainder of the capital project cost shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

3. Eligible Projects

Under the EPD Pilot Program, eligible projects are new fixed guideway capital projects, small start projects, or core capacity improvement projects that have not entered into a full funding grant agreement with FTA. New fixed guideway capital projects or small start projects may include the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of right-of-way, and relocation. Core capacity improvement projects may include the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of infill stations, and such other capacity improvements as FTA determines are appropriate to increase the capacity of an existing fixed guideway system corridor by not less than 10 percent. Core capacity improvement projects may not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

Eligible projects must:

a. Be included in an approved transportation plan, approved transportation improvement program, and statewide transportation improvement program as required under 49 U.S.C. 5303 and 5304;

b. Be supported through a public-private partnership;

c. Identify and demonstrate an acceptable degree of local financial commitment;

d. Be operated and maintained by employees of an existing provider of fixed guideway or bus rapid transit public transportation in the service area of the project, or if none exists, by employees of an existing transportation provider in the service area;

e. Have completed the planning and activities required under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, *et seq.*);

f. Not be the subject of an outstanding injunction or stop work order;

g. Have executed all identified critical third-party agreements; and

h. Have completed at least 30 percent of project design and engineering.

4. Definitions

For purposes of this notice, the following definitions will apply:

a. The term ''new fixed guideway capital project'' means:

i. A fixed guideway project that is a minimum operable segment or extension to an existing fixed guideway system; or

ii. a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.

b. The term ''fixed guideway bus rapid transit project'' means a bus capital project:

i. In which the majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods;

ii. that represents a substantial investment in a single route in a defined corridor or subarea; and

iii. that includes features that emulate the services provided by rail fixed guideway public transportation systems, including:

(a) Defined stations;

(b) traffic signal priority for public transportation vehicles;

(c) short headway bidirectional services for a substantial part of weekdays and weekend days; and

(d) any other features the Secretary of Transportation may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

c. The term ''small start project'' means a new fixed guideway capital project, a fixed guideway bus rapid transit project, or a corridor-based bus rapid transit project for which:

i. The Federal assistance provided or to be provided under this EPD Pilot Program is less than $75,000,000; and

ii. the total estimated capital cost is less than $300,000,000.

d. The term ''corridor-based bus rapid transit project'' means a small start project utilizing buses in which the project represents a substantial investment in a defined corridor as demonstrated by features that emulate the services provided by rail fixed guideway public transportation systems:

i. Including:

(a) defined stations;

(b) traffic signal priority for public transportation vehicles;

(c) short headway bidirectional services for a substantial part of weekdays; and

(d) any other features the Secretary of Transportation may determine support a long-term corridor investment; and

ii. the majority of which does not operate in a separated right-of-way dedicated for public transportation use during peak periods.

e. The term ''core capacity improvement project'':

i. Means a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than 10 percent; and

ii. may include project elements designed to aid the existing fixed guideway system in making substantial progress towards achieving a state of good repair.

f. The terms ''capital project'', ''fixed guideway'', ''local governmental authority'', ''public transportation'', ''State'', and ''state of good repair'' have the meanings given those terms in section 5302 of title 49, United States Code.

g. The term ''public-private partnership'' means a contractual agreement formed between a public agency and a private sector entity that is characterized by private sector investment and risk-sharing in the delivery, financing, and/or operation of a capital project; and to maintain eligibility for the EPD Pilot Program, the capital project must be operated and maintained by employees of an existing public transportation provider.

h. The term ''critical third-party agreement'' means one which has been identified by the applicant and verified during the application review process by FTA in collaboration with the applicant and any other project participant, as required before construction or operations can begin, the absence of which may significantly change the cost, scope and schedule. Further FTA information on critical third party agreements can be found at *https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance/116521/op-39-3rd-party-agreements-01-2018.pdf*.

i. The term ''committed funds'' means that the funds have all necessary approval (legislative or referendum) to be used to fund the project without any additional action. Examples of evidence include an adopted state annual budget and an adopted multi-year local Capital Improvement Program (CIP).

j. The term ''30 percent of project design and engineering'' means the FTA

expects the applicant to provide documents at the following level of detail:

i. Project Management Plan (PMP) and sub-plans—should include processes and procedures to continuously manage the project and a staffing plan that identifies key personnel and demonstrates the applicant's management capacity and capability. For elements and requirements of Project Management Plans (PMP) and sub-plans see 49 CFR 633;

ii. Project definition—key elements are identified and reasonably defined;

iii. Cost Estimate—addresses key items within the project's work breakdown structure at an appropriate level and is formatted using the FTA's Standard Cost Categories (see ''SCC Definitions'' tab of SCC Workbook found at *https://www.transit.dot.gov/funding/grants/pilot-program-expedited-project-delivery-3005b*). Includes both the basis for the estimate and required contingency based on the level of design and in accordance with FTA and industry best practices;

iv. Schedule—addresses key activities, milestones and elements within the project's work breakdown structure and incorporates proposed delivery methodology;

v. Third Party Agreements and Right-of-Way—are identified with a plan and schedule for completion;

vi. Project Delivery Method—the delivery method is identified (with related methodologies, activities, and milestones reflected throughout the other required products);

vii. Value Engineering (VE) Report—the report is substantially complete and a draft report shared with FTA where applicable (for example, a separate VE report may not be needed for some project delivery methods such as design-build, since bidders may be required to provide the VE options as part of their proposals.);

viii. Safety—a preliminary safety hazard analysis and a preliminary threat and vulnerability analysis have been completed and the development of safety and security design criteria has been initiated;

ix. Accessibility—the applicant demonstrates steps that will be taken to ensure compliance with DOT regulations and standards issued under the Americans with Disabilities Act, including a preliminary analysis of accessibility features such as accessible routes to, from, and within the station sites or boarding locations; detectable warnings; signage and communications; curb ramps; and other accessibility features required under the ADA; and

x. Constructability Review Report—a draft report is submitted, where applicable (for example, for very simple projects, a constructability review early might not yield great benefits). The report includes at a minimum the general construction approach, a discussion of site access, and other potential constraints.

Further details are contained on the EPD Pilot Program website: *https://www.transit.dot.gov/funding/grants/pilot-program-expedited-project-delivery-3005b.*

k. The term ''level of service'' (LOS) is used to qualitatively describe the operating conditions of a transportation facility. Applicants may use the definition and methodology contained in the Transportation Research Board (TRB) *Highway Capacity Manual (HCM),* the American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets,* or a similar traffic analysis method.

l. The term ''Full Funding Grant Agreement'' means an agreement between the applicant and FTA that shall:

i. Establish the terms of participation by the Federal Government in the eligible project;

ii. Establish the maximum amount of Federal financial assistance for the eligible project;

iii. Include the period of time for completing construction of the eligible project, consistent with the terms of the public-private partnership agreement, even if that period extends beyond the period of an authorization;

iv. Make timely and efficient management of the eligible project easier according to the law of the United States;

v. Obligate an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments, to obligate an additional amount from future available budget authority specified in law; and

vi. State that the contingent commitment is not an obligation of the Federal Government.

D. Application and Submission Information

1. Address To Request Application Package

Applications must be submitted electronically through the EPD Pilot Program website at *https://www.transit.dot.gov/funding/grants/pilot-program-expedited-project-delivery-3005b.* The website includes the required forms and specific instructions for the forms and attachments required for submission. Applicants may also attach additional supporting information. Mail and fax submissions will not be accepted. Failure to submit the information as required can delay or prevent review of the application.

2. Content and Form of Application Submission

A strong transportation network is critical to functioning and growth of the American economy. The nation's industry depends on the transportation network to move the goods that it produces and facilitate the movements of the workers who are responsible for that production. When the nation's highways, railways and ports function well, that infrastructure connects people to jobs, increases the efficiency of delivering goods and thereby cuts the costs of doing business, reduces the burden of commuting, and improves overall well-being.

Rural transportation networks play a vital role in supporting our national economic vitality. Addressing the deteriorating conditions and disproportionately high fatality rates on our rural transportation infrastructure is of critical interest to the Department, as rural transportation networks face unique challenges in safety, infrastructure condition, and passenger and freight usage. Consistent with the R.O.U.T.E.S. Initiative, the Department encourages applicants to consider how the project will address the challenges faced by rural areas.

A complete proposal submission consists of all required forms and attachments found at *https://www.transit.dot.gov/funding/grants/pilot-program-expedited-project-delivery-3005b.* A complete application must include responses to all sections of the forms, unless indicated as optional. The information on the forms and attachments will be used to determine the applicant and project eligibility for the program, and to evaluate the proposal against the criteria described in this notice.

Applicants may attach additional supporting information to the submission, including but not limited to, letters of support or excerpts from relevant planning documents. Supporting documentation must be described and referenced by file name in the appropriate response section of the mandatory forms, or it may not be reviewed.

The mandatory forms found at *https://www.transit.dot.gov/funding/grants/pilot-program-expedited-project-*

delivery-3005b will prompt applicants for the required information, including:

a. Applicant name;

b. Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number;

c. Key contact information (including contact name, address, email address, and phone);

d. Congressional district(s) where project will take place;

e. Project information (including title, an executive summary, and project type);

f. A detailed description of the project scope;

g. A detailed description of how the project meets the EPD Pilot Program definition of new fixed guideway capital project, small start project, or core capacity improvement project;

h. A brief description of the need for the project and how the project will support the EPD Pilot Program's objectives;

i. A map of the project;

j. Evidence that the project is included in the approved Metropolitan Transportation Plan, Transportation Improvement Program and Statewide Transportation Improvement Program;

k. Evidence that the NEPA review for the project is complete;

l. Evidence of the Public-Private Partnership;

m. Evidence of advisors providing guidance on the terms and structure of the project that are independent from investors in the project;

n. Self-certification that the project is not the subject of an outstanding injunction or stop work order.

o. A list of all identified critical third-party agreements and execution dates;

p. A description of the technical, legal and financial capacity of the applicant;

q. A detailed project budget;

r. Identification of the local cost share and evidence that all the non-Federal capital funds are currently available or committed. Applicants should submit evidence of availability of funds for the project, for example, by including documentation of the source of local funds such as a budget document highlighting the line item or section committing funds to the proposed project;

s. The most recent Audited Financial Statement documenting the financial health of the applicant. If the applicant will not operate and maintain the project, the most recent Audited Financial Statement documenting the financial health of the transit system that will operate and maintain the project must also be provided;

t. System-wide operations and maintenance costs and funding sources for the transit system that will operate and maintain the project for the first five years of operation of the project;

u. A detailed project schedule;

v. Evidence that the applicant has completed at least 30 percent design and engineering;

w. Identify whether the project would be in a qualified opportunity zone designated pursuant to 26 U.S.C. Section 1400Z–1;

x. Evidence that the project is justified based on findings presented by the applicant on mobility improvements attributable to the project. This could be provided by evidence of the reduced transit travel time during the peak period from end to end of the project after revenue service starts compared to the transit travel time during the peak period at present;

y. Evidence that the project is justified based on findings presented by the applicant on environmental benefits associated with the project. This could be provided by evidence of the reduced energy consumption by highway and transit vehicles after revenue service starts compared to the present;

z. Evidence that the project is justified based on findings presented by the applicant on congestion relief associated with the project. This could be provided by a description of the current Level of Service (LOS) on the roads in the project corridor;

aa. Evidence that the project is justified based on findings presented by the applicant on the economic development effects derived as a result of the project. This could take the form of documentation of the maximum residential, commercial and mixed-use development that could take place within one-half mile of all new station areas, based on currently adopted zoning ordinances;

bb. Evidence that the project is justified based on estimated ridership projections developed through the use of FTA's Simplified Trips-on Project Software (*https://www.transit.dot.gov/funding/grant-programs/capital-investments/stops*);

cc. Self-certification that the existing public transportation system of the applicant or, in the event the applicant does not operate a public transportation system, the public transportation system to which the proposed project will be attached, is in a state of good repair. This requirement may be waived by FTA if the project meets the definition of a core capacity improvement project, and FTA determines that the eligible project will allow the applicant to make substantial progress in achieving a state of good repair. Applicants should provide information to enable FTA to make this determination; and

dd. A description of how the applicant intends to conduct a Before and After Study that describes and analyzes the impacts of the proposed project on public transportation services and public transportation ridership as required by the EPD Pilot Program. Applicants must also provide information on the predicted benefits and costs for the innovative project development delivery method or innovative financing.

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (1) Be registered in SAM before submitting an application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by FTA. These requirements do not apply if the applicant has an exemption approved by FTA under Federal grants and agreements law (2 CFR Section 25.110(d)). FTA may not make an award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant. All applicants must provide a unique entity identifier provided by SAM. SAM registration takes approximately 3–5 business days, but FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit *www.sam.gov.*

4. Submission Dates and Times

Applications will be accepted on a rolling basis until up to eight grants are awarded and subject to funding availability. Complete proposals must be submitted electronically through the EPD Pilot Program website at *https://www.transit.dot.gov/funding/grants/pilot-program-expedited-project-delivery-3005b.*

5. Intergovernmental Review

This program is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

6. Funding Restrictions

Funds under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA award of a grant agreement until FTA has issued pre-award authority for selected projects.

E. Application Review Information

1. Evaluation Criteria

FTA will evaluate project proposals for the EPD Pilot Program based on the criteria described in this notice. Projects will be evaluated primarily on the responses provided in the required forms and attachments found at *https://www.transit.dot.gov/funding/grants/pilot-program-expedited-project-delivery-3005b.* Additional information may be provided to support the responses; however, any additional documentation must be directly referenced on a required form, including the file name where the additional information can be found.

Consistent with the Department's R.O.U.T.E.S. Initiative (*https://www.transportation.gov/rural*), the Department recognizes that rural transportation networks face unique challenges. To the extent that those challenges are reflected in the merit criteria listed in this section, the Department will consider how the activities proposed in the application will address those challenges.

a. Demonstration of Eligibility:

Applications will be evaluated based on the quality and extent to which they demonstrate that the proposed project meets the eligibility requirements contained in Section 3005(b) of the FAST Act and this NOFO.

b. Project Justification:

Applications will be evaluated based on the quality and extent to which they demonstrate how the proposed project is justified for the following factors:

i. Mobility improvements attributable to the project;

ii. Environmental improvements associated with the project;

iii. Congestion relief associated with the project;

iv. Economic development effects derived as a result of the project; and

v. Estimated ridership projections.

c. Financial Commitment:

Applications will be evaluated based on the quality and extent to which they demonstrate that the proposed project has an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources, including:

i. Each proposed source of capital and operating financing is stable, reliable, and available within the proposed eligible project timetable; and

ii. Resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary, without degradation to the existing level of public transportation services.

d. Technical Capacity

Applications will be evaluated based on the quality and extent to which they demonstrate that the applicant has the technical capacity to undertake the project.

e. Technical, Legal and Financial Capacity

Applicants must demonstrate that they have the technical, legal and financial capacity to undertake the project. FTA will review relevant oversight assessments and records to determine whether there are any outstanding legal, technical or financial issues with the applicant that would affect the outcome of the proposed project. Applicants with outstanding legal, technical or financial compliance issues from an FTA compliance review or Federal Transit grant-related Single Audit finding must explain how corrective actions taken will mitigate negative impacts on the proposed project.

2. Review and Selection Process Information

In addition to other FTA staff that may review the proposals, a technical evaluation committee will evaluate proposals based on the published evaluation criteria. After applying the above criteria, the FTA Administrator will consider the following key Departmental objectives:

- Supporting economic vitality at the national and regional level;
- Utilizing alternative funding sources and innovative financing models to attract non-Federal sources of infrastructure investment;
- Accounting for the life-cycle costs of the project to promote the state of good repair;
- Using innovative approaches to improve safety and expedite project delivery; and
- Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

Prior to making an award, FTA is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information Systems (FAPIIS) accessible through SAM. An applicant may review and comment on information about itself that a Federal awarding agency previously entered. FTA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by the applicant.

The FTA Administrator will determine the final selection of projects for program funding. In determining the allocation of program funds, FTA may consider geographic diversity, diversity in the size of the transit systems receiving funding, the applicant's receipt of other competitive awards, projects located in or that support public transportation service in a qualified opportunity zone designated pursuant by 26 U.S.C. Section 1400Z–1, the percentage of local share provided, and whether the project includes an innovative technology or practice.

F. Federal Award Administration Information

1. Federal Award Notice

The FTA will notify an applicant in writing not later than 120 days after the receipt of a complete application as to whether the grant request has been approved, or if the request does not meet the requirements of this NOFO, disapproval of the grant request, including a detailed explanation of the reasons for disapproval.

Project selections will be posted on the FTA website.

At the time a project selection is announced, FTA will extend pre-award authority for the selected project. There is no blanket pre-award authority for a project before announcement.

2. Administrative and National Policy Requirements

a. Pre-Award Authority

The FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. The FTA does not provide pre-award authority for competitive funds until projects are selected and even then, there are Federal requirements that must be met before costs are incurred. For more information about FTA's policy on pre-award authority, please see the FY 2020 Apportionment Notice published on June 3, 2020 which can be accessed at *https://www.govinfo.gov/content/pkg/FR-2020-06-03/pdf/2020-11946.pdf.*

b. Grant Requirements

If selected, awardees will enter into a Full Funding Grant Agreement with the Federal Transit Administration. The selected awardees will apply for a grant through FTA's Transit Award

Management System (TrAMS). All recipients must follow the Award Management Requirements (FTA Circular 5010.1E), and the labor protections required by Federal public transportation law (49 U.S.C. 5333(b)). Technical assistance regarding these requirements is available from each FTA regional office.

c. Buy America and Strengthening Buy-American Preferences for Infrastructure Projects

The FTA requires that all capital procurements meet FTA's Buy America requirements (49 U.S.C. 5323(j)), which require that all iron, steel, or manufactured products be produced in the United States, to help create and protect manufacturing jobs in the United States. The EPD Pilot Program will have a significant economic impact toward meeting the objectives of the Buy America law. For FY 2020 and beyond, the cost of components and subcomponents produced in the United States must be more than 70 percent of the cost of all components. Final assembly of rolling stock must occur in the United States. Any proposal that will require a waiver must identify in the application the items for which a waiver will be sought. Applicants should not proceed with the expectation that waivers will be granted, nor should applicants assume that selection of a project under the EPD Pilot Program that includes a partnership with a manufacturer, vendor, consultant, or other third party constitutes a waiver of the Buy America requirements applicable at the time the project is undertaken.

Consistent with Executive Order 13858 *Strengthening Buy-American Preferences for Infrastructure Projects,* signed by President Trump on January 31, 2019, applicants should maximize the use of goods, products, and materials produced in the United States, in Federal procurements and through the terms and conditions of Federal financial assistance awards.

d. Disadvantaged Business Enterprise

FTA requires that its recipients receiving planning, capital and/or operating assistance that will award prime contracts exceeding $250,000 in FTA funds comply with the Disadvantaged Business Enterprise (DBE) program regulations (49 CFR part 26). The rule requires that, prior to bidding on any FTA-assisted vehicle procurement, entities that manufacture vehicles or perform post-production alterations or retrofitting must submit a DBE Program plan and annual goal methodology to FTA. Further, to the extent that a vehicle remanufacturer is responding to a solicitation for new or remanufactured vehicles with a vehicle to which the remanufacturer has provided post-production alterations or retro-fitting (*e.g.,* replacing major components such as the engine to provide a ''like new'' vehicle), the vehicle remanufacturer is considered a transit vehicle manufacturer and must also comply with the DBE regulations.

FTA will then issue a transit vehicle manufacturer (TVM) concurrence/certification letter. Grant recipients must verify each entity's compliance with these requirements before accepting its bid. A list of compliant, certified TVMs is posted on FTA's website at *www.transit.dot.gov/TVM.* Please note that this list is nonexclusive and recipients must contact FTA before accepting bids from entities not listed on this Web posting. Recipients may also establish project-specific DBE goals for vehicle procurements. FTA will provide additional guidance as grants are awarded. For more information on DBE requirements, please contact Scheryl Portee, the Office of the Chief Counsel, at 202–366–0840, email: *scheryl.portee@dot.gov.*

e. Planning

FTA encourages applicants to notify the appropriate State Departments of Transportation and MPOs in areas likely to be served by the project funds made available under this program. Selected projects must be incorporated into the long-range plans and transportation improvement programs of States and metropolitan areas before they are eligible to apply for EPD Pilot Program funding.

f. Major Capital Projects

FTA requires that projects that meet the definition of a major capital project as defined in 49 CFR part 633 comply with the requirements of Project Management Oversight as defined in 59 CFR part 633.

g. Standard Assurances

By submitting a grant application, the applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, directives, FTA circulars and other Federal administrative requirements in carrying out any project supported by the FTA grant. Further, the applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant, if it does not have current certifications on file.

3. Reporting

Post-award reporting requirements include the electronic submission of Federal Financial Reports and Milestone Progress Reports in FTA's electronic grants management system. Recipients of funds made available through this NOFO are also required to regularly submit data to the National Transit Database.

G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact the EPD Pilot Program manager, Susan Eddy, via email at *susan.eddy@dot.gov* or by phone at 202–366–5499. A TDD is available for individuals who are deaf or hard of hearing at 800–877–8339. In addition, FTA will post answers to questions and requests for clarifications on FTA's website at *https://www.transit.dot.gov/funding/grants/pilot-program-expedited-project-delivery-3005b.* Contact information for FTA's regional offices can be found on FTA's website at *https://www.transit.dot.gov/about/regional-offices/regional-offices.*

To ensure the receipt of accurate information about eligibility or the program, applicants with questions are encouraged to contact FTA directly, rather than through intermediaries or third parties.

K. Jane Williams,

Acting Administrator.

[FR Doc. 2020–16342 Filed 7–27–20; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0019; Notice 1]

Maserati North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Maserati North America, Inc., (MNA) has determined that certain

model year (MY) 2014–2020 Maserati Quattroporte, MY 2014–2020 Maserati Ghibli, and MY 2017–2020 Maserati Levante motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 135, *Light Vehicle Brake Systems,* FMVSS No.138, *Tire Pressure Monitoring Systems,* FMVSS No. 202a, *Head restraints,* and FMVSS No. 210, *Seat Belt Assembly Anchorages.* MNA filed a noncompliance report dated February 14, 2020. MNA subsequently petitioned NHTSA on March 6, 2020, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces receipt of MNA's petition.

DATES: Send comments on or before August 27, 2020.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the docket. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: MNA has determined that certain MY 2014–2020 Maserati Quattroporte, MY 2014–2020 Maserati Ghibli, and MY 2017–2020 Maserati Levante motor vehicles do not fully comply with the requirements of paragraph S5.5.2(c) of FMVSS No. 135, *Light Vehicle Brake Systems* (49 CFR 571.135); paragraph S4.5(a) of FMVSS No. 138, *Tire Pressure Monitoring Systems* (49 CFR 571.138); paragraphs S4.7.1 and S4.7.2 of FMVSS No. 202a, *Head Restraints* (49 CFR 571.202a); and paragraph S6 of FMVSS No. 210, *Seat Belt Assembly Anchorages* (49 CFR 571.210). MNA filed a noncompliance report dated February 14, 2020, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* MNA subsequently petitioned NHTSA on March 6, 2020, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of MNA's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any Agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 70,406 MY 2014–2020 Maserati Quattroporte, MY 2014–2020 Maserati Ghibli, and 2017–2020 Maserati Levante motor vehicles manufactured between April 30, 2013, and February 7, 2020, are potentially involved.

III. Noncompliance: MNA explains that the noncompliance is that owner's manuals for the subject vehicles were provided in electronic form only instead of hardcopy and therefore, do not fully comply with paragraph S5.5.2(c) of FMVSS No. 135, paragraph S4.5(a) of FMVSS No. 138, paragraphs S4.7.1 and S4.7.2 of FMVSS No. 202a, and paragraph S6 of FMVSS No. 210. Specifically, certain information required by specific FMVSSs must be in paper or tangible format and provided with first sale of the vehicle.

IV. Rule Requirements: Paragraph S5.5.2(c) of FMVSS No. 135, paragraph S4.5(a) of FMVSS No. 138, paragraphs S4.7.1 and S4.7.2 of FMVSS No. 202a, and paragraph S6 of FMVSS No. 210 include the requirements relevant to this petition.

- The manufacturer shall explain the brake check function test procedure in the owner's manual.
- Beginning on September 1, 2006, the owner's manual in each vehicle certified as complying with S4 must provide an image of the Low Tire Pressure Telltale symbol (and an image of the TPMS Malfunction Telltale warning (TPMS), if a dedicated telltale is utilized for this function) with the following statement in English:

Each tire, including the spare (if provided), should be checked monthly when cold and inflated to the inflation pressure recommended by the vehicle manufacturer on the vehicle placard or tire inflation pressure label. (If your vehicle has tires of a different size than the size indicated on the vehicle placard or tire inflation pressure label, you should determine the proper tire inflation pressure for those tires.)

As an added safety feature, your vehicle has been equipped with a tire pressure monitoring system (TPMS) that illuminates a low tire pressure telltale when one or more of your tires is significantly under-inflated. Accordingly, when the low tire pressure telltale illuminates, you should stop and check your tires as soon as possible, and inflate them to the proper pressure. Driving on a significantly under-inflated tire causes the tire to overheat and can lead to tire failure. Under-inflation also reduces fuel efficiency and tire tread life, and may affect the vehicle's handling and stopping ability.

Please note that the TPMS is not a substitute for proper tire maintenance, and it is the driver's responsibility to maintain correct tire pressure, even if under-inflation has not reached the level to trigger illumination of the TPMS low tire pressure telltale.

[The following paragraph is required for all vehicles certified to the standard starting on September 1, 2007, and for vehicles voluntarily equipped with a compliant TPMS MIL before that time.] Your vehicle has also

been equipped with a TPMS malfunction indicator to indicate when the system is not operating properly. [For vehicles with a dedicated MIL telltale, add the following statement: The TPMS malfunction indicator is provided by a separate telltale, which displays the symbol ''TPMS'' when illuminated.] [For vehicles with a combined low tire pressure/MIL telltale, add the following statement: The TPMS malfunction indicator is combined with the low tire pressure telltale. When the system detects a malfunction, the telltale will flash for approximately one minute and then remain continuously illuminated. This sequence will continue upon subsequent vehicle start-ups as long as the malfunction exists.] When the malfunction indicator is illuminated, the system may not be able to detect or signal low tire pressure as intended. TPMS malfunctions may occur for a variety of reasons, including the installation of replacement or alternate tires or wheels on the vehicle that prevent the TPMS from functioning properly. Always check the TPMS malfunction telltale after replacing one or more tires or wheels on your vehicle to ensure that the replacement or alternate tires and wheels allow the TPMS to continue to function properly.

- The owner's manual for each vehicle must emphasize that all occupants, including the driver, should not operate a vehicle or sit in a vehicle's seat until the head restraints are placed in their proper positions in order to minimize the risk of neck injury in the event of a crash.
- The owner's manual for each vehicle must:
  - Include an accurate description of the vehicle's head restraint system in an easily understandable format. The owner's manual must clearly identify which seats are equipped with head restraints;
  - If the head restraints are removeable, the owner's manual must provide instructions on how to remove the head restraint by a deliberate action distinct from any act necessary for upward adjustment, and how to reinstall head restraints;
  - Warn that all head restraints must be reinstalled to properly protect vehicle occupants;
  - Describe in an easily understandable format the adjustment of the head restraints and/or seat back to achieve appropriate head restraint position relative to the occupant's head. This discussion must include, at a minimum, accurate information on the following topics:
    - A presentation and explanation of the main components of the vehicle's head restraints;
    - The basic requirements of proper head restraint operation, including an explanation of the actions that may affect proper functioning of the head restraints; and
    - The basic requirements for proper positioning of a head restraint in relation to an occupant's head position, including information regarding the proper positioning of the center of gravity of an occupant's head or some other anatomical landmark in relation to the head restraint.
- The owner's manual in each vehicle with a gross vehicle weight rating of 4,536 or less manufactured after September 1, 1987, shall include:
  - A section explaining that all child restraint systems are designed to be secured in vehicle seats by lap belts or the lap belt portion of a lap-shoulder belt. The section shall also explain that children could be endangered in a crash if their child restraints are not properly secured in the vehicle; and
  - In a vehicle with rear designated seating positions, a statement alerting vehicle owners that, according to accident statistics, children are safer when properly restrained in the rear seating positions than in the front seating positions.

V. Summary of MNA's Petition: The following views and arguments presented in this section are the views and arguments provided by MNA. They have not been evaluated by the Agency and do not reflect the views of the Agency. MNA described the subject noncompliance and stated their belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, MNA submitted the following reasoning:

1. The required information and explanations to comply with the referenced FMVSS are readily available in the vehicle through the electronic owner's manuals included with the vehicle.

2. An interpretation issued by NHTSA's Chief Counsel to Congressman Bob Goodlatte, dated May 18, 2009, states that the information required by certain FMVSS must be provided in paper, tangible format. MNA believes this is not directly applicable to this situation due to advances in technology over the last 10 years. The situation envisioned in the 2009 interpretation required a separate, off-vehicle, CD device in at least some cases for owners to access the manual. The electronic Maserati owner's manual is available for use on all affected vehicles through the center console screen with no additional equipment required.

3. *MY 2014–2016 Vehicles:*

a. The DVD used in MY 2014–2016 vehicles provides the same or greater level of utility as paper manuals. The DVD is organized into functional chapters with sections in each chapter similar to the printed owner's manual. The DVD can be copied by vehicle owners, providing the ability to have separate copies at home and in the vehicle, if desired. In addition, the owner's manual in PDF format is included on the DVD.

b. The DVD manual is enabled to ''auto play'' when inserted into the standard equipment DVD player on the vehicle. The DVD manual has active links for each section shown in the table of contents at each level. This allows the user to automatically ''jump'' to the desired information rather than search through physical pages to reach the correct part of a paper manual.

c. For driver safety, the DVD reader is only available when the vehicle is not moving.

d. All affected vehicles have a standard DVD player in the center stack capable of reading the DVD. An off-vehicle device is not required to read the owner's manual.

e. Printed owner's manuals are available through dealers or online for customers that desire them.

f. MNA is not aware of any crashes, injuries, or customer complaints associated with this condition.

4. *2017–2020 Vehicles:*

a. The integrated manual used in MY 2017–2020 vehicles provides greater functionality compared to printed manuals. Owners can search the owner's manual using text fields as well as search by visual icon, allowing rapid access to explanations and warnings. The system further provides the ability to explore the vehicle through diagrams linked to all applicable text descriptions. Portions of the manual can be bookmarked for easy access later through a ''Favorites'' function.

b. The manual can be accessed from the Maserati emblem on the touchscreen. This opens the ''Apps'' screen with the User Guide available as an option on the second screen. The Owner's Manual is available from the User Guide screen, as well.

c. All screens use hyperlinks to allow users to quickly scroll down to desired information. The Index function allows search by either ''A–Z Index'' or visual icon.

d. Further functionality is provided to users in being able to access interactive schematics of the vehicle hyperlinked to explanations of key items.

e. Additionally, users can perform keyword searches using the Search function and can bookmark favorites just by clicking on the star icon.

f. Unlike paper owners' manuals, which can be removed from the vehicle and thus unavailable to future owners or lessees, the on-vehicle integrated

manual will always be available, including to subsequent owners or lessees.

g. Printed owner's manuals are available through dealers or online for customers that desire them.

h. MNA is not aware of any crashes, injuries, or customer complaints associated with this condition.

5. MNA submits that all of the safety information required by the referenced FMVSS is readily available to the vehicle operator, consistent with the safety purpose of the standards. Unlike the electronic owners' manuals described in the 2009 legal interpretation to Congressman Goodlatte, which required operators to use off-vehicle devices to access the information, MNA vehicles provide easy, onvehicle access to the required safety information.

6. Because the information is readily available to the operator through on-vehicle technology, MNA believes that the fact that this information is not also provided to operators in paper form is inconsequential to motor vehicle safety.

MNA concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that MNA no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after MNA notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2020–16336 Filed 7–27–20; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2020–0112]

Request for Comment; Non-Traditional and Emerging Transportation Technology Council; Non-Traditional and Emerging Transportation Technology (NETT) Council

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Request for comment.

SUMMARY: The Office of the Secretary of Transportation (OST) invites public comment on the document, *Pathways to the Future of Transportation.* The pathways document is intended to help readers understand the purposes of the Non-Traditional and Emerging Transportation Technology (NETT) Council and its methods of operation; the principles informing the Department policies in transformative technologies; the high-level overview of the framework for non-traditional and emerging technologies; how the NETT Council will engage with innovators and entrepreneurs to enhance the Nation's transportation system; and the next steps of the NETT Council. The pathways document is available at *www.transportation.gov/nettcouncil.*

DATES: Comments are requested by September 28, 2020. See the **SUPPLEMENTARY INFORMATION** section on ''Public Participation,'' below, for more information about written comments.

Written Comments: Comments should refer to the docket number above and be submitted by one of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Privacy Act: Except as provided below, all comments received into the docket will be made public in their entirety. The comments will be searchable by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an associations, business, labor union, etc.). You should not include information in your comment that you do not want to be made public. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or at *https://www.transportation.gov/privacy.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: For policy issues, please email *NETTCouncil@dot.gov* or contact Philip Sung at 202–366–0442. For legal issues, please contact Sean Ford at 202–366–1841. Office hours are from 8 a.m. to 5 p.m., EST, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Pathways for the Future of Transportation clarifies the purposes of the NETT Council and its methods of operation; lays the principles informing the Department policies in transformative technologies; provides a high-level overview of the regulatory framework for non-traditional and emerging technologies; proposes how innovators and entrepreneurs can engage the NETT Council to enhance the Nation's transportation system; and provides the next steps of the NETT Council. The pathways document is available at *www.transportation.gov/nettcouncil.*

The USDOT views the pathways document as laying the groundwork for emerging transportation technologies. To ensure that future work and next iterations are helpful and directly address the concerns of stakeholders, the USDOT is seeking public comments on the document and the next steps for the NETT Council. The Department plans to use any significant comments to inform the future work and direction of the Council.

Public Participation

How do I prepare and submit comments?

Your comments must be written in English. To ensure that your comments are filed correctly in the docket, please include the docket number of this document in your comments.

Please submit one copy (two copies if submitting by mail or hand delivery) of your comments, including the attachments, to the docket following the instructions given above under **ADDRESSES**. Please note, if you are submitting comments electronically as a PDF (Adobe) file, we ask that the documents submitted be scanned using an Optical Character Recognition (OCR) process, thus allowing the agency to search and copy certain portions of your submissions.

How do I submit confidential business information?

Any submissions containing Confidential Information must be delivered to OST in the following manner:

- Submitted in a sealed envelope marked ''confidential treatment requested'';
- Document(s) or information that the submitter would like withheld should be marked ''PROPIN''; Accompanied by an index listing the document(s) or information that the submitter would like the Departments to withhold. The index should include information such as numbers used to identify the relevant document(s) or information, document title and description, and relevant page numbers and/or section numbers within a document; and
- Submitted with a statement explaining the submitter's grounds for objecting to disclosure of the information to the public.

OST will treat such marked submissions as confidential under the FOIA, and will not include it in the public docket. OST also requests that submitters of Confidential Information include a non-confidential version (either redacted or summarized) of those confidential submissions in the public docket. In the event that the submitter cannot provide a non-confidential version of its submission, OST requests that the submitter post a notice in the docket stating that it has provided OST with Confidential Information. Should a submitter fail to docket either a non-confidential version of its submission or to post a notice that Confidential Information has been provided, we will note the receipt of the submission on the docket, with the submitter's organization or name (to the degree permitted by law) and the date of submission.

Will the agency consider late comments?

OST will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, the Agency will also consider comments received after that date.

How can I read the comments submitted by other people?

You may read the comments received at the address given above under *Written Comments*. The hours of the docket are indicated above in the same location. You may also see the comments on the internet, identified by the docket number at the heading of this notice, at *http://www.regulations.gov.*

Issued in Washington, DC, on July 23, 2020 under authority delegated at 49 CFR 1.25a.

Finch Fulton,

Deputy Assistant Secretary for Transportation Policy.

[FR Doc. 2020–16317 Filed 7–27–20; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

[Case ID: VENEZUELA–17330]

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See Supplementary Information section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action

On July 23, 2020, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. MORON HERNANDEZ, Santiago Jose, Juana de Avila Avenue, 15B, Esquina con calle 69A–140, Maracaibo, Venezuela; DOB 11 May 1984; POB Venezuela; nationality Venezuela; Gender Male; Cedula No. V–16586012 (Venezuela); Passport 045751099 (Venezuela); alt. Passport 153166637; Identification Number D19807013 (Venezuela) (individual) [VENEZUELA] (Linked To: MADURO GUERRA, Nicolas Ernesto).

Designated pursuant to section 1(a)(ii)(D)(1) of Executive Order 13692 of March 8, 2015, ''Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela,'' (''E.O. 13692'' or ''the Order''), as amended by Executive Order 13857 of January 25, 2019, ''Taking Additional Steps To Address the National Emergency With Respect to Venezuela,'' (''E.O. 13857''), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of Nicolas Ernesto Maduro Guerra, a person whose property and interests in property are blocked pursuant to the Order.

2. MORON HERNANDEZ, Ricardo Jose, Solosnicka 308/8, Karlova Ves, Bratislava 841 04, Slovakia; San Felipe de La Castellana Street, Caracas, Venezuela; DOB 19 Dec 1982; POB Venezuela; nationality Venezuela; Gender Male; Cedula No. V–15809729 (Venezuela); Identification Number Z14040390 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(D)(2) of Executive Order 13692 of March 8, 2015, ''Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela,'' (''E.O. 13692'' or ''the Order''), as amended by Executive Order 13857 of January 25, 2019, ''Taking Additional Steps To Address the National Emergency With Respect to Venezuela,'' (''E.O. 13857''), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of public corruption by senior officials within the Government of Venezuela, an activity described in subsection (a)(ii)(A) of the Order.

Dated: July 23, 2020.

Andrea Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2020–16313 Filed 7–27–20; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Multiemployer Pension Plan Application To Reduce Benefits

AGENCY: Department of the Treasury.

ACTION: Notice of availability; request for comments.

SUMMARY: The Board of Trustees of the Building Material Drivers Local 436 Pension Fund, a multiemployer pension plan, has submitted an application to reduce benefits under the plan in accordance with the Multiemployer Pension Reform Act of 2014 (MPRA). The purpose of this notice is to announce that an application submitted by the Board of Trustees of the Building Material Drivers Local 436 Pension Fund has been published on the website of the Department of the Treasury (Treasury), and to request public comments on the application from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the Building Material Drivers Local 436 Pension Fund.

DATES: Comments must be received by September 11, 2020.

ADDRESSES: You may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov,* in accordance with the instructions on that site. Commenters are strongly encouraged to submit public comments electronically. Treasury expects to have limited personnel available to process public comments that are submitted on paper through mail. Until further notice, any comments submitted on paper will be considered to the extent practicable.

Comments may be mailed to the Department of the Treasury, MPRA Office, 1500 Pennsylvania Avenue NW, Room 1224, Washington, DC 20220, Attn: Danielle Norris. Comments sent via facsimile, telephone, or email will not be accepted.

Additional Instructions. All comments received, including attachments and other supporting materials, will be made available to the public. Do not include any personally identifiable information (such as your Social Security number, name, address, or other contact information) or any other information in your comment or supporting materials that you do not want publicly disclosed. Treasury will make comments available for public inspection and copying on *www.regulations.gov* or upon request. Comments posted on the internet can be retrieved by most internet search engines.

FOR FURTHER INFORMATION CONTACT: For information regarding the application from the Building Material Drivers Local 436 Pension Fund, please contact Treasury at (202) 622–1534 (not a toll-free number).

SUPPLEMENTARY INFORMATION: MPRA amended the Internal Revenue Code to permit a multiemployer plan that is projected to have insufficient funds to reduce pension benefits payable to participants and beneficiaries if certain conditions are satisfied. In order to reduce benefits, the plan sponsor is required to submit an application to the Secretary of the Treasury, which must be approved or denied in consultation with the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor.

On June 30, 2020, the Building Material Drivers Local 436 Pension Fund's Board of Trustees submitted an application for approval to reduce benefits under the plan. As required by MPRA, that application has been published on Treasury's website at *https://home.treasury.gov/services/the-multiemployer-pension-reform-act-of-2014/applications-for-benefit-suspension.* Treasury is publishing this notice in the **Federal Register**, in consultation with PBGC and the Department of Labor, to solicit public comments on all aspects of the Building Material Drivers Local 436 Pension Fund's application.

Comments are requested from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the Building Material Drivers Local 436 Pension Fund. Consideration will be given to any comments that are timely received by Treasury.

David Kautter,

Assistant Secretary for Tax Policy.

[FR Doc. 2020–16283 Filed 7–27–20; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee Charter Renewals

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Advisory Committee Charter Renewals.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee ACT (FACA) and after consultation with the General Services Administration, the Secretary of Veterans Affairs has determined that the following Federal advisory committee is vital to the mission of the Department of Veterans Affairs (VA) and renewing its charter would be in the public interest. Consequently, the charter for the following Federal advisory committee is renewed for a two-year period, beginning on the dates listed below:

Committee name	Committee description	Charter renewed on
Cooperative Studies Scientific Evaluation Committee.	Provides advice on VA cooperative studies, multi-site clinical research activities, and policies related to conducting and managing these efforts and ensures that new and ongoing projects maintain high quality, are based upon scientific merit, and are efficiently and economically conducted.	April 21, 2020.
Health Services Research and Development Service Scientific Merit Review Board.	Provides advice on the fair and equitable selection of the most meritorious research projects for support by VA research funds; ensures the high quality and mission relevance of VA's legislatively mandated research and development program; advises on the scientific and technical merit, originality, feasibility, and mission relevance of individual research proposals; and advises on the adequacy of protection of human and animal subjects.	April 21, 2020.
Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board.	Provides advice on the scientific quality, budget, safety, and mission relevance of investigator-initiated research proposals submitted for VA merit review consideration. The proposals to be reviewed may address research questions within the general area of biomedical and behavioral research or clinical science research. The Board also advises VA research officials on program priorities and policies, as well as administration of VA's intramural program.	April 21, 2020.

Committee name	Committee description	Charter renewed on
Rehabilitation Research and Development Service Scientific Merit Review Board.	Provides advice on the fair and equitable selection of the most meritorious research projects for support by VA research funds; provides advice for research program officials on program priorities and policies; and ensures that the VA Rehabilitation Research and Development program promotes functional independence and improves the quality of life for impaired and disabled Veterans.	April 21, 2020.

The Secretary has also renewed the charter for the following statutorily authorized Federal advisory committee for a two-year period, beginning on the date listed below:

Committee name	Committee description	Charter renewed on
Advisory Committee on Cemeteries and Memorials.	Provides advice on the administration of national cemeteries, Soldiers' lots and plots, the selection of cemetery sites, the erection of appropriate memorials and the adequacy of Federal burial benefits.	April 21, 2020.
Advisory Committee on Homeless Veterans.	Provides advice on benefits and services to Veterans experiencing homelessness.	May 6, 2020.
Advisory Committee on Prosthetics and Special-Disabilities Programs.	Provides advice on VA prosthetics programs and the rehabilitation research, development, and evaluation of prosthetics technology; assesses VA programs that serve Veterans with spinal cord injury, blindness or vision impairment, loss of or loss of use of extremities, deafness or hearing impairment or other serious incapacities.	May 26, 2020.
Advisory Committee on Former Prisoners of War.	Provides advice to the Secretary on the administration of benefits for Veterans who are former prisoners of war and the needs of these Veterans, in the areas of compensation, health care and rehabilitation.	June 15, 2020.
Geriatrics and Gerontology Advisory Committee.	Provides advice on all matters pertaining to geriatrics and gerontology	July 9, 2020.

FOR FURTHER INFORMATION CONTACT: Jeffrey Moragne, Committee Management Office, Department of Veterans Affairs, Advisory Committee Management Office (00AC), 810 Vermont Avenue NW, Washington, DC 20420; telephone 202–266–4660 or 202–714–1578; or via email at *Jeffrey.Moragne@va.gov.* To view a copy of a VA Federal advisory committee charters, please visit *http://www.va.gov/advisory.*

Dated: July 22, 2020.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2020–16256 Filed 7–27–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Cost-Based and Inter-Agency Billing Rates for Medical Care or Services Provided by the Department of Veterans Affairs for Fiscal Year 2021

AGENCY: U.S. Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: This document updates the Cost-Based and Inter-Agency billing rates for medical care or services provided by the U.S. Department of Veterans Affairs (VA) furnished in certain circumstances.

APPLICABLE DATE: The rates set forth herein are effective October 1, 2020.

FOR FURTHER INFORMATION CONTACT: Romona Greene, Office of Community Care, Revenue Operations, Payer Relations and Services, Rates and Charges (10D1C1), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420; telephone: 202–382–2521 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: VA's methodology for computing Cost-Based and Inter-Agency rates for medical care or services provided by VA is set forth in section 17.102(h) of title 38 Code of Federal Regulations (CFR). Two sets of rates are obtained by applying this methodology, Cost-Based and Inter-Agency.

Cost-Based rates apply to medical care and services that are provided by VA under 38 CFR 17.102(a), (b), (d) and (g), respectively, in the following circumstances:

- In error or based on tentative eligibility;
- In a medical emergency;
- To pensioners of allied nations; and
- For research purposes in circumstances under which the medical care appropriation shall be reimbursed from the research appropriation.

Inter-Agency rates apply to medical care and services that are provided by VA under § 17.102(c) and (f), respectively, in the following circumstances when the care or services provided are not covered by any applicable sharing agreement in accordance with § 17.102(e):

- To beneficiaries of the Department of Defense or other Federal agencies; and
- To military retirees with chronic disability.

The calculations for the Cost-Based and Inter-Agency rates are the same with two exceptions. Inter-Agency rates are all-inclusive and are not broken down into three components (*i.e.,* Physician; Ancillary; and Nursing, Room and Board), and do not include standard fringe benefit costs that cover Government employee retirement, disability costs, and return on fixed assets. When VA pays for medical care or services from a non-VA source under circumstances in which the Cost-Based or Inter-Agency rates would apply if the care or services had been provided by VA, the charge for such care or services will be the actual amount paid by VA for the care or services. Inpatient charges will be at the per diem rates shown for the type of bed section or discrete treatment unit providing the care.

The following table depicts the Cost-Based and Inter-Agency rates that are

effective October 1, 2020, and will remain in effect until the next fiscal year **Federal Register** update. These rates supersede those established by the **Federal Register** notice published on September 30, 2019, at 84 FR 51728.

	Cost-based rates	Inter-agency rates
A. Hospital Care per inpatient day		
General Medicine:		
All Inclusive Rate	$4,626	$4,473
Physician	554	
Ancillary	1,206	
Nursing Room and Board	2,866	
Neurology:		
All Inclusive Rate	4,433	4,280
Physician	649	
Ancillary	1,170	
Nursing Room and Board	2,614	
Rehabilitation Medicine:		
All Inclusive Rate	3,090	2,979
Physician	351	
Ancillary	944	
Nursing Room and Board	1,795	
Blind Rehabilitation:		
All Inclusive Rate	2,073	1,998
Physician	167	
Ancillary	1,030	
Nursing Room and Board	876	
Spinal Cord Injury:		
All Inclusive Rate	3,032	2,924
Physician	376	
Ancillary	763	
Nursing Room and Board	1,893	
Surgery:		
All Inclusive Rate	8,205	7,935
Physician	904	
Ancillary	2,489	
Nursing Room and Board	4,812	
General Psychiatry:		
All Inclusive Rate	2,403	2,314
Physician	227	
Ancillary	378	
Nursing Room and Board	1,798	
Substance Abuse (Alcohol and Drug Treatment):		
All Inclusive Rate	2,327	2,240
Physician	222	
Ancillary	538	
Nursing Room and Board	1,567	
Psychosocial Residential Rehabilitation Program:		
All Inclusive Rate	306	297
Physician	19	
Ancillary	32	
Nursing Room and Board	255	
Intermediate Medicine:		
All Inclusive Rate	3,029	2,928
Physician	149	
Ancillary	444	
Nursing Room and Board	2,436	
Poly-trauma Inpatient:		
All Inclusive Rate	3,303	3,165
Physician	375	
Ancillary	1,009	
Nursing Room and Board	1,919	
B. Nursing Home Care, Per Day		
All Inclusive Rate	1,504	1,450
Physician	47	
Ancillary	203	
Nursing Room and Board	1,254	
C. Outpatient Medical Treatments		
Outpatient Visit (to include Ineligible Emergency Dental Care)	409	396
Outpatient Physical Medicine & Rehabilitation Service Visit	241	231
Outpatient Poly-trauma/Traumatic Brain Injury	643	622

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Brooks D. Tucker, Acting Chief of Staff, Department of Veterans Affairs, approved this document on July 22, 2020 for publication.

Luvenia Potts,

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

[FR Doc. 2020–16323 Filed 7–27–20; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 85 Tuesday,
No. 145 July 28, 2020

Part II

Environmental Protection Agency

40 CFR Part 63
National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Residual Risk and Technology Review; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2017–0664; FRL–10010–15–OAR]

RIN 2060–AT05

National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Residual Risk and Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action finalizes the residual risk and technology review (RTR) conducted for the Taconite Iron Ore Processing source category regulated under national emission standards for hazardous air pollutants (NESHAP). In addition, we are taking final action addressing the exemptions previously allowed for periods of startup, shutdown, and malfunction (SSM) and clarifying that the emissions standards apply at all times. These final amendments include no revisions to the numerical emission limits of the rule based on the RTR. The amendments add electronic reporting of performance test results and compliance reports and make minor technical corrections and amendments to monitoring and testing requirements that will reduce the compliance burden on industry while continuing to be protective of the environment. While the amendments do not result in quantifiable reductions in emissions of hazardous air pollutants (HAP), this action results in improved monitoring, compliance, and implementation of the rule.

DATES: This final rule is effective on July 28, 2020. The incorporation by reference (IBR) of certain publications listed in the rule is approved by the Director of the Federal Register as of July 28, 2020.

ADDRESSES: The U.S. Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA–HQ–OAR–2017–0664. All documents in the docket are listed on the *https://www.regulations.gov/* website. Although listed, some information is not publicly available, *e.g.,* 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 or on a third party's website. Publicly available docket materials are available electronically through *https://www.regulations.gov/.* Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room was closed to public visitors on March 31, 2020, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. There is a temporary suspension of mail delivery to the EPA, and no hand deliveries are currently accepted. For further information and updates on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: For questions about this final action, contact Mr. David Putney, Sector Policies and Programs Division (D243–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2016; fax number: (919) 541–4991; and email address: *putney.david@epa.gov.* For specific information regarding the risk modeling methodology, contact Mr. Chris Sarsony, Health and Environmental Impacts Division (C539–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–4843; fax number: (919) 541–0840; and email address: *sarsony.chris@epa.gov.* For information about the applicability of the NESHAP to a particular entity, contact Mr. John Cox, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–1395; and email address: *cox.john@epa.gov.*

SUPPLEMENTARY INFORMATION: *Preamble acronyms and abbreviations.* We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

ASME American Society of Mechanical Engineers
BLDS bag leak detection system
CAA Clean Air Act
CDX Central Data Exchange
CEDRI Compliance and Emissions Data Reporting Interface
CFR Code of Federal Regulations
COMS continuous opacity monitoring systems
CPMS continuous parameter monitoring system
CRA Congressional Review Act
EMP elongated mineral particulate
EPA Environmental Protection Agency
ESP electrostatic precipitator
HAP hazardous air pollutants(s)
HCl hydrogen chloride
HF hydrogen fluoride
HI hazard index
HQ hazard quotient
IBR incorporation by reference
ICR Information Collection Request
MACT maximum achievable control technology
MIR maximum individual risk
NESHAP national emission standards for hazardous air pollutants
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
PM particulate matter
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
RIN Regulatory Information Number
RTR residual risk and technology review
SSM startup, shutdown, and malfunction
the Court the United States Court of Appeals for the District of Columbia Circuit
TOSHI target organ-specific hazard index
TRIM.FaTE Total Risk Integrated Methodology. Fate, Transport, and Ecological Exposure model
TWHS Taconite Workers Health Study
UMRA Unfunded Mandates Reform Act

Background information. On September 25, 2019, the EPA proposed the results of the RTR, proposed a decision regarding the non-asbestiform amphibole elongated mineral particulates (EMP), and proposed various revisions to address periods of SSM and to improve certain monitoring and testing requirements in the Taconite Iron Ore Processing NESHAP. In this action, we are finalizing decisions and revisions for the rule. We summarize some of the more significant comments we timely received regarding the proposed rule and provide our responses in this preamble. A summary of all other public comments on the proposal and the EPA's responses to those comments is available in the document titled *National Emissions Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Residual Risk and Technology Review Summary of Public Comments and Responses,* which can be found in Docket ID No. EPA–HQ–OAR–2017–0664. A ''track changes'' version of the regulatory language that incorporates the changes in this action is available in the docket.

Organization of this document. The information in this preamble is organized as follows:

I. General Information

A. Does this action apply to me?

Regulated entities. Categories and entities potentially regulated by this action are shown in Table 1 of this preamble.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

Source category	NESHAP	NAICS [1] code
Taconite Iron Ore Processing	40 CFR part 63, subpart RRRRR	21221

[1] North American Industry Classification System.

Table 1 of this preamble is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by the final action for the source category listed. To determine whether your facility is affected, you should examine the applicability criteria in the appropriate NESHAP. If you have any questions regarding the applicability of any aspect of this NESHAP, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at: *https://www.epa.gov/stationary-sources-air-pollution/taconite-iron-ore-processing-national-emission-standards-hazardous.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version and key technical documents at this same website.

Additional information is available on the RTR website at *https://www.epa.gov/stationary-sources-air-pollution/risk-and-technology-review-national-emissions-standards-hazardous.* This information includes an overview of the RTR program and links to project websites for the RTR source categories.

C. Judicial Review and Administrative Reconsideration

Under Clean Air Act (CAA) section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit (the Court) by September 28, 2020. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority for this action?

Section 112 of the CAA establishes a two-stage regulatory process to address emissions of HAP from stationary sources. In the first stage, we must identify categories of sources emitting one or more of the HAP listed in CAA section 112(b) and then promulgate technology-based NESHAP for those

sources. ''Major sources'' are those that emit, or have the potential to emit, any single HAP at a rate of 10 tons per year or more, or 25 tons per year or more of any combination of HAP. For major sources, these standards are commonly referred to as maximum achievable control technology (MACT) standards and must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). In developing MACT standards, CAA section 112(d)(2) directs the EPA to consider the application of measures, processes, methods, systems, or techniques, including, but not limited to, those that reduce the volume of or eliminate HAP emissions through process changes, substitution of materials, or other modifications; enclose systems or processes to eliminate emissions; collect, capture, or treat HAP when released from a process, stack, storage, or fugitive emissions point; are design, equipment, work practice, or operational standards; or any combination of the above.

For these MACT standards, the statute specifies certain minimum stringency requirements, which are referred to as MACT floor requirements, and which may not be based on cost considerations. See CAA section 112(d)(3). For new sources, the MACT floor cannot be less stringent than the emission control achieved in practice by the best-controlled similar source. The MACT standards for existing sources can be less stringent than floors for new sources, but they cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory (or the best-performing five sources for categories or subcategories with fewer than 30 sources). In developing MACT standards, we must also consider control options that are more stringent than the floor under CAA section 112(d)(2). We may establish standards more stringent than the floor, based on the consideration of the cost of achieving the emissions reductions, any non-air quality health and environmental impacts, and energy requirements.

In the second stage of the regulatory process, the CAA requires the EPA to undertake two different analyses, which we refer to as the technology review and the residual risk review. Under the technology review, we must review the technology-based standards and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less frequently than every 8 years, pursuant to CAA section 112(d)(6). Under the residual risk review, we must evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. The residual risk review is required within 8 years after promulgation of the technology-based standards, pursuant to CAA section 112(f). In conducting the residual risk review, if the EPA determines that the current standards provide an ample margin of safety to protect public health, it is not necessary to revise the MACT standards pursuant to CAA section 112(f).[1] For more information on the statutory authority for this rule, see the proposed rule at 84 FR 50660, September 25, 2019.

B. What is the Taconite Iron Ore Processing source category and how does the NESHAP regulate HAP emissions from the source category?

The EPA promulgated the Taconite Iron Ore Processing NESHAP on October 30, 2003 (68 FR 61868). The standards are codified at 40 CFR part 63, subpart RRRRR. The taconite iron ore processing industry consists of facilities that separate and concentrate iron ore from taconite, a low-grade iron ore containing about 20- to 25-percent iron, and produce taconite pellets, which are about 60- to 65-percent iron. The source category covered by these MACT standards currently includes eight U.S. facilities; six facilities are in Minnesota and two are in Michigan.

Taconite iron ore processing includes crushing and handling of the crude ore, concentrating, agglomerating, indurating, and finished pellet handling. The regulated sources are each new or existing ore crushing and handling operation, ore dryer, pellet indurating furnace, and finished pellet handling operation at a taconite iron ore processing plant that is (or is part of) a major source of HAP emissions. The NESHAP also regulates fugitive emissions from stockpiles (including uncrushed and crushed ore and finished pellets), material transfer points, plant roadways, tailings basins, pellet loading areas, and yard areas. The indurating furnaces are the most significant sources of HAP emissions and account for about 99 percent of the total HAP emissions from the Taconite Iron Ore Processing source category. The rule requires compliance with emission limits, operating limits for control devices, and work practice standards. The emission limits are in the form of particulate matter (PM) limits, which are a surrogate for certain metal HAP emissions as well as for hydrogen chloride (HCl) and hydrogen fluoride (HF). The PM emission limitations apply to each new and existing ore crushing and handling operation, ore dryer, indurating furnace, and finished pellet handling operation. More information on the industry and the key requirements of the NESHAP can be found in the September 25, 2019, proposed rule at 84 FR 50660.

C. What changes did we propose for the Taconite Iron Ore Processing source category in our September 25, 2019, proposal?

On September 25, 2019, the EPA published a proposed rule in the **Federal Register** for the Taconite Iron Ore Processing NESHAP, 40 CFR part 63, subpart RRRRR, that took into consideration the RTR analyses. In the proposed rule, the EPA found that risks due to emissions of air toxics from this source category are acceptable and that the existing emission standards provide an ample margin of safety to protect public health and prevent, taking into consideration relevant factors, an adverse environmental effect. Pursuant to the technology review, the EPA did not identify any developments in practices, processes, or control technologies for affected sources subject to the Taconite Iron Ore Processing NESHAP. The EPA proposed no revisions to the numerical emission limits based on these analyses. Separate from the RTR, the EPA did propose the following amendments:

- Removal of exemptions during periods of SSM and clarifying that the emissions standards apply at all times;
- Addition of electronic reporting of performance test results and compliance reports;
- Reduction in the minimum required compliance testing duration of individual runs from 2 hours to 1 hour;
- Removal of pressure drop as a monitoring option for dynamic wet scrubbers;
- Removal of the requirements for conducting quarterly internal baghouse inspections for baghouses equipped with a bag leak detection system (BLDS);
- Changes to clarify testing, monitoring, recordkeeping, and

[1] The Court has affirmed this approach of implementing CAA section 112(f)(2)(A): *NRDC* v. *EPA,* 529 F.3d 1077, 1083 (D.C. Cir. 2008) (''If EPA determines that the existing technology-based standards provide an 'ample margin of safety,' then the Agency is free to readopt those standards during the residual risk rulemaking.'').

reporting requirements and to correct typographical errors; and

- Determination that a compound known as non-asbestiform amphibole EMP is not a HAP and, thus, is not subject to regulation under CAA section 112(d).

III. What is included in this final rule?

This action finalizes the EPA's determinations pursuant to the RTR provisions of CAA section 112 for the Taconite Iron Ore Processing source category. This actions also finalizes several changes to the NESHAP, including the following: (1) Removal of exemptions for periods of SSM and clarifying that the emissions standards apply at all times; (2) addition of requirements for electronic reporting of performance test results and compliance reports; (3) reduction in the minimum required compliance testing duration of individual runs from 2 hours to 1 hour; (4) removal of the option to monitor pressure drop for dynamic wet scrubbers; (5) removal of the requirements to conduct quarterly internal baghouse inspections for baghouses equipped with a bag leak detection system; and (6) clarification of various requirements for testing, monitoring, recordkeeping, and reporting and correction of typographical errors. This preamble also addresses comments received during the public comment period concerning the EPA's decision not to set standards for mercury emissions as part of this action and the EPA's determination that the non-asbestiform amphibole EMP that are emitted from one facility in this source category are not a HAP and are, therefore, not subject to regulation under CAA section 112(d), as described in section IV of this preamble.

A. What are the final rule amendments based on the risk review for the Taconite Iron Ore Processing source category?

The EPA proposed no changes to 40 CFR part 63, subpart RRRRR, based on the risk review conducted pursuant to CAA section 112(f). Specifically, we determined that risks from the Taconite Iron Ore Processing source category are acceptable, that the standards provide an ample margin of safety to protect public health, and that it is not necessary to set a more stringent standard to prevent, taking into consideration relevant factors, an adverse environmental effect. The EPA received no new data or other information during the public comment period that changed this determination. Therefore, we are finalizing our determination that the existing standards protect public health with an ample margin of safety and that the standards protect against an adverse environmental effect and, thus, we are not requiring additional controls under CAA section 112(f)(2).

B. What are the final rule amendments based on the technology review for the Taconite Iron Ore Processing source category?

The EPA proposed no changes to 40 CFR part 63, subpart RRRRR, based on the technology review conducted pursuant to CAA section 112(d)(6). Specifically, we determined that there are no developments in practices, processes, and control technologies for this source category. The EPA received no new data or other information during the public comment period that affected the technology review determination. Therefore, as proposed, we are not revising the MACT standards under CAA section 112(d)(6).

C. What are the final rule amendments addressing emissions during periods of SSM?

We are finalizing the proposed amendments to the Taconite Iron Ore Processing NESHAP to remove and revise provisions related to SSM. In its 2008 decision in *Sierra Club* v. *EPA,* 551 F.3d 1019 (D.C. Cir. 2008), the Court vacated portions of two provisions in the EPA's CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemptions contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemptions violate the CAA's requirement that some CAA section 112 standards apply continuously. As detailed in section IV.C of the proposal preamble (84 FR 50674, September 25, 2019), the Taconite Iron Ore Processing NESHAP requires that the standards apply at all times (see 40 CFR 63.9610). We are finalizing amendments eliminating the SSM exemption in 40 CFR 63.9610 that apply after January 25, 2021. We are also finalizing several revisions to Table 2 (the General Provisions applicability table) related to SSM plans, monitoring, and recordkeeping as explained in the proposed rule.

We are finalizing the SSM provisions as proposed without setting separate standards for startup and shutdown as discussed in the proposal at IV.C. Further, we are not finalizing separate standards for malfunctions. As discussed in the September 25, 2019, proposal preamble, the EPA interprets CAA section 112 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 112 standards, although the EPA has the discretion to set standards for malfunctions where feasible. For this industry sector, it is unlikely that a production equipment malfunction would result in a violation of the standards, and no comments were submitted that would suggest otherwise. Refer to section IV.C of the proposal preamble for further discussion of the EPA's rationale for the decision not to set separate standards for malfunctions, as well as a discussion of the actions a source could take in the unlikely event that a source fails to comply with the applicable CAA section 112(d) standards as a result of a malfunction event, given that administrative and judicial procedures for addressing exceedances of the standards fully recognize that violations may occur despite good faith efforts to comply and can accommodate those situations.

Finally, we are finalizing our proposal to revise the Deviation Notification Report and related records accordingly. As discussed in the proposal preamble, these revisions are consistent with the requirement in 40 CFR 63.9610(a) that the standards apply at all times. Refer to section IV.C.1 of the proposal preamble for a detailed discussion of these amendments.

1. General Duty

We are promulgating revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart RRRRR, by adding an entry for 40 CFR 63.6(e)(1)(i), which describes the general duty to minimize emissions, and including a ''No'' in column 3 indicating that it does not apply to subpart RRRRR. Some of the language in that section is no longer necessary or appropriate in light of the elimination of the SSM exemption. We are instead adding general duty regulatory text at 40 CFR 63.9600 that reflects the general duty to minimize emissions while eliminating the reference to periods covered by an SSM exemption. The current language in 40 CFR 63.6(e)(1)(i) characterizes what the general duty entails during periods of SSM. With the elimination of the SSM exemption, there is no need to differentiate between normal operations, startup and shutdown, and malfunction events in describing the general duty. Therefore, the language the EPA is promulgating for 40 CFR 63.9600 does not include that language from 40 CFR 63.6(e)(1) after July 28, 2020.

2. SSM Plan

We are finalizing revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart RRRRR, by adding an entry for 40 CFR 63.6(e)(3) and including ''No'' in column 3. Generally, the paragraphs under 40 CFR 63.6(e)(3) require development of an SSM plan and specify SSM recordkeeping and reporting requirements related to the SSM plan. As the EPA is removing the SSM exemptions, the affected units will be subject to an emission standard during such events, making an SSM plan unnecessary.

We are also finalizing revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart RRRRR, by adding an entry for 40 CFR 63.6(e)(1)(ii) and including ''No'' in column 3. The paragraph under 40 CFR 63.6(e)(1)(ii) imposes requirements that are not necessary with the elimination of the SSM exemption or are redundant with the general duty requirement being added at 40 CFR 63.9600.

3. Compliance With Standards

We are finalizing revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart RRRRR by adding an entry for 40 CFR 63.6(f)(1) and including ''No'' in column 3. The paragraph under 40 CFR 63.6(f)(1), which exempted sources from non-opacity standards during periods of SSM, was vacated by the Court in *Sierra Club* v. *EPA* as discussed above.

We also are finalizing revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart RRRRR by adding an entry for 40 CFR 63.6(h)(1) and including ''No'' in column 3. The paragraph under 40 CFR 63.6(h)(1), which exempted sources from opacity standards during periods of SSM, was also vacated by the Court in *Sierra Club* v. *EPA.* Consistent with the Court mandate, the EPA is finalizing revisions to standards in this rule to ensure that a CAA section 112 standard applies at all times.

4. Performance Testing

We are finalizing revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart RRRRR by adding an entry for 40 CFR 63.7(e)(1) and including ''No'' in column 3. The paragraph under 40 CFR 63.7(e)(1) describes performance testing requirements. The EPA is instead adding a performance testing requirement at 40 CFR 63.9621. The performance testing requirements we are adding differ from the General Provisions performance testing provisions in several respects. The regulatory text does not include the language in 40 CFR 63.7(e)(1) that restated the SSM exemption and language that precluded startup and shutdown periods from being considered ''representative'' for purposes of performance testing. The revised performance testing provisions require testing under representative operating conditions and exclude periods of startup and shutdown.

As in 40 CFR 63.7(e)(1), performance tests conducted under this subpart should not be conducted during malfunctions because conditions during malfunctions are often not representative of normal operating conditions. The EPA is promulgating language that requires the owner or operator to record the process information that is necessary to document operating conditions during the test and include in this record an explanation to support that such conditions represent normal operation. The paragraph under 40 CFR 63.7(e) requires that the owner or operator make available to the Administrator on request such records ''as may be necessary to determine the condition of the performance test'' but does not specifically require the information to be recorded. The regulatory text the EPA is adding to this provision builds on that requirement and makes explicit the requirement to record the information.

5. Monitoring

We are finalizing revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart RRRRR by adding entries for 40 CFR 63.8(c)(1)(i) and (iii) and including ''No'' in column 3. The cross-references to the general duty and SSM plan requirements in those subparagraphs are not necessary in light of other requirements of 40 CFR 63.8 that require good air pollution control practices (40 CFR 63.8(c)(1)) and that set out the requirements of a quality control program for monitoring equipment (40 CFR 63.8(d)).

We are finalizing revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart RRRRR by adding an entry for 40 CFR 63.8(d)(3) and including ''No'' in column 3. The final sentence in 40 CFR 63.8(d)(3) refers to the General Provisions' SSM plan requirement which is no longer applicable. The EPA is adding to the rule at 40 CFR 63.9632(b)(5) text that replaces 40 CFR 63.8(d)(3) and removes the reference to the SSM plan.

6. Recordkeeping

We are finalizing revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart RRRRR by adding an entry for 40 CFR 63.10(b)(2)(i) and including ''No'' in column 3. Paragraph 40 CFR 63.10(b)(2)(i) describes the recordkeeping requirements during startup and shutdown. These recording provisions are no longer necessary because the EPA is requiring that recordkeeping and reporting applicable to normal operations would apply to startup and shutdown. In the absence of special provisions applicable to startup and shutdown, such as a startup and shutdown plan, there is no reason to retain additional recordkeeping for startup and shutdown periods. Provisions are added to 40 CFR 63.9642 that specify records that must be kept when there is a failure to meet an applicable standard.

We are finalizing revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart RRRRR by adding an entry for 40 CFR 63.10(b)(2)(ii) and including ''No'' in column 3. Paragraph 40 CFR 63.10(b)(2)(ii) describes the recordkeeping requirements during a malfunction. The EPA is adding such requirements to 40 CFR 63.9642. The regulatory text we are adding differs from the General Provisions it is replacing in that the General Provisions requires the creation and retention of a record of the occurrence and duration of each malfunction of process, air pollution control, and monitoring equipment. The EPA is finalizing this requirement to apply to any failure to meet an applicable standard and is requiring the source to record the date, time, and duration of the failure. The EPA is also adding to 40 CFR 63.9642 the requirement that sources keep records that include a list of the affected source or equipment and actions taken to minimize emissions, an estimate of the quantity of each regulated pollutant emitted over the standard for which the source failed to meet the standard, and a description of the method used to estimate the emissions. The EPA is requiring that sources keep records of this information to ensure that there is adequate information to allow the EPA to determine the severity of any failure to meet a standard, and to provide data that may document how the source met the general duty to minimize emissions when the source has failed to meet an applicable standard.

We are finalizing revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart

RRRRR by adding an entry for 40 CFR 63.10(b)(2)(iv) and including ''No'' in column 3. When applicable, the provision requires sources to record actions taken during SSM events when actions were inconsistent with their SSM plan. The requirement is no longer appropriate because SSM plans would no longer be required. The requirement previously applicable under 40 CFR 63.10(b)(2)(iv) to record actions to minimize emissions and record corrective actions during SSM is now applicable at all times by 40 CFR 63.9642.

We are finalizing revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart RRRRR by adding an entry for 40 CFR 63.10(b)(2)(v) and including ''No'' in column 3. When applicable, the provision requires sources to record actions taken during SSM events to show that actions taken were consistent with their SSM plan. The requirement is no longer appropriate because SSM plans would no longer be required.

We are finalizing revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart RRRRR by adding an entry for 40 CFR 63.10(c)(15) and including ''No'' in column 3. Because the SSM plan requirement is being eliminated, 40 CFR 63.10(c)(15) no longer applies. When applicable, the provision allowed an owner or operator to use the affected source's SSM plan or records kept to satisfy the recordkeeping requirements of the SSM plan, specified in 40 CFR 63.6(e), to also satisfy the requirements of 40 CFR 63.10(c)(10) through (12). The EPA is eliminating this requirement because SSM plans are no longer required, and, therefore, 40 CFR 63.10(c)(15) no longer serves any useful purpose for affected units.

7. Reporting

We are finalizing revisions to the General Provisions applicability table (Table 2) of 40 CFR part 63, subpart RRRRR by adding an entry for 40 CFR 63.10(d)(5) and including ''No'' in column 3. Paragraph 40 CFR 63.10(d)(5) describes the reporting requirements for SSM. We are no longer requiring owners or operators to determine whether actions taken to correct a malfunction are consistent with an SSM plan, because plans are no longer required. To replace the General Provisions reporting requirement, the EPA is adding reporting requirements to 40 CFR 63.9641. The replacement language differs from the General Provisions requirement in that it eliminates periodic SSM reports as a stand-alone report. We are adding language that requires sources that fail to meet an applicable standard at any time to report the information concerning such events in the semiannual reporting period compliance report already required under this rule. We are requiring the report to contain the date, time, duration, and the cause of such events (including unknown cause, if applicable), a list of the affected source or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions. The EPA is promulgating this requirement to ensure that there is adequate information to determine compliance, to allow the EPA to determine the severity of the failure to meet an applicable standard, and to provide data that may document how the source met the general duty to minimize emissions during a failure to meet an applicable standard.

We are no longer requiring owners or operators to determine whether actions taken to correct a malfunction are consistent with an SSM plan, because plans are no longer required. These final amendments, therefore, eliminate from this section the cross-reference to 40 CFR 63.10(d)(5) that contains the description of the previously required SSM report format and submittal schedule. These specifications are no longer necessary because the SSM events would be reported in otherwise required periodic reports with similar format and submittal requirements.

D. What other changes have been made to the NESHAP?

Other amendments to the NESHAP that do not fall into the categories in the previous sections include:

- Requiring that owners or operators of taconite iron ore processing plants submit electronic copies of required performance test reports and compliance reports through the EPA's Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI);
- Reducing the minimum time for test runs for performance tests conducted on ore crushing and handling, finished pellet handling, ore drying, and indurating furnace affected sources from 2 hours for each test run to 1 hour for each test run;
- Removing pressure drop as a monitoring option for dynamic wet scrubbers and requiring that the owner or operator establish and monitor the scrubber water flow rate and fan amperage; and
- Removing the requirements for conducting quarterly internal baghouse inspections for baghouses equipped with a bag leak detection system that is installed, operated, and maintained in compliance with the requirements in the Taconite Iron Ore Processing NESHAP.

We are also finalizing various other changes to clarify testing, monitoring, recordkeeping, and reporting requirements and to correct typographical errors, including:

- Revisions to 40 CFR 63.9600(b)(2) to clarify when a BLDS alarm becomes an operating system deviation;
- Revisions to 40 CFR 63.9620(f) and 63.9634(b)(3) to resolve conflicting provisions;
- Revisions to 40 CFR 63.9621(b) that clarify the test methods and procedures that must be used to determine compliance with the applicable emission limits for PM;
- Revisions to 40 CFR 63.9622(d)(2), which establishes the operating limits for wet electrostatic precipitators;
- Revisions to the introductory paragraph of 40 CFR 63.9625 to clarify the requirements for demonstrating initial compliance for air pollution control devices subject to operating limits;
- Revisions to 40 CFR 63.9632(b) to clarify the requirements for continuous parameter monitoring systems (CPMS);
- Revisions to 40 CFR 63.9632(f) to clarify the requirements for continuous opacity monitoring systems (COMS);
- Revisions to 40 CFR 63.9633(a) and (b) to clarify the monitoring and data collection requirements;
- Revisions to 40 CFR 63.9634(d) to clarify the requirements for baghouses for determining continuous compliance with emission limits;
- Revisions to 40 CFR 63.9634(h)(1) and 40 CFR 63.9634(j)(1) and (2) for clarification;
- Revisions to 40 CFR 63.9641(b)(7) and (8) to clarify the reporting requirements for deviations from emission limitations;
- Revisions to the recordkeeping requirements in 40 CFR 63.9642(a) and (b) to clarify what information must be recorded when an applicable standard is not met as well as what information is required in a performance evaluation plan; and
- Removal of the definitions of *conveyor belt transfer point* and *wet grinding and milling* because the terms are not used in the rule, and the addition of a definition of *wet scrubber.*

E. What are the effective and compliance dates of the revisions to the NESHAP?

The revisions to the NESHAP being promulgated in this action are effective on July 28, 2020. The compliance date

for the revised requirements for affected sources that commenced construction or reconstruction on or before September 25, 2019, is January 25, 2021, with an exception for the revised provisions that apply to dynamic wet scrubbers, which have a compliance date of January 28, 2022. The compliance date for the revised requirements for affected sources that commence construction or reconstruction after September 25, 2019, is the effective date of the standard, July 28, 2020, or upon startup, whichever is later.

IV. What is the rationale for our final decisions and amendments for the Taconite Iron Ore Processing source category?

For each issue, this section provides a description of what we proposed and what we are finalizing, the EPA's rationale for the final decisions and amendments, and a summary of key comments and responses. For all comments not discussed in this preamble, comment summaries and the EPA's responses can be found in the *National Emissions Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Residual Risk and Technology Review Summary of Public Comments and Responses,* which is available in the docket.

A. Residual Risk Review for the Taconite Iron Ore Processing Source Category

1. What did we propose pursuant to CAA section 112(f) for the Taconite Iron Ore Processing source category?

Pursuant to CAA section 112(f), the EPA conducted a residual risk review and presented the results of this review, along with our proposed decisions regarding risk acceptability, ample margin of safety, and adverse environmental effects, in the September 25, 2019, proposed rule (84 FR 50660). The results of the risk assessment for the proposal are presented briefly in Table 2 of this preamble. More detail is in the residual risk document, *Residual Risk Assessment for the Taconite Iron Ore Processing Source Category in Support of the 2019 Risk and Technology Review Proposed Rule* (also referred to as the Taconite Risk Report in this preamble), which is available in the docket for this rulemaking (Docket Item No. EPA–HQ–OAR–2017–0664–0130).

TABLE 2—TACONITE IRON ORE PROCESSING SOURCE CATEGORY INHALATION RISK ASSESSMENT RESULTS AT PROPOSAL

Risk assessment	Maximum individual cancer risk (in 1 million)		Estimated population at increased risk of cancer ≥ 1-in-1 million		Estimated annual cancer incidence (cases per year)		Maximum chronic noncancer TOSHI [1]		Maximum screening acute noncancer HQ [2]
	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions
Source Category	2	6	38,000	43,000	0.001	0.001	0.2	0.2	HQREL = <1
Whole Facility	2	.....	40,000	.....	0.001	.....	0.2	.....	.....

[1] The target organ-specific hazard index (TOSHI) is the sum of the chronic noncancer hazard quotients (HQs) for substances that affect the same target organ or organ system.

[2] The maximum estimated acute exposure concentration was divided by available short-term threshold values to develop HQ values.

The results of the proposal inhalation risk modeling, as shown in Table 2 of this preamble, indicate that the maximum individual cancer risk based on actual emissions (lifetime) was estimated to be 2-in-1 million (driven by arsenic and nickel from fugitive dust and indurating sources), the estimated maximum chronic noncancer TOSHI value based on actual emissions was 0.2 (driven by manganese compounds from fugitive dust and ore crushing sources), and the maximum screening acute noncancer HQ value (off-facility site) was less than 1 (driven by arsenic from fugitive dust and ore crushing sources). The total estimated annual cancer incidence (national) from these facilities based on actual emission levels was 0.001 excess cancer cases per year or 1 case in every 1,000 years.

The results of the proposal inhalation risk modeling using allowable emissions data (lifetime), as shown in Table 2, indicate that the estimated maximum individual cancer risk was 6-in-1 million (driven by arsenic and nickel from fugitive dust and indurating sources) and the maximum chronic noncancer TOSHI value was 0.2 (driven by manganese compounds from fugitive dust and ore crushing sources). At proposal, the total annual cancer incidence (national) from these facilities based on allowable emissions was estimated to be 0.001 excess cancer cases per year, or one case in every 1,000 years.

At proposal, the maximum facility-wide cancer maximum individual risk (MIR) was estimated to be 2-in-1 million, driven by arsenic and nickel from fugitive dust and indurating emissions. The maximum facility-wide TOSHI for the source category was estimated to be 0.2, mainly driven by emissions of manganese from fugitive dust and ore crushing emissions. The total estimated cancer incidence from the whole facility was determined to be 0.001 excess cancer cases per year, or one excess case in every 1,000 years.

At proposal, potential multipathway health risks were also considered. Based upon the maximum Tier 2 screening values for mercury (fisher scenario) and arsenic (fisher and gardener scenario) occurring from the same location, we proceeded to a site-specific assessment using Total Risk Integrated Methodology. Fate, Transport, and Ecological Exposure model (TRIM.FaTE). We also selected the same site for assessing noncancer risks from cadmium utilizing the fisher scenario as the site was comparable to the maximum Tier 2 location. The selected site represents the combined contribution of mercury, arsenic, and cadmium emissions from five taconite iron ore processing plants. The site selected was modeled using TRIM.FaTE to assess cancer risk from arsenic emissions and noncancer risks from mercury and cadmium emissions for the fisher and gardener scenarios. The final cancer risk based upon the fisher scenario and gardener scenario was less than 1-in-1 million from arsenic emissions. The final noncancer risks had a hazard index (HI) less than 1 for mercury (0.02) and for cadmium (0.01). Based on these results, at proposal we concluded that there is no significant potential for multipathway health effects.

At proposal, we conducted an environmental risk screening assessment for the Taconite Iron Ore Processing source category for the following pollutants: Arsenic, cadmium, dioxins/furans, HCl, HF, lead, mercury (methyl mercury and mercuric

chloride), and polycyclic organic matter. Based on this evaluation, we proposed that we do not expect an adverse environmental effect as a result of HAP emissions from this source category.

We weighed all health risk factors, including those shown in Table 2 of this preamble, in our risk acceptability determination and proposed that the residual risks from the Taconite Iron Ore Processing source category are acceptable (see section IV.A.2.a of the proposal preamble, 84 FR 50677, September 25, 2019).

We then considered whether 40 CFR part 63, subpart RRRRR provides an ample margin of safety to protect public health and prevents, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect. In considering whether the standards should be tightened to provide an ample margin of safety to protect public health, we considered the same risk factors that we considered for our acceptability determination and also considered the costs, technological feasibility, and other relevant factors related to emissions control options that might reduce risk associated with emissions from the source category. In this analysis, we focused on cancer risks since all the chronic and acute noncancer HIs and HQs are below the level of concern. The cancer risks are driven by metal HAP emissions (*e.g.,* arsenic, nickel, and chromium VI) from indurating furnaces and fugitive dust sources. The indurating furnaces are currently controlled via wet scrubbers. At proposal, we evaluated the option of reducing emissions from indurating furnaces by installing a wet electrostatic precipitator (wet ESP) after the existing wet scrubbers. Under this scenario, we estimated that the current metal HAP emissions would be reduced by about 99.9 percent, and the MIR would be reduced from 2-in-1 million based on actual emissions and 6-in-1 million based on allowable emissions to less than 1-in-1 million for both actual and allowable emissions. We estimated annual costs of about $167 million for the industry, with a cost effectiveness of about $16 million per ton of metal HAP reduced. Due to the relatively small reduction in risk and the substantial costs associated with this option, we proposed that additional emissions controls for metal HAP from indurating furnaces are not necessary to provide an ample margin of safety to protect public health. See the technical memorandum titled *Taconite Iron Ore Processing—Ample Margin of Safety Analysis,* available in Docket ID No. EPA–HQ–OAR–2017–0664, for details.

For the other affected sources that emit metal HAP (*i.e.,* ore crushing and handling operations, finished pellet handling operations, ore drying, and sources subject to the fugitive dust emission control plan), we proposed that additional emissions controls for metal HAP from these affected sources are not necessary to provide an ample margin of safety to protect public health because the risk reduction would be minimal since about 98 percent of the HAP emissions are from the indurating furnaces. Moreover, we did not identify any developments in practices, processes, and control technologies under the technology review that we could evaluate for achieving additional reductions from these other affected sources.

Given the substantial costs for the enhanced control scenario we identified for the source category that would reduce HAP emissions and considering the small reduction in the already low baseline risk, we proposed that additional emission controls for this source category are not necessary to provide an ample margin of safety (refer to section IV.A.2.b of the proposal preamble, 84 FR 50677, September 25, 2019).

2. How did the risk review change for the Taconite Iron Ore Processing source category?

We received comments both supporting and opposing the proposed residual risk review and our proposed determination that the existing standards protect public health with an ample margin of safety and additional control is not needed to protect against an adverse environmental effect under CAA section 112(f)(2). One commenter provided updated actual and effective production rates and actual fuel use data for two taconite facilities. The EPA utilized the provided data to revise the emissions dataset memorandum for this source category (which is available in the docket for this rulemaking). The final risk assessment report (also available in the docket for this rulemaking) reflects these emissions changes. Since the resulting emissions changes are relatively small and are restricted to just two facilities, we did not remodel the risk for the source category. Instead, we used the revised emissions data to scale the risks up or down, as appropriate, for the two subject facilities. Table 3 of this preamble shows the final risk assessment results after the incorporation of the updated emissions data. There were no resulting changes to the chronic noncancer risks, acute risks, or multipathway risks. There were small changes in the chronic cancer MIRs. Specifically, based on actual emissions, the MIR for both the source category and whole facility increased from 2-in-1 million to 3-in-1 million. Also, based on allowable emissions, the MIR for the source category decreased from 6-in-1 million to 5-in-1 million.

After a review of all of the public comments received and the revised risk estimates, we determined that no changes to our risk review conclusions are necessary.

TABLE 3—TACONITE IRON ORE PROCESSING SOURCE CATEGORY INHALATION RISK ASSESSMENT FINAL RESULTS AFTER EMISSIONS UPDATES

Risk assessment	Maximum individual cancer risk (in 1 million)		Estimated population at increased risk of cancer ≥ 1-in-1 million		Estimated annual cancer incidence (cases per year)		Maximum chronic noncancer TOSHI [1]		Maximum screening acute noncancer HQ [2]
	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions	Based on allowable emissions	Based on actual emissions
Source Category	3	5	38,000	43,000	0.001	0.001	0.2	0.2	HQREL = <1
Whole Facility	3	.....	40,000	.....	0.001	.....	0.2	.....	.....

[1] The TOSHI is the sum of the chronic noncancer HQs for substances that affect the same target organ or organ system.
[2] The maximum estimated acute exposure concentration was divided by available short-term threshold values to develop HQ values.

3. What comments did we receive on the risk review?

We received comments in support of and against the proposed residual risk reviews and our determinations that no revisions were warranted under CAA section 112(f)(2) for the Taconite Iron Ore Processing source category. One commenter provided updated production and fuel use data for two taconite facilities. The EPA utilized the provided data to revise the emissions dataset memorandum for this source category (which is available in the docket for this rulemaking). The final risk assessment report (also available in the docket for this rulemaking) reflects these emissions changes.

Other comments were received on the air dispersion modeling methods used, the treatment of mercury in the risk assessment (*e.g.,* mercury deposition, methylation, and speciation), the exclusion of non-taconite HAP emissions from the risk assessment (*e.g.,* mobile sources, natural sources, and historical emissions), our risk assessment of lead, the multipathway analysis, the environmental justice analysis, and the ample margin of safety analysis. More details on these and other comments received, and our responses, can be found in the document titled *National Emissions Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Residual Risk and Technology Review Summary of Public Comments and Responses,* which is available in the docket for this action.

4. What is the rationale for our final approach and final decisions for the risk review?

For the reasons explained in the proposed rule, the Agency determined that the risks from the Taconite Iron Ore Processing source category are acceptable, and the current standards provide an ample margin of safety to protect public health and prevent an adverse environmental effect. We did not receive any data or other information since proposal that supports a change to our proposed determination. Therefore, as proposed, we are not revising 40 CFR part 63, subpart RRRRR, to require additional controls pursuant to CAA section 112(f)(2) based on the residual risk review and we are readopting the existing emissions standards under CAA section 112(f)(2).

B. Technology Review for the Taconite Iron Ore Processing Source Category

1. What did we propose pursuant to CAA section 112(d)(6) for the Taconite Iron Ore Processing source category?

Pursuant to CAA section 112(d)(6), the EPA conducted a technology review and summarized the results of the review in the September 25, 2019, proposal preamble (see section IV.B of the proposal preamble, 84 FR 50678) and in more detail in the memorandum, *Draft Technology Review for the Taconite Iron Ore Processing Source Category,* which is available in the docket for this action (Docket Item No. EPA–HQ–OAR–2017–0664–0103). The technology review investigated practices, processes, and controls with a view toward identifying developments, which may be any of the following:

- Any add-on control technology or other equipment that was not identified and considered during development of the original MACT standards;
- Any improvements in add-on control technology or other equipment (that were identified and considered during development of the original MACT standards) that could result in significant additional emissions reduction;
- Any work practice or operational procedure that was not identified or considered during development of the original MACT standards;
- Any process changes or pollution prevention alternatives that could be broadly applied to the industry and that were not identified or considered during development of the original MACT standards; and
- Any significant changes in the cost (including cost effectiveness) of applying add-on control technology or other equipment to affected sources (including controls the EPA considered during the development of the original MACT standards).

New technologies were identified that improved the efficiency of processes and increased plant production capacity but have no demonstrated ability to reduce HAP emissions. For the control of metal HAP emissions from taconite iron ore processing, all of the technologies identified were in use in the industry during development of the original 40 CFR part 63, subpart RRRRR MACT standards and we did not identify any significant changes in improved control or in cost or cost effectiveness of applying these technologies to taconite iron ore processing facilities. Based on information available to the EPA, the technology review did not identify any developments in practices, processes, or control technologies that would reduce HAP emissions from ore crushing and handling, pellet indurating, pellet handling, ore drying, and/or fugitive dust emission sources.

2. How did the technology review change for the Taconite Iron Ore Processing source category?

The technology review for the Taconite Iron Ore Processing source category has not changed since proposal. As proposed, the EPA is not making changes to the standards pursuant to CAA section 112(d)(6).

3. What comments did we receive on the technology review?

Comments were received that were both supportive of the technology review as well as critical of the technology review. The comments received related to the EPA's decision not to establish mercury standards pursuant to CAA section 112(d)(6) in this action, and our responses to those comments, are provided below. Other comments related to the technology review, and our responses to those comments, can be found in the document titled *National Emissions Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Residual Risk and Technology Review Summary of Public Comments and Responses,* which is available in the docket for this action.

Comment: Several commenters stated that the technology review memorandum states that no new technologies have been identified with regard to mercury emissions. These commenters point out that in 2018, the taconite iron ore processing facilities submitted mercury reduction plans (MRP) to the Minnesota Pollution Control Agency (MPCA) to explain how they planned to reduce their mercury emissions to help the state reach its mercury Total Maximum Daily Load goals. However, the EPA did not list the MRP in the sources of information it considered in its technology review nor did the Agency explain why it did not do so. The commenters contended these documents on the control technologies that are potentially applicable to this industry, identifying technologies such as activated carbon injection with halide or bromide added. Other commenters stated that the EPA indicated that they include the MRP because the MRP addresses water quality issues.

These commenters also identified what they claimed are outdated sources of information and asserted that the EPA's use of outdated technological reports that do not address potential mercury controls indicates that the EPA

had already decided not to require mercury controls but to continue to rely on PM as a surrogate. These commenters contend that the EPA's technology review is incomplete because it fails to even discuss potential mercury controls and that the decision not to do so is arbitrary and capricious, especially given the poor quality of the EPA's risk analysis.

Response: The commenters are mistaken in saying that the technology review addressed mercury emissions from taconite iron ore processing facilities but found no new technologies to control mercury. The EPA reads CAA section 112(d)(6) as a limited provision requiring the Agency to review the emission standards already promulgated in the NESHAP and to revise those standards as necessary taking into account developments in practices, processes, and control technologies. The EPA does not read this provision as directing the Agency, as part of or in conjunction with the mandatory 8-year technology review, to develop new emission standards to address HAP or emission points for which standards were not previously promulgated.[2] Neither the proposed rule nor the technology review memorandum (Docket Item No. EPA–HQ–OAR–2017–0664–0103) for the proposed rule addressed potential controls for mercury emissions.

We note that these MRP are still under review by MPCA and that the technologies discussed therein have only been applied at the taconite processing facilities in pilot scale studies. That is, these control technologies remain unproven at commercial scale and the amount of mercury reduction achieved by them remain uncertain. Also, as noted, the EPA did not regulate mercury in the 2003 NESHAP and the PM standard which is a surrogate for multiple HAP was not established as a surrogate for mercury.

4. What is the rationale for our final approach for the technology review?

For the reasons explained in the preamble to the proposed rule, we determined there were no developments under CAA section 112(d)(6) (84 FR 50678). Since proposal, neither the technology review nor our determination that there were no developments for affected sources has changed, and we are not revising 40 CFR part 63, subpart RRRRR, pursuant to CAA section 112(d)(6). The final technology review, *Final Technology Review for the Taconite Iron Ore Processing Source Category,* is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2017–0664).

C. SSM for the Taconite Iron Ore Processing Source Category

1. What did we propose for the Taconite Iron Ore Processing source category?

We proposed amendments to the NESHAP for Taconite Iron Ore Processing to remove and revise provisions related to SSM that are not consistent with the requirement that the standards apply at all times. More information concerning the elimination of SSM provisions is in the preamble to the proposed rule (84 FR 50678–50681, September 25, 2019).

2. How did the SSM provisions change for the Taconite Iron Ore Processing source category?

The removal and revision of the SSM provisions for the Taconite Iron Ore Processing source category have not changed since proposal. We are finalizing the removal and revisions of the SSM provisions as proposed, with no changes.

3. What key comments did we receive on the SSM provisions, and what are our responses?

We received five comments related to our proposed revisions to the SSM provisions. The comments were generally supportive of the amendments to require the emission standards to apply at all times. The comments and our responses can be found in the *National Emissions Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Residual Risk and Technology Review Summary of Public Comments and Responses, which is available in the docket for this action.*

4. What is the rationale for our final approach for the SSM provisions?

We evaluated all comments on the EPA's proposed amendments to the SSM provisions. For the reasons explained in the proposed rule, we determined that these amendments remove and revise provisions related to SSM that are not consistent with the requirement that the standards apply at all times. More information concerning the amendments we are finalizing for SSM is in the preamble to the proposed rule (84 FR 50678—50684, September 25, 2019) and in section III.C of this preamble. Therefore, we are finalizing our approach for the SSM provisions as proposed.

D. Other Amendments to the Taconite Iron Ore Processing NESHAP

1. What amendments did we propose?

In the September 25, 2019, action, we proposed the following amendments to the rule:

- We proposed that owners or operators of taconite iron ore processing plants submit electronic copies of required performance test reports and compliance reports through the EPA's CDX using CEDRI.
- We proposed that the minimum duration for test runs for performance tests conducted on ore crushing and handling, finished pellet handling, ore drying, and indurating furnace affected sources be reduced from a minimum of 2 hours for each test run to a minimum of 1 hour for each test run, with the stipulation that if test results indicate emissions are below the method detection limit, then the source's emissions will be assumed equal to the method detection limit when using the results to determine compliance with the MACT standards.
- We proposed the removal of the requirement to conduct quarterly internal baghouse inspections whenever a baghouse is equipped with a BLDS that is installed, operated, and maintained in compliance with the requirements in the Taconite Iron Ore Processing NESHAP.
- We proposed to remove pressure drop as a monitoring option for dynamic wet scrubbers and instead require that the scrubber water flow rate and fan amperage be monitored.
- We proposed a determination that a compound referred to as non-asbestiform amphibole EMP is not a HAP and is, thus, not subject to regulation under CAA section 112.

We also proposed various changes to clarify testing, monitoring, recordkeeping, and reporting requirements and to correct typographical errors, including:

- Revisions to 40 CFR 96.9583 to clarify the dates by which the owners or operators of taconite iron ore processing facilities must comply with the proposed amendments;
- Revisions to 40 CFR 63.9600(b)(2) to clarify when a BLDS alarm becomes an operating system deviation;
- Revisions to 40 CFR 63.9620(f) and 63.9634(b)(3) to resolve conflicting provisions;
- Revisions to 40 CFR 63.9621(b) that clarify the test methods and procedures that must be used to determine

[2] On April 21, 2020, as the Agency was preparing the final rule for signature, a decision was issued in *LEAN* v. *EPA,* 955 F. 3d. 1088 (D.C. Cir. 2020) in which the Court held that the EPA has an obligation to set standards for unregulated pollutants as part of technology reviews under CAA section 112(d)(6). At the time of signature, the mandate in that case had not been issued and the EPA is continuing to evaluate the decision.

compliance with the applicable emission limits for PM;

- Revisions to 40 CFR 63.9622(d)(2), which establishes the operating limits for wet ESP;
- Revisions to the introductory paragraph of 40 CFR 63.9625 to clarify the requirements for demonstrating initial compliance for air pollution control devices subject to operating limits;
- Revisions to 40 CFR 63.9632(a) to specify different detection limits for BLDS installed after the September 25, 2019, proposal date;
- Revisions to 40 CFR 63.9632(b) to clarify the requirements for CPMS;
- Revisions to 40 CFR 63.9632(f) to clarify the requirements for COMS;
- Revisions to 40 CFR 63.9633(a) and (b) to clarify the monitoring and data collection requirements;
- Revisions to 40 CFR 63.9634(d) to clarify the requirements for baghouses for determining continuous compliance with emission limits;
- Revisions to 40 CFR 63.9634(h)(1) and 40 CFR 63.9634(j)(1) and (2) for clarification;
- Revisions to 40 CFR 63.9641(b)(7) and (8) to clarify the reporting requirements for deviations from emission limitations;
- Revisions to the recordkeeping requirements in 40 CFR 63.9642(a) and (b) to clarify what information must be recorded when an applicable standard is not met as well as what information is required in a performance evaluation plan; and
- Removal of the definitions of *conveyor belt transfer point* and *wet grinding and milling* because the terms are not used in the rule, and the addition of a definition of *wet scrubber.*

We also considered a few other potential amendments to the rule that had been requested by industry, but because we did not have adequate information or data to support a proposed change, we did not propose them as amendments to the rule. Instead, we described the potential amendments that industry requested and solicited comments, data, and any information as to whether the changes were appropriate. The three changes requested by industry for which we solicited information include the following:

- A reduction in the required testing frequency for indurating furnaces from twice per 5-year permit term to once per 5-year permit term;
- An increase in the time allowed after a BLDS alarm to initiate corrective action; and
- An increase from six to 10 for the number of ore crushing and handling operations or finished pellet handling operations that can be considered similar and represented by an emissions test on a single representative unit.

These requested amendments were described in the preamble to the proposed rule (84 FR 50682–50683, September 25, 2019).

2. How did the requirements change since proposal?

Based on the consideration of comments received, we are finalizing all of the proposed amendments with the exception that we are not finalizing the proposed amendment to clarify compliance dates in 40 CFR 63.9583 and the proposed amendment that would have required new BLDS to be more sensitive than existing ones. For those issues on which we solicited additional information, we did not receive sufficient information or data that supported making those changes to the NESHAP at this time.

3. What key comments did we receive and what are our responses?

We received several comments regarding our proposal that a compound referred to as non-asbestiform amphibole EMP is not a HAP and is, thus, not subject to regulation under CAA section 112. A summary of these comments and our responses is provided below. Comments and our responses associated with the other proposed changes were generally supportive and can be found in the *National Emissions Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Residual Risk and Technology Review Summary of Public Comments and Responses,* which is available in the docket for this action.

Comment 1: Several commenters stated that the EPA refuses to set emission limits for EMP, even though it committed to doing so in its 2004 voluntary partial remand in a legal challenge to the 2003 MACT standards. *National Wildlife Federation et. al.* v. *EPA* (D.C. Cir. No. 03–1548) (NWF). The EPA's justification is that EMP are not classified as asbestos nor are they included on the EPA's list of HAP. However, there is no requirement in the remand for EMP to be listed as a HAP for it to be controlled—the remand simply says the EPA will set an emission standard. These commenters also stated that just because EMP are not classified as asbestos nor currently listed as HAP does not mean that they do not cause health problems. This argument ignores the significantly higher rates of mesothelioma on Minnesota's Iron Range, which has been studied by the University of Minnesota and the Minnesota Department of Health (MDH). The MDH study found a 3-percent increase in the risk of contracting mesothelioma for each year of employment in the taconite iron ore industry. According to the commenters, the study shows that taconite iron ore workers have an established risk for mesothelioma related to cumulative EMP exposure although the type of EMP (asbestiform or non-asbestiform) accounting for this association has not been determined with certainty; nor is there certainty as to whether the EMP over 5 micrometers in length are the best metric in this situation, given that the predominant EMP exposure is to minerals 1–3 micrometers in length. According to the commenters, the study further notes that because of the lack of quantitative data on non-asbestiform amphibole EMP, there remains uncertainty on the role of this exposure and the association with mesothelioma and there is additional uncertainty due to the lack of quantitative data on historical exposure to asbestiform EMP from commercial asbestos use. The commenters stated that this report establishes the uncertainties of whether EMP can be implicated in the higher rates of mesothelioma among taconite iron ore workers. One commenter points this out to show why the EPA should act conservatively by setting EMP emissions limits at these facilities. One commenter stated that maintaining good air quality at industrial mining operations is of great importance to the people of northeastern Minnesota, particularly taconite iron ore workers, their families and communities, and to the physicians who serve and care for them. There are serious health risks documented in connection with PM, and also EMP. The EPA should put forth rules that will protect the public and, therefore, should not preclude EMP from regulation when their contribution to human illness is not adequately understood.

Response: Although some research suggests that non-asbestiform amphibole EMP may impact human health (although there is certainly no consensus, and indeed, much uncertainty as to the extent of their impact on human health), the issue for the EPA to regulate this pollutant under section 112 of the CAA is whether it is a HAP. As the EPA discussed in the proposal preamble (84 FR 50683–50684, September 25, 2019) and in the memorandum, *EPA's Analysis of Elongated Mineral Particulate* (available as Docket Item No. EPA–HQ–OAR–2017–0664–0131), non-asbestiform amphibole EMP, such as those emitted

by this source category, are not a HAP as set forth in CAA section 112(b)(1). We do note that these non-asbestiform amphibole EMP are a subset of PM, and emissions of PM are regulated as a surrogate for certain HAP in the current NESHAP for this source category.

We recognize that the voluntary remand order in *NWF* provides for a remand to ''enable [EPA] to propose a standard for asbestos and asbestos-like fiber emissions from taconite iron ore processing facilities.'' At the time EPA requested the voluntary remand, EPA believed that these fibers were HAP subject to regulation under CAA section 112. Based on further analysis, and as explained in more detail in our proposed rule and in our analysis cited above, EPA has determined that the non-asbestiform EMP at issue are not a HAP. Thus, EPA is meeting the court order through this final action determining that it is not required to regulate the subject EMP under CAA section 112. To the extent that the commenter is contending that the court remand order obligates EPA to regulate EMP regardless of whether it has authority to do so under CAA section 112, we disagree. The scope of the litigation at issue was limited to EPA's obligation under CAA section 112(d)(2) and (3) to promulgate MACT standards and any remand order would need to fall within the scope of that legal challenge.

We also note that many of the concerns raised by the commenter appear to address workplace exposure to EMP. The EPA's authority under the CAA is to address pollutants in the ambient air and does not extend to regulating workplace exposure. The Occupational Safety and Health Administration typically addresses workplace exposure concerns.

Comment 2: Several commenters stated that the docket includes a 2019 report on EMP written by the American Iron and Steel Institute (AISI) and that if this is the only document the EPA used, then the EPA's analysis is biased and uninformed. There is no indication that the MDH had any input to this report. Emails between the EPA and MPCA staff found in the docket (regarding fibers emitted from the Northshore taconite facility) indicate that the MPCA does not take the same view as the EPA that the only issue is whether these fibers can be identified as asbestos. According to the commenters, the MPCA argues that scientific consensus is lacking on the public health implications for mineral fibers meeting the more inclusive definitions of an EMP, which can often be as broad as any respirable mineral particles found in the ambient air and, therefore, were taking an approach of precaution in their air permitting approach to the facility. These commenters stated that the docket includes a memorandum from Ann Foss of the MPCA explaining why the MPCA was proposing to change how it regulates EMP. While the MPCA is making changes in the air permit issued to Northshore Mining, it will still continue to regulate EMP, just with newer, statistically driven methods.

One commenter presented a schematic from a conference on EMP held in Charlottesville, Virginia, in October 2017 to illustrate the scope and complexity of EMP. The commenter stated that we do not know enough about EMP to make blanket statements about them and included quotes from the conference recognizing the uncertainty as to the toxicity and carcinogenicity associated with EMP as well as the underlying structural and compositional transformations and health outcomes associated with the various EMP.

The commenter indicated that in the memorandum *EPA's Analysis of Elongated Mineral Particulate* (Docket Item No. EPA–HQ–OAR–2017–0664–0131), the EPA pointed out that the fibers collected by ambient air monitors near the Peter Mitchell mine were non-asbestiform ferro-actinolite and grunerite, not asbestos. The commenter stated that toxicological studies have shown ferro-actinolite is at least as toxic as amosite in animal studies.

The commenter further stated that most studies in EMP science relate to the potential for EMP to cause mesothelioma and other lung malignancies. The commenter noted that the Taconite Workers Health Study (TWHS) also pointed out that there are significantly higher risks of nonmalignant lung disease and hypertensive heart disease in mine workers.

Response: The cited 2019 report on EMP written by AISI was not the only document that informed the EPA's decisions regarding non-asbestiform amphibole EMP. The docket for this rulemaking also includes two studies performed on the Peter Mitchell Mine (*i.e.,* the taconite iron ore mine utilized by the Northshore facility) and on fibers found via ambient air monitoring near Silver Bay (*i.e.,* the town near the associated taconite iron ore processing operations) and the referenced proposal by MPCA to modify its approach to regulating emissions of the subject non-asbestiform amphibole EMP, see Docket Item Nos. EPA–HQ–OAR–2017–0664–0138, –0127, and –0122, respectively.

As discussed in the response to Comment 1, above, the EPA did not cite a lack of human health impact, or the associated lack of consensus or certainty, as rationale for not establishing emissions standards for non-asbestiform amphibole EMP for this source category under CAA section 112. Rather, the rationale for not regulating these fibers directly through the NESHAP for Taconite Iron Ore Processing is that the non-asbestiform amphibole EMP are not a HAP as set forth in CAA section 112(b)(1).

The Minnesota regulations that apply to the ''Minnesota Fibers'' are not based on the authority of the CAA, but rather on Minnesota state law. The above-referenced MPCA proposal to change how it regulates these fibers contains a summary of these historical authorities. However, for the purposes of setting MACT standards, the EPA cannot use the state law authorities relied on by MPCA to regulate Minnesota Fibers (or any other pollutant) but rather only the authorities provided by CAA section 112. As the EPA previously noted, CAA section 112 does not provide the EPA with authority to regulate substances that are not listed as a HAP as set forth in CAA section 112(b)(1). Nevertheless, as mentioned in response above, these non-asbestiform amphibole EMP are a subset of PM, and emissions of PM are regulated as a surrogate for certain HAP in the current NESHAP for this source category.

Comment 3: One commenter stated that there is no need for the proposed rule to mention EMP, and, therefore, the EPA should remove this reference from the rule. The commenter stated that EMP as a broad class have not been defined to be a HAP under the CAA, and as such, they are not subject to regulation under CAA section 112. There is a specific class of EMP that is regulated: Commercial asbestos. The commenter pointed out two issues: (1) It is incorrect to state that the EPA does not regulate EMP, because the EPA does, in fact, regulate specific EMP (the prime example being commercial asbestos), and (2) stating that the EPA chooses not to regulate EMP gives the false impression they are not worthy of concern.

Response: As discussed in the response to Comment 1, above, non-asbestiform amphibole EMP are the subject of a 2004 remand of the NESHAP for Taconite Iron Ore Processing. The EPA is addressing that remand based on the convincing information supporting that these non-asbestiform amphibole EMP are not a HAP as set forth in CAA section

112(b)(1) and, thus, not subject to regulation under CAA section 112.

We regret any confusion that may have arisen in regard to the terms used in the preamble of the proposed rule to refer to the subject fibers, or any false impressions that may have resulted from our proposal to not regulate the subject non-asbestiform amphibole EMP under the NESHAP for Taconite Iron Ore Processing. The discussion of EMP in the preamble to the proposed rule was not intended to address all types of EMP but rather referred only to non-asbestiform amphibole EMP emitted from taconite iron ore processing. As the commenter points out, the EPA already does regulate the EMP that qualify as asbestos in other various NESHAP because asbestos is a HAP as set forth in CAA section 112(b)(1).

Comment 4: One commenter stated that following a challenge to the EPA decision that resulted in a partial voluntary remand of the original standards for the Taconite Iron Ore Processing source category, the EPA conducted a more fulsome analysis of the EMP compounds and correctly determined that non-asbestiform amphibole EMP emitted by the Taconite Iron Ore Processing source category does not meet the definition of asbestos or fine mineral fibers. Moreover, EMP is not listed as a HAP under the CAA. The commenter stated that the EPA is not obligated (and indeed is unable) to establish emission standards for these compounds under the Taconite Iron Ore Processing NESHAP, nor would it be appropriate to do so. The commenter further stated that as the preamble observes, the conclusion that EMP is not asbestos is supported not only by recent scientific developments, but also by the consistent definition of ''asbestos'' in other CAA and Toxic Substances Control Act regulations, such as, the National Emission Standard for Asbestos (40 CFR part 61, subpart M). Because the EMP compounds emitted from taconite facilities are not asbestiform and otherwise do not satisfy the elements of the definition, they are not asbestos.

The commenter also stated that EMP should not be regulated as a fine mineral fiber because it does not fit within the definition of that HAP. The preamble states that the ''fine mineral fibers'' definition specifically applies to synthetic vitreous fibers largely associated with processing of glass, rock, or slag fibers. Because this definition is specific and limited to particular fibers and clearly does not include EMP, the EPA reasonably concluded that EMP should not be regulated as fine mineral fibers.

Response: The EPA acknowledges and appreciates the support of this commenter. We do note, however, that our discussion of EMP in this rulemaking is restricted to those non-asbestiform EMP emitted from taconite iron ore processing, as discussed in the response to Comment 3, above. Other EMP may well meet the definition of ''asbestos'' or ''fine mineral fibers'' or some other HAP as set forth in CAA section 112(b)(1).

Comment 5: One commenter stated that the EPA's decision that regulation of EMP compounds under CAA section 112 is unnecessary is bolstered by studies published since 2003, which have found that EMP are less likely to cause hazardous health effects than asbestos. The commenter noted that those studies suggest that the lower health hazard may be due, in part, to the biological processes by which they are transported in tissue.

Response: As discussed in the responses to Comments 1 and 2, above, the Agency's basis for not regulating these fibers under the NESHAP for Taconite Iron Ore Processing is that they are not a HAP as set forth under CAA section 112(b)(1) and, therefore, the EPA does not have authority to regulate these fibers in the NESHAP. The EPA did not rely on health studies regarding these particles and our decision not to regulate these particles under the NESHAP should not be construed as a decision by the EPA on potential impacts of these non-asbestiform amphibole EMP on human health. That issue is outside the scope of this rulemaking.

Comment 6: One commenter stated that EMP are sufficiently controlled by PM control devices. The commenter noted that in the motion for a voluntary remand associated with the NESHAP, the EPA stated to the Court that it intends to propose that these fibers be regulated by using the emissions limitation for PM as a surrogate and to take public comment on such proposal. The commenter noted the EPA's position in the proposed RTR that EMP is not asbestos, thus, not HAP. The commenter stated that emissions of EMP are controlled by operating PM control devices, good fugitive dust management practices, and ongoing facility operation and maintenance, and that ambient air monitoring for EMP is a condition of the facility's air emissions operating permit, in effect and ongoing. The commenter believed that, after review of the EPA's assessment, that with this continued regulatory approach, available evidence does not currently reflect any increased risk for the broader community.

Response: As discussed in the responses to Comments 1 and 2, above, and as recognized by the commenter, the EPA is not proposing to regulate the subject non-asbestiform amphibole EMP. We agree with the commenter that PM controls currently used by the taconite iron ore processing facilities to address certain HAP emissions also limit emissions of the amphibole non-asbestiform EMP at the Northside facility.

4. What is our final approach for these amendments?

For the reasons explained in the preamble to the proposed rule and after considering comments on the proposed rule, we are now finalizing the following amendments to the rule:

- Requiring that owners or operators of taconite iron ore processing plants submit electronic copies of required performance test reports and compliance reports.
- Reducing the minimum duration for test runs for performance tests conducted from a minimum of 2 hours for each test run to a minimum of 1 hour for each test run.
- Removing the requirements to conduct quarterly internal baghouse inspections whenever a baghouse is equipped with a properly installed, operated, and maintained BLDS.
- Removing pressure drop as a monitoring option for dynamic wet scrubbers.
- Determining that compounds referred to as non-asbestiform amphibole EMP are not a HAP as set forth in CAA section 112(b)(1) and, thus, are not subject to regulation under CAA section 112.

We are not finalizing our proposal to amend 40 CFR 63.9632(a) to require that lower detection limits apply to BLDS installed after the September 25, 2019, proposal date. The proposed increase in required sensitivity for new BLDS was similar to what the EPA required in several recent new source performance standards and NESHAP rulemakings. However, in those cases, the increase in required BLDS detection sensitivity was triggered by circumstances specific to the source categories being addressed at that time (*e.g.,* reduction in allowable emission rates or unacceptable risks). In the case of the NESHAP for Taconite Iron Ore Processing, we neither proposed to find the risks unacceptable nor to tighten the associated MACT PM standards. The EPA believes that the PM loading to control devices installed on affected sources at taconite iron ore processing facilities is at a level where the BLDS sensitivity currently required under the NESHAP is sufficient to

ensure compliance with the MACT standards and that these MACT standards protect health and the environment with an ample margin of safety. Therefore, the final rule does not include the tightened detection sensitivity requirement for new BLDS.

We are not amending 40 CFR 63.9583 to specify the compliance dates for the changes made to the rule as provided in the proposed rule. Instead, we have added the compliance date requirements to each section where changes to the rule have been made. We believe this approach more clearly communicates the dates by which compliance with the new requirements is required.

We are not amending the rule to include the changes requested by industry for which we solicited information at proposal because we did not receive sufficient additional information that supported making the requested changes at this time.

E. Compliance Dates of the Revisions to the NESHAP

1. What compliance dates did we propose?

We proposed compliance dates of 180 days after promulgation of the final rule for all of the NESHAP revisions.

2. What changed since proposal?

We modified the dates by which the owners or operators of taconite iron ore processing facilities must be in compliance with the final amendments. Specifically, we modified the compliance dates of some General Provisions to the date of promulgation of the final rule and we modified the compliance dates for monitoring of fan amperage of dynamic wet scrubbers to 18 months after promulgation of the final rule. We also modified certain rule provisions to state that affected sources that construct or reconstruct after the date of the proposed rule must comply on the effective date of the final rule or date of startup, whichever is later.

3. What comments did we receive and what are our responses?

Commenters generally supported the September 25, 2019, proposed compliance dates. However, one commenter did object to the proposed requirement to comply with monitoring requirements for fan amperage on dynamic wet scrubbers within 180 days of promulgation of the final rule. For the reasons cited in section IV.E.4 of this preamble, below, we are finalizing a compliance date of 18 months after promulgation of the final rule for the requirement to comply with fan amperage monitoring requirements for a dynamic wet scrubber for which the owner or operator previously monitored pressure drop.

Summaries of these comments and the EPA responses are contained in the *National Emissions Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Residual Risk and Technology Review Summary of Public Comments and Responses,* which is available in the docket for this action.

4. What is the rationale for our final approach for these amendments?

Our experience with similar industries that have been required to convert reporting mechanisms, become familiar with required templates, learn the process of submitting compliance reports electronically through the EPA's CEDRI, test these new electronic submission capabilities, and reliably employ electronic reporting, shows that a time period of at least 180 days is generally necessary to successfully complete these changes. Our experience with similar industries further shows that this sort of regulated facility generally requires a time period of 180 days to read and understand the amended rule requirements; evaluate their operations to ensure that they can meet the standards during periods of startup and shutdown as defined in the rule and make any necessary adjustments; adjust parameter monitoring and recording systems to accommodate revisions; and update their operations to reflect the revised requirements. The EPA recognizes the confusion that multiple different compliance dates for individual requirements would create and the additional burden such an assortment of dates would impose. From our assessment of the timeframe needed for compliance with the entirety of the revised requirements, the EPA considers a period of 180 days to be the most expeditious compliance period practicable, and, thus, is finalizing the requirement that existing affected sources be in compliance with all of this regulation's revised requirements within 180 days of the regulation's effective date.

In 2009, the Court vacated two specific General Provision exemptions, namely, 40 CFR 63.6(f)(1) and 63.6(h)(1). Since those sections are already vacated, the removal of their ''applicability'' in our rules is strictly ministerial.

We changed the compliance date for monitoring requirements for fan amperage on dynamic wet scrubbers from 180 days after promulgation of the final rule to 18 months after promulgation of the final rule for taconite iron ore processing facilities that operate dynamic wet scrubbers and have been monitoring their operation using pressure drop and water flow rate. Under the final rule, these facilities must convert to monitoring fan amperage and water flow rate. In these cases, the owner or operator of the facility must modify their parametric monitoring system and conduct testing in order to comply with the monitoring requirements in the final rule. In our experience with similar industries, these activities can take up to 18 months. Therefore, the final rule allows these facilities up to 18 months to comply with the requirement to monitor fan amperage on dynamic wet scrubbers. For dynamic wet scrubbers that commence construction or reconstruction after the proposal date of September 25, 2019, owner or operators must comply with the requirements to monitor both the water flow rate and fan amperage upon startup, or by the date of promulgation of the final rule, whichever is later.

V. Summary of Cost, Environmental, and Economic Impacts and Additional Analyses Conducted

A. What are the affected facilities?

We anticipate that the eight taconite iron ore processing facilities currently operating in the United States will be affected by this final rule.

B. What are the air quality impacts?

We are not establishing new emission limits and are not requiring additional controls; therefore, no significant air quality impacts are expected as a result of the final amendments to the rule. However, we believe that the removal of exemptions during periods of SSM and the enhanced transparency associated with electronic reporting may result in unquantifiable benefits and air quality impacts.

C. What are the cost impacts?

As described in the proposed rule and covered in detail in the cost memorandum in the docket to this rulemaking (Docket ID No. EPA–HQ–OAR–2017–0664), the final amendments to reduce testing duration and the elimination of the requirement to conduct internal visual baghouse inspections will result in an estimated overall cost savings to industry of $190,000 per year.

D. What are the economic impacts?

Because the overall costs and savings to industry associated with the proposed revisions are relatively small,

no significant economic impacts from the final amendments are anticipated.

E. What are the benefits?

While the amendments in this final rule do not require any new reductions in emissions of HAP, this action results in improved monitoring, compliance, and implementation of the rule. The final rule increases transparency and public availability of data via the requirement for electronic submittal of compliance test results and reports.

F. What analysis of environmental justice did we conduct?

To examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of risks to individual demographic groups of the populations living within 5 kilometers (km) and within 50 km of the facilities. In the analysis, we evaluated the distribution of HAP-related cancer and noncancer risks from the Taconite Iron Ore Processing source category across different demographic groups within the populations living near facilities. That analysis indicates that actual emissions from the source category expose approximately 38,000 people to a cancer risk at or above 1-in-1 million and no one to a chronic noncancer HI greater than 1. The percent of minorities nationally (38 percent) is much higher than for the category population with cancer risk greater than or equal to 1-in-1 million (7 percent). The category population with cancer risk greater than or equal to 1-in-1 million has a greater percentage of Native American (2.8 percent) as compared to nationally (0.8 percent), but lower percentages for African American (1 percent) and Hispanic (1 percent) as compared to nationally (12 percent and 18 percent, respectively). The category population with cancer risk greater than or equal to 1-in-1 million has a lower percentage of the population below the poverty level (14 percent) as compared to nationally (19 percent). Therefore, the EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples. The documentation for this decision is contained in section IV.A.1 of the proposal preamble (84 FR 50676—50677) and in the *Taconite Iron Ore Processing Demographic Analysis Report,* which is available in this rulemaking docket (Docket Item No. EPA–HQ–OAR–2017–0664–0129).

G. What analysis of children's environmental health did we conduct?

The EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are protective of the most vulnerable populations, including children, due to how we determine exposure and through the health benchmarks that we use. Specifically, the risk assessments we perform assume a lifetime of exposure, in which populations are conservatively presumed to be exposed to airborne concentrations at their residence continuously, 24 hours per day for a 70-year lifetime, including childhood. With regards to children's potentially greater susceptibility to noncancer toxicants, the assessments rely on the EPA's (or comparable) hazard identification and dose-response values that have been developed to be protective for all subgroups of the general population, including children. For more information on the risk assessment, see summary in section IV.A of this preamble and the final Taconite Risk Report, which is available in the docket to this rulemaking (Docket ID No. EPA–HQ–OAR–2017–0664).

VI. Statutory and Executive Order Reviews

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

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

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

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

This action is considered an Executive Order 13771 deregulatory action. Details on the estimated cost savings of this final rule can be found in EPA's analysis of the potential costs and benefits associated with this action.

C. Paperwork Reduction Act (PRA)

The information collection activities in this rule will be submitted for approval to OMB under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 2050.09. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

We are finalizing amendments that require electronic reporting, remove the malfunction exemption, and impose other revisions that affect reporting and recordkeeping for taconite iron ore processing facilities. This information will be collected to assure compliance with 40 CFR part 63, subpart RRRRR.

Respondents/affected entities: Owners or operators of taconite iron ore processing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart RRRRR).

Estimated number of respondents: Eight (total).

Frequency of response: Initial, semiannual, and annual.

Total estimated burden: The annual recordkeeping and reporting burden for facilities to comply with all of the requirements in the NESHAP is estimated to be 1,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The annual recordkeeping and reporting burden for facilities to comply with all the requirements in the NESHAP is estimated to be $550,000 (per year). The only costs associated with the information collection activity is labor cost. There are no capital/startup or operation and maintenance costs for this ICR.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the Agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. Based on the Small Business Administration size category for this source category, no small entities are subject to this action.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

While this action creates an enforceable duty on the private sector, the cost does not exceed $100 million or more.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175. No tribal governments own facilities subject to this action. Thus, Executive Order 13175 does not apply to this action. However, since tribal officials expressed significant interest in this rulemaking, consistent with the EPA Policy on Consultation and Coordination with Indian Tribes, the EPA consulted with tribal officials during the development of this action. A summary of that consultation is provided in the docket to this rulemaking (Docket Item Nos. EPA–HQ–OAR–2017–0664–0142, EPA–HQ–OAR–2017–0664–0144, and EPA–HQ–OAR–2017–0664–0145). Tribal officials also provided written comments on the proposed rule. A summary of their comments along with the EPA's responses are in the preamble to this final rule or in the *National Emissions Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Residual Risk and Technology Review Summary of Public Comments and Responses,* available in Docket ID No. EPA–HQ–OAR–2017–0664.

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are summarized in section IV.A of this preamble and in section IV of the September 25, 2019, proposal preamble and are further documented in the final Taconite Risk Report, which is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2017–0664).

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This action involves technical standards. The EPA has decided to use ANSI/ASME PTC 19.10–1981 Part 10, ''Flue and Exhaust Gas Analyses,'' manual portion only, as an alternative to EPA Method 3B and incorporates the alternative method by reference. The ANSI/ASME PTC 19.10–1981 Part 10 method incorporates both manual and instrumental methodologies for the determination of oxygen content of the exhaust gas. The manual method segment of the oxygen determination is performed through the absorption of oxygen. The method is acceptable as an alternative to EPA Method 3B and is available from the American Society of Mechanical Engineers (ASME) at *http://www.asme.org;* by mail at Three Park Avenue, New York, NY 10016–5990; or by telephone at (800) 843–2763. EPA Method 3B is applicable for the determination of oxygen, carbon dioxide, and carbon monoxide concentrations in the exhaust gas from fossil-fuel combustion for use in excess air or emission rate correction factor calculations. The EPA is continuing to require the use of the EPA's ''Fabric Filter Bag Leak Detection Guidance'' to develop monitoring plans for BLDS. This publication (EPA–454/R–98–015) provides guidance on the selection, setup, adjustment, operation, and quality assurance of fabric filter BLDS and is available at *https://www3.epa.gov/ttnemc01/cem/tribo.pdf.*

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). The risks for this source category were found to be acceptable for all populations, including minority pollutions, low income populations, and/or indigenous people. In addition, this action increases the level of environmental protection for all affected populations through improved compliance. Specifically, the final rule removes SSM exemptions and clarifies testing, monitoring, recordkeeping, and reporting requirements. The results of the final risk analysis are contained in section IV.A of this preamble and in the final risk assessment report (available in the docket for this rulemaking). The results of the demographics analysis are contained in section V.F of this preamble and the *Taconite Iron Ore Processing Demographic Analysis Report,* which is available in this rulemaking docket (Docket Item No. EPA–HQ–OAR–2017–0664–0129).

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Andrew Wheeler,

Administrator.

For the reasons set forth in the preamble, the EPA amends 40 CFR part 63 as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

■ 2. Section 63.14 is amended by revising paragraphs (e)(1) and (n)(3) to read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(e) * * *

(1) ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], issued August 31, 1981, IBR approved for §§ 63.309(k), 63.457(k), 63.772(e) and (h), 63.865(b), 63.997(e), 63.1282(d) and (g), 63.1625(b), table 5 to subpart EEEE, 63.3166(a), 63.3360(e), 63.3545(a), 63.3555(a), 63.4166(a), 63.4362(a), 63.4766(a), 63.4965(a), 63.5160(d), table 4 to subpart UUUU, table3 to subpart YYYY, 63.7822(b), 63.7824(e), 63.7825(b), 63.9307(c), 63.9323(a), 63.9621(b) and (c), 63.11148(e), 63.11155(e), 63.11162(f), 63.11163(g),

63.11410(j), 63.11551(a), 63.11646(a), and 63.11945, table 5 to subpart DDDDD, table 4 to subpart JJJJJ, table 4 to subpart KKKKK, tables 4 and 5 of subpart UUUUU, table 1 to subpart ZZZZZ, and table 4 to subpart JJJJJJ.

* * * * *

(n) * * *

(3) EPA–454/R–98–015, Office of Air Quality Planning and Standards (OAQPS), Fabric Filter Bag Leak Detection Guidance, September 1997, *https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=2000D5T6.PDF,* IBR approved for §§ 63.548(e), 63.864(e), 63.7525(j), 63.8450(e), 63.8600(e), 63.9632(a), and 63.11224(f).

* * * * *

■ 3. Section 63.9590 is amended by revising paragraph (b)(2) to read as follows:

§ 63.9590 What emission limitations must I meet?

* * * * *

(b) * * *

(2) On or before January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each dynamic wet scrubber applied to meet any particulate matter emission limit in Table 1 to this subpart, you must maintain the daily average scrubber water flow rate and either the daily average fan amperage (a surrogate for fan speed as revolutions per minute) or the daily average pressure drop at or above the minimum levels established during the initial performance test. After January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each dynamic wet scrubber applied to meet any particulate matter emission limit in Table 1 to this subpart, you must maintain the daily average scrubber water flow rate and the daily average fan amperage (a surrogate for fan speed as revolutions per minute) at or above the minimum levels established during the initial performance test.

* * * * *

■ 4. Section 63.9600 is amended by revising paragraphs (a) and (b)(2) introductory text to read as follows:

§ 63.9600 What are my operation and maintenance requirements?

(a) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, you must always operate and maintain your affected source, including air pollution control and monitoring equipment, according to the provisions in § 63.6(e)(1)(i). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, at all times, you must always operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(b) * * *

(2) Corrective action procedures for bag leak detection systems. On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, in the event a bag leak detection system alarm is triggered, you must initiate corrective action to determine the cause of the alarm within 1 hour of the alarm, initiate corrective action to correct the cause of the problem within 24 hours of the alarm, and complete the corrective action as soon as practicable. Corrective actions may include, but are not limited to, the actions listed in paragraphs (b)(2)(i) through (vi) of this section. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, in the event a bag leak detection system alarm is triggered, you must initiate corrective action to determine the cause of the alarm within 1 hour of the alarm, initiate corrective action to correct the cause of the problem within 24 hours of the alarm, and complete the corrective action as soon as practicable. If the alarm sounds more than 5 percent of the operating time during a 6-month period as determined according to § 63.9634(d)(3), it is considered an operating parameter deviation. Corrective actions may include, but are not limited to, the actions listed in paragraphs (b)(2)(i) through (vi) of this section.

* * * * *

■ 5. Section 63.9610 is amended by revising paragraph (a) introductory text and paragraph (c) to read as follows:

§ 63.9610 What are my general requirements for complying with this subpart?

(a) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, you must be in compliance with the requirements in paragraphs (a)(1) through (6) of this section at all times, except during periods of startup, shutdown, and malfunction. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, for affected sources that commenced construction or reconstruction after September 25, 2019, you must be in compliance with the emission limitations, standards, and operation and maintenance requirements in this subpart at all times.

* * * * *

(c) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, you must develop a written startup, shutdown, and malfunction plan according to the provisions in § 63.6(e)(3). For affected sources, a startup, shutdown, and malfunction plan is not required after January 25, 2021. No startup, shutdown, and malfunction plan is required for affected sources that commenced construction or reconstruction after September 25, 2019.

■ 6. Section 63.9620 is amended by revising paragraph (f) introductory text to read as follows:

§ 63.9620 On which units and by what date must I conduct performance tests or other initial compliance demonstrations?

* * * * *

(f) If you elect to test representative emission units as provided in paragraph (e) of this section, the units that are grouped together as similar units must meet the criteria in paragraphs (f)(1) and (2) of this section.

* * * * *

■ 7. Section 63.9621 is amended by revising paragraphs (a), (b)(1) and (2), and (c)(1) and (2) to read as follows:

§ 63.9621 What test methods and other procedures must I use to demonstrate initial compliance with the emission limits for particulate matter?

(a) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, you must conduct each performance test that applies to your affected source according to the requirements in § 63.7(e)(1) and paragraphs (b) and (c) of this section. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, you must conduct each performance test that applies to your affected source under normal operating conditions of the affected source. The owner or operator may not conduct performance tests during periods of malfunction. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests. You must also conduct each performance test that applies to your affected source according to the requirements in paragraphs (b) and (c) of this section.

(b) * * *

(1) Except as provided in § 63.9620(e), determine the concentration of particulate matter in the stack gas for each emission unit according to the test methods listed in paragraphs (b)(1)(i) through (v) of this section.

(i) EPA Method 1 or 1A in appendix A–1 to part 60 of this chapter to select sampling port locations and the number of traverse points. Sampling ports must be located at the outlet of the control device and prior to any releases to the atmosphere.

(ii) EPA Method 2, 2A, 2C, 2D, or 2F in appendix A–1 to part 60 of this chapter or EPA Method 2G in appendix A–2 to part 60 of this chapter, as applicable, to determine the volumetric flow rate of the stack gas.

(iii) EPA Method 3A or 3B in appendix A–2 to part 60 of this chapter to determine the dry molecular weight of the stack gas. The voluntary consensus standard ANSI/ASME PTC 19.10–1981 (incorporated by reference-see § 63.14) may be used as an alternative to the manual procedures (but not instrumental procedures) in EPA Method 3B.

(iv) EPA Method 4 in appendix A–3 to part 60 of this chapter to determine the moisture content of the stack gas.

(v) EPA Method 5 or 5D in appendix A–3 to part 60 of this chapter or EPA Method 17 in appendix A–6 to part 60 of this chapter to determine the concentration of particulate matter.

(2) Each EPA Method 5, 5D, or 17 performance test must consist of three separate runs. Each run must be conducted for a minimum of 1 hour. If any measurement result is reported as below the method detection limit, use the method detection limit for that value when calculating the average particulate matter concentration. The average particulate matter concentration from the three runs will be used to determine compliance, as shown in Equation 1 of this section.

$$C_i = \frac{C_1 + C_2 + C_3}{3} \quad (Eq.\ 1)$$

Where:

C_i = Average particulate matter concentration for emission unit, grains per dry standard cubic foot, (gr/dscf);

C_1 = Particulate matter concentration for run 1 corresponding to emission unit, gr/dscf;

C_2 = Particulate matter concentration for run 2 corresponding to emission unit, gr/dscf; and

C_3 = Particulate matter concentration for run 3 corresponding to emission unit, gr/dscf.

* * * * *

(c) * * *

(1) Determine the concentration of particulate matter for each stack according to the test methods listed in paragraphs (c)(1)(i) through (v) of this section.

(i) EPA Method 1 or 1A in appendix A–1 to part 60 of this chapter to select sampling port locations and the number of traverse points. Sampling ports must be located at the outlet of the control device and prior to any releases to the atmosphere.

(ii) EPA Method 2, 2A, 2C, 2D, or 2F in appendix A–1 to part 60 of this chapter or EPA Method 2G in appendix A–2 to part 60 of this chapter, as applicable, to determine the volumetric flow rate of the stack gas.

(iii) EPA Method 3A or 3B in appendix A–2 to part 60 of this chapter to determine the dry molecular weight of the stack gas. The voluntary consensus standard ANSI/ASME PTC 19.10–1981 (incorporated by reference-see § 63.14) may be used as an alternative to the manual procedures (but not instrumental procedures) in EPA Method 3B.

(iv) EPA Method 4 in appendix A–3 to part 60 of this chapter to determine the moisture content of the stack gas.

(v) EPA Method 5 or 5D in appendix A–3 to part 60 of this chapter to determine the concentration of particulate matter.

(2) Each EPA Method 5 or 5D performance test must consist of three separate runs. Each run must be conducted for a minimum of 1 hour. If any measurement result is reported as below the method detection limit, use the method detection limit for that value when calculating the average particulate matter concentration. The average particulate matter concentration from the three runs will be used to determine compliance, as shown in Equation 1 of this section.

* * * * *

■ 8. Section 63.9622 is amended by revising paragraphs (b) and (d)(2) to read as follows:

§ 63.9622 What test methods and other procedures must I use to establish and demonstrate initial compliance with the operating limits?

* * * * *

(b) On or before January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for dynamic wet scrubbers subject to performance testing in § 63.9620 and operating limits for scrubber water flow rate and either fan amperage or pressure drop in § 63.9590(b)(2), you must establish site-specific operating limits according to the procedures in paragraphs (b)(1) and (2) of this section. After January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for dynamic wet scrubbers subject to performance testing in § 63.9620 and operating limits for scrubber water flow rate and fan amperage in § 63.9590(b)(2), you must establish site-specific operating limits according to the procedures in paragraphs (b)(1) and (2) of this section.

(1) On or before January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, using the CPMS required in § 63.9631(b), measure and record the scrubber water flow rate and either the fan amperage or pressure drop every 15 minutes during each run of the particulate matter performance test. After January 28, 2022, for affected sources that commenced construction or reconstruction on or before September

25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, using the CPMS required in § 63.9631(b), measure and record the scrubber water flow rate and the fan amperage every 15 minutes during each run of the particulate matter performance test.

(2) On or before January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, calculate and record the average scrubber water flow rate and either the average fan amperage or the average pressure drop for each individual test run. Your operating limits are established as the lowest average scrubber water flow rate and either the lowest average fan amperage or pressure drop value corresponding to any of the three test runs. After January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, calculate and record the average scrubber water flow rate and the average fan amperage for each individual test run. Your operating limits are established as the lowest average scrubber water flow rate and the lowest average fan amperage value corresponding to any of the three test runs.

* * * * *

(d) * * *

(2) For each individual test run, calculate and record the average value for each operating parameter in paragraphs (d)(1)(i) through (iii) of this section for each wet electrostatic precipitator field. Your operating limits are established as the lowest average value for each operating parameter of secondary voltage and water flow rate corresponding to any of the three test runs, and the highest average value for each stack outlet temperature corresponding to any of the three test runs.

* * * * *

■ 9. Section 63.9623 is amended by revising paragraph (b)(2) to read as follows:

§ 63.9623 How do I demonstrate initial compliance with the emission limitations that apply to me?

* * * * *

(b) * * *

(2) On or before January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each dynamic wet scrubber subject to performance testing in § 63.9620 and operating limits for scrubber water flow rate and either fan amperage or pressure drop in § 63.9590(b)(2), you have established appropriate site-specific operating limits and have a record of the scrubber water flow rate and either the fan amperage or pressure drop value, measured during the performance test in accordance with § 63.9622(b). After January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each dynamic wet scrubber subject to performance testing in § 63.9620 and operating limits for scrubber water flow rate and fan amperage in § 63.9590(b)(2), you have established appropriate site-specific operating limits and have a record of the scrubber water flow rate and the fan amperage value, measured during the performance test in accordance with § 63.9622(b).

* * * * *

■ 10. Section 63.9625 is amended by revising the introductory text to read as follows:

§ 63.9625 How do I demonstrate initial compliance with the operation and maintenance requirements that apply to me?

For each air pollution control device subject to operating limits in § 63.9590(b), you have demonstrated initial compliance with the operation and maintenance requirements if you meet all of the requirements in paragraphs (a) through (d) of this section.

* * * * *

■ 11. Section 63.9631 is amended by revising paragraphs (a) introductory text and (c) to read as follows:

§ 63.9631 What are my monitoring requirements?

(a) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each baghouse applied to meet any particulate matter emission limit in Table 1 to this subpart, you must install, operate, and maintain a bag leak detection system to monitor the relative change in particulate matter loadings according to the requirements in § 63.9632(a), and conduct inspections at their specified frequencies according to the requirements in paragraphs (a)(1) through (8) of this section. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each baghouse applied to meet any particulate matter emission limit in Table 1 to this subpart, you must install, operate, and maintain a bag leak detection system to monitor the relative change in particulate matter loadings according to the requirements in § 63.9632(a), and conduct inspections at their specified frequencies according to the requirements in paragraphs (a)(1) through (6) and (8) of this section. For each baghouse applied to meet any particulate matter emission limit in Table 1 to this subpart that is not required by § 63.9632(a) to be equipped with a bag leak detection system, you must conduct inspections at their specified frequencies according to the requirements in paragraphs (a)(1) through (8) of this section.

* * * * *

(c) On or before January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each dynamic wet scrubber subject to the scrubber water flow rate and either the fan amperage or pressure drop operating limits in § 63.9590(b)(2), you must install, operate, and maintain a CPMS according to the requirements in § 63.9632(b) through (e) and monitor the daily average scrubber water flow rate and either the daily average fan amperage or the daily average pressure drop according to the requirements in § 63.9633. After January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each dynamic wet scrubber subject to the scrubber water flow rate and the fan amperage operating limits in § 63.9590(b)(2), you must install, operate, and maintain a CPMS according to the requirements in § 63.9632(b) through (e) and monitor the daily average scrubber water flow rate and the daily average fan amperage according to the requirements in § 63.9633.

* * * * *

■ 12. Section 63.9632 is amended by:

■ a. Revising paragraph (a) introductory text.

■ b. Redesignating paragraphs (a)(3) through (8) as paragraphs (a)(4) through (9).
■ c. Adding new paragraph (a)(3).
■ d. Revising newly redesignated paragraphs (a)(4), (a)(5) introductory text, (a)(7) introductory text, and (a)(7)(i).
■ e. Revising paragraphs (b)(3) through (6) and (f)(2) and (4).

The revisions and addition read as follows:

§ 63.9632 What are the installation, operation, and maintenance requirements for my monitoring equipment?

(a) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each negative pressure baghouse or positive pressure baghouse equipped with a stack, applied to meet any particulate emission limit in Table 1 to this subpart, you must install, operate, and maintain a bag leak detection system for each exhaust stack according to the requirements in paragraphs (a)(1) and (2) and (a)(4) through (9) of this section. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each negative pressure baghouse or positive pressure baghouse equipped with a stack, applied to meet any particulate emission limit in Table 1 to this subpart, you must install, operate, and maintain a bag leak detection system for each exhaust stack according to the requirements in paragraphs (a)(1) through (9) of this section.

* * * * *

(3) The bag leak detection system must be equipped with a device to continuously record the output signal from the sensor.

(4) The system must be equipped with an alarm that will sound when an increase in relative particulate loadings is detected over the alarm level set point established according to paragraph (a)(5) of this section. The alarm must be located such that it can be heard by the appropriate plant personnel.

(5) For each bag leak detection system, you must develop and submit to the Administrator for approval, a site-specific monitoring plan that addresses the items identified in paragraphs (a)(5)(i) through (v) of this section. The monitoring plan shall be consistent with the manufacturer's specifications and recommendations contained in the U.S. Environmental Protection Agency (U.S. EPA) guidance document, ''Fabric Filter Bag Leak Detection Guidance'' (EPA–454/R–98–015) (incorporated by reference—see § 63.14). You must operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. The plan shall describe all of the items in paragraphs (a)(5)(i) through (v) of this section.

* * * * *

(7) Following initial adjustment, do not adjust sensitivity or range, averaging period, alarm set point, or alarm delay time, without approval from the Administrator except as provided for in paragraph (a)(7)(i) of this section. In no event may the sensitivity be increased more than 100 percent or decreased by more than 50 percent over a 365-day period unless such adjustment follows a complete baghouse inspection that demonstrates the baghouse is in good operating condition.

(i) Once per quarter, you may adjust the sensitivity or range of the bag leak detection system to account for seasonal effects, including temperature and humidity, according to the procedures identified in the site-specific monitoring plan required under paragraph (a)(5) of this section.

* * * * *

(b) * * *

(3) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, performance evaluation procedures and acceptance criteria (*e.g.,* calibrations). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, performance evaluation procedures, a schedule for performing such procedures, and acceptance criteria (*e.g.,* calibrations), as well as corrective action to be taken if a performance evaluation does not meet the acceptance criteria. If a CPMS calibration fails, the CPMS is considered to be inoperative until you take corrective action and the system passes calibration.

(4) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, ongoing operation and maintenance procedures in accordance with the general requirements of § 63.8(c)(1), (3), (4)(ii), (7), and (8). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, ongoing operation and maintenance procedures and a schedule for preventative maintenance procedures, in a manner consistent with good air pollution control practices and in accordance with the general requirements of § 63.8(c)(1)(ii), (c)(3), (c)(4)(ii), and (c)(7) and (8).

(5) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, ongoing data quality assurance procedures in accordance with the general requirements of § 63.8(d). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, ongoing data quality assurance procedures in accordance with the general requirements of § 63.8(d)(1) and (2). The owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (*i.e.,* superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan.

(6) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, ongoing recordkeeping and reporting procedures in accordance with the general requirements of § 63.10(c), (e)(1), and (e)(2)(i). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, ongoing recordkeeping and reporting procedures in accordance with the general requirements of § 63.10(c)(1) through (14), (e)(1), and (e)(2)(i).

* * * * *

(f) * * *

(2) On or before January 25, 2021, for affected sources that commenced

construction or reconstruction on or before September 25, 2019, you must develop and implement a quality control program for operating and maintaining each continuous opacity monitoring system (COMS) according to § 63.8. At a minimum, the quality control program must include a daily calibration drift assessment, quarterly performance audit, and annual zero alignment of each COMS. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, you must develop and implement a quality control program for operating and maintaining each COMS according to § 63.8(a) and (b), (c)(1)(ii), (c)(2) through (8), (d)(1) and (2), and (e) through (g) and Procedure 3 in appendix F to 40 CFR part 60. At a minimum, the quality control program must include a daily calibration drift assessment, quarterly performance audit, and annual zero alignment of each COMS.

* * * * *

(4) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, you must determine and record the 6-minute average opacity for periods during which the COMS is not out of control. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, you must determine and record the 6-minute average opacity for periods during which the COMS is not out of control. All COMS must complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

■ 13. Section 63.9633 is amended by revising paragraphs (a) and (b) to read as follows:

§ 63.9633 How do I monitor and collect data to demonstrate continuous compliance?

(a) Except for monitoring malfunctions, out of control periods, associated repairs, and required quality assurance or control activities (including as applicable, calibration checks and required zero and span adjustments), you must monitor continuously (or collect data at all required intervals) at all times an affected source is operating.

(b) You may not use data recorded during monitoring malfunctions, out of control periods, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels, or to fulfill a minimum data availability requirement. You must use all the data collected during all other periods in assessing compliance.

■ 14. Section 63.9634 is amended by:

■ a. Revising paragraphs (b)(3), (d) introductory text, and (d)(2).

■ b. Adding paragraph (d)(3).

■ c. Revising paragraphs (f) introductory text, (f)(1), (3), and (4), (h)(1), and (j)(1) and (2).

The revisions and addition read as follows:

§ 63.9634 How do I demonstrate continuous compliance with the emission limitations that apply to me?

* * * * *

(b) * * *

(3) For ore crushing and handling and finished pellet handling emission units not selected for initial performance testing and defined within a group of similar emission units in accordance with § 63.9620(e), the site-specific operating limits established for the emission unit selected as representative of a group of similar emission units will be used as the operating limit for each emission unit within the group. The operating limit established for the representative unit must be met by each emission unit within the group.

* * * * *

(d) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each baghouse applied to meet any particulate emission limit in Table 1 to this subpart, you must demonstrate continuous compliance by completing the requirements in paragraphs (d)(1) and (2) of this section. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each baghouse applied to meet any particulate emission limit in Table 1 to this subpart, you must demonstrate continuous compliance by completing the requirements in paragraphs (d)(1) through (3) of this section.

* * * * *

(2) Inspecting and maintaining each baghouse according to the requirements in § 63.9631(a) and recording all information needed to document conformance with the requirements in § 63.9631(a). If you increase or decrease the sensitivity of the bag leak detection system beyond the limits specified in your site-specific monitoring plan, you must include a copy of the required written certification by a responsible official in the next semiannual compliance report.

(3) Each bag leak detection system must be operated and maintained such that the alarm does not sound more than 5 percent of the operating time during a 6-month period. Calculate the alarm time as specified in paragraphs (d)(3)(i) through (iii) of this section.

(i) If inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted.

(ii) If corrective action is required, each alarm time (*i.e.,* time that the alarm sounds) is counted as a minimum of 1 hour.

(iii) If it takes longer than 1 hour to initiate corrective action, each alarm time is counted as the actual amount of time taken to initiate corrective action.

* * * * *

(f) On or before January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each dynamic wet scrubber subject to the operating limits for scrubber water flow rate and either the fan amperage or pressure drop in § 63.9590(b)(2), you must demonstrate continuous compliance by completing the requirements of paragraphs (f)(1) through (4) of this section. After January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each dynamic wet scrubber subject to the operating limits for scrubber water flow rate and the fan amperage in § 63.9590(b)(2), you must demonstrate continuous compliance by completing the requirements of paragraphs (f)(1) through (4) of this section.

(1) On or before January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, maintaining the daily average scrubber water flow rate and either the daily average fan amperage or the daily average pressure drop at or above the minimum levels established during the initial or subsequent performance test. After January 28, 2022, for affected sources

that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, maintaining the daily average scrubber water flow rate and the daily average fan amperage at or above the minimum levels established during the initial or subsequent performance test.

* * * * *

(3) On or before January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, collecting and reducing monitoring data for scrubber water flow rate and either fan amperage or pressure drop according to § 63.9632(c) and recording all information needed to document conformance with the requirements in § 63.9632(c). After January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, collecting and reducing monitoring data for scrubber water flow rate and fan amperage according to § 63.9632(c) and recording all information needed to document conformance with the requirements in § 63.9632(c).

(4) On or before January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, if the daily average scrubber water flow rate, daily average fan amperage, or daily average pressure drop is below the operating limits established for a corresponding emission unit or group of similar emission units, you must then follow the corrective action procedures in paragraph (j) of this section. After January 28, 2022, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, if the daily average scrubber water flow rate or daily average fan amperage, is below the operating limits established for a corresponding emission unit or group of similar emission units, you must then follow the corrective action procedures in paragraph (j) of this section.

* * * * *

(h) * * *

(1) Maintaining the daily average secondary voltage and daily average scrubber water flow rate for each field at or above the minimum levels established during the initial or subsequent performance test. Maintaining the daily average stack outlet temperature at or below the maximum levels established during the initial or subsequent performance test.

* * * * *

(j) * * *

(1) You must initiate and complete initial corrective action within 10 calendar days and demonstrate that the initial corrective action was successful. During any period of corrective action, you must continue to monitor, and record all required operating parameters for equipment that remains in operation. After the initial corrective action, if the daily average operating parameter value for the emission unit or group of similar emission units meets the operating limit established for the corresponding unit or group, then the corrective action was successful and the emission unit or group of similar emission units is in compliance with the established operating limits.

(2) If the initial corrective action required in paragraph (j)(1) of this section was not successful, then you must complete additional corrective action within 10 calendar days and demonstrate that the subsequent corrective action was successful. During any period of corrective action, you must continue to monitor, and record all required operating parameters for equipment that remains in operation. If the daily average operating parameter value for the emission unit or group of similar emission units meets the operating limit established for the corresponding unit or group, then the corrective action was successful, and the emission unit or group of similar emission units is in compliance with the established operating limits.

* * * * *

■ 15. Section 63.9637 is revised to read as follows:

§ 63.9637 What other requirements must I meet to demonstrate continuous compliance?

(a) *Deviations.* You must report each instance in which you did not meet each emission limitation in Table 1 to this subpart that applies to you. You also must report each instance in which you did not meet the work practice standards in § 63.9591 and each instance in which you did not meet each operation and maintenance requirement in § 63.9600 that applies to you. These instances are deviations from the emission limitations, work practice standards, and operation and maintenance requirements in this subpart. These deviations must be reported in accordance with the requirements in § 63.9641.

(b) *Startups, shutdowns, and malfunctions.* For existing sources and for new or reconstructed sources which commenced construction or reconstruction on or before September 25, 2019, on or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, consistent with §§ 63.6(e) and 63.7(e)(1), deviations that occur during a period of startup, shutdown, or malfunction are not violations if you demonstrate to the Administrator's satisfaction that you were operating in accordance with § 63.6(e)(1). The Administrator will determine whether deviations that occur during a period of startup, shutdown, or malfunction are violations, according to the provisions in § 63.6(e). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, the exemptions for periods of startup, shutdown, and malfunction in § 63.6(e) no longer apply.

■ 16. Section 63.9640 is amended by revising paragraph (e)(2) to read as follows:

§ 63.9640 What notifications must I submit and when?

* * * * *

(e) * * *

(2) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each initial compliance demonstration that does include a performance test, you must submit the notification of compliance status, including the performance test results, before the close of business on the 60th calendar day following the completion of the performance test according to § 63.10(d)(2). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each initial compliance demonstration that does include a performance test, you must submit the notification of compliance status, including the performance test results, before the close of business on the 60th

calendar day following the completion of the performance test according to § 63.10(d)(2). If the performance test results have been submitted electronically in accordance with § 63.9641(f), the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in the notification of compliance status report in lieu of the performance test results. The performance test results must be submitted to the Compliance and Emissions Data Reporting Interface (CEDRI) by the date the notification of compliance status report is submitted.

■ 17. Section 63.9641 is amended by:

■ a. Revising paragraphs (a)(2) and (4), (b) introductory text, and (b)(2) through (4) and (7), (b)(8) introductory text, (b)(8)(ii) through (vii) and (ix), and (c); and

■ b. Adding paragraphs (f), (g), and (h).

The revisions and additions read as follows:

§ 63.9641 What reports must I submit and when?

(a) * * *

(2) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, the first compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date comes first after your first compliance report is due. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, the first compliance report must be electronically submitted, postmarked or delivered no later than July 31 or January 31, whichever date comes first after your first compliance report is due.

* * * * *

(4) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, each subsequent compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date comes first after the end of the semiannual reporting period. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, each subsequent compliance report must be electronically submitted, postmarked or delivered no later than July 31 or January 31, whichever date comes first after the end of the semiannual reporting period.

* * * * *

(b) *Compliance report contents.* Each compliance report must include the information in paragraphs (b)(1) through (8) of this section, as applicable.

* * * * *

(2) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, statement by a responsible official, with the official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, statement by a responsible official, with the official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report. If your report is submitted via CEDRI, the certifier's electronic signature during the submission process replaces the requirement in this paragraph (b)(2).

(3) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, date of report and beginning and ending dates of the reporting period. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, date of report and beginning and ending dates of the reporting period. You are no longer required to provide the date of report when the report is submitted via CEDRI.

(4) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, if you had a startup, shutdown, or malfunction during the reporting period and you took actions consistent with your startup, shutdown, and malfunction plan, the compliance report must include the information in § 63.10(d)(5)(i). A startup, shutdown, and malfunction plan and the information in § 63.10(d)(5)(i) is not required after January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and is not required after July 28, 2020, for affected sources that commenced construction or reconstruction after September 25, 2019.

* * * * *

(7) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each deviation from an emission limitation in Table 1 to this subpart that occurs at an affected source where you are not using a continuous monitoring system (including a CPMS or COMS) to comply with an emission limitation in this subpart, the compliance report must contain the information in paragraphs (b)(1) through (4) of this section and the information in paragraphs (b)(7)(i) and (ii) of this section. This includes periods of startup, shutdown, and malfunction. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each deviation from an emission limitation in Table 1 to this subpart that occurs at an affected source where you are not using a continuous monitoring system (including a CPMS or COMS) to comply with an emission limitation in this subpart, the compliance report must contain the information in paragraphs (b)(7)(i) and (ii) of this section.

(i) The total operating time in hours of each affected source during the reporting period.

(ii) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, information on the number, duration, and cause of deviation (including unknown cause) as applicable, and the corrective action taken. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, information on the affected sources or equipment, the emission limit deviated from, the start date, start time, duration in hours, and cause of each deviation (including unknown cause) as applicable, an estimate of the quantity in pounds of each regulated pollutant emitted over an emission limit and a description of the method used to estimate the emissions, and the corrective action taken.

(8) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each deviation from an emission limitation occurring at an affected source where you are using a continuous monitoring system (including a CPMS or COMS) to comply with the emission limitation in this subpart, you must include the information in paragraphs (b)(1) through (4) of this section and the information in paragraphs (b)(8)(i) through (xi) of this section. This includes periods of startup, shutdown, and malfunction. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each deviation from an emission limitation occurring at an affected source where you are using a continuous monitoring system (including a CPMS or COMS) to comply with the emission limitation in this subpart, you must include the information in paragraphs (b)(1) through (4) of this section and the information in paragraphs (b)(8)(i) through (xi) of this section.

* * * * *

(ii) The start date, start time, and duration in hours (or minutes for COMS) that each continuous monitoring system was inoperative, except for zero (low-level) and high-level checks.

(iii) The start date, start time, and duration in hours (or minutes for COMS) that each continuous monitoring system was out-of-control, including the information in § 63.8(c)(8).

(iv) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, for each affected source or equipment, the date and time that each deviation started and stopped, the cause of the deviation, and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, for each affected source or equipment, the date and time that each deviation started and stopped, the cause of the deviation, and whether each deviation occurred during a period of malfunction or during another period.

(v) The total duration in hours (or minutes for COMS) of all deviations for each Continuous Monitoring System (CMS) during the reporting period, the total operating time in hours of the affected source during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(vi) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, a breakdown of the total duration of the deviations during the reporting period including those that are due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, a breakdown of the total duration in hours (or minutes for COMS) of the deviations during the reporting period including those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(vii) The total duration in hours (or minutes for COMS) of continuous monitoring system downtime for each continuous monitoring system during the reporting period, the total operating time in hours of the affected source during the reporting period, and the total duration of continuous monitoring system downtime as a percent of the total source operating time during the reporting period.

* * * * *

(ix) The monitoring equipment manufacturer and model number and the pollutant or parameter monitored.

* * * * *

(c) *Submitting compliance reports electronically.* Beginning on January 25, 2021, submit all subsequent compliance reports to the EPA via CEDRI, which can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as confidential business information (CBI). Anything submitted using CEDRI cannot later be claimed to be CBI. You must use the appropriate electronic report template on the CEDRI website (*https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri*) for this subpart. The report must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted. Although we do not expect persons to assert a claim of CBI, if persons wish to assert a CBI claim, submit a complete report, including information claimed to be CBI, to the EPA. The report must be generated using the appropriate form on the CEDRI website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/SPPD/CORE CBI Office, Attention: Taconite Iron Ore Processing Sector Lead, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph (c). All CBI claims must be asserted at the time of submission. Furthermore, under CAA section 114(c) emissions data in not entitled to confidential treatment, and EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available. On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, if you had a startup, shutdown, or malfunction during the reporting period that is not consistent with your startup, shutdown, and malfunction plan you must submit an immediate startup, shutdown and malfunction report according to the requirements in § 63.10(d)(5)(ii). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, an immediate startup, shutdown, and malfunction report is not required.

* * * * *

(f) *Performance tests.* After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, within 60 days after the date of completing each performance test required by this subpart, you must submit the results of the performance test following the procedures specified in paragraphs (f)(1) through (3) of this section.

(1) *Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert) at the time of the test.* Submit the results of the performance test to the EPA via CEDRI, which can be accessed through the EPA's CDX (*https://cdx.epa.gov/*). The data must be submitted in a file format generated through the use of the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) *Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test.* The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

(3) *Confidential business information (CBI).* The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as CBI. Anything submitted using CEDRI cannot later be claimed to be CBI. Although we do not expect persons to assert a claim of CBI, if persons wish to assert a CBI claim, submit a complete file, including information claimed to be CBI, to the EPA. The file must be generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraphs (f)(1) and (2) of this section. All CBI claims must be asserted at the time of submission. Furthermore, under CAA section 114(c) emissions data in not entitled to confidential treatment, and EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available.

(g) *Claims of EPA system outage.* After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, if you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in paragraphs (g)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(2) The outage must have occurred within the period of time beginning five business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved.

(h) *Claims of force majeure.* After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, if you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of *force majeure* for failure to timely comply with the reporting requirement. To assert a claim of *force majeure,* you must meet the requirements outlined in paragraphs (h)(1) through (5) of this section.

(1) You may submit a claim if a *force majeure* event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a *force majeure* event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the *force majeure* event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the *force majeure* event;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of *force majeure* and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the *force majeure* event occurs.

■ 18. Section 63.9642 is amended by revising paragraph (a) introductory text and (a)(2), adding paragraphs (a)(4) through (6), and revising paragraph (b)(3) to read as follows:

§ 63.9642 What records must I keep?

(a) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, you must keep the records listed in paragraphs (a)(1) through (3) of this section. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later,

for affected sources that commenced construction or reconstruction after September 25, 2019, you must keep the records listed in paragraphs (a)(1) through (6) of this section.

* * * * *

(2) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, the records in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction. After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, a startup, shutdown, and malfunction plan is not required.

* * * * *

(4) In the event that an affected unit fails to meet an applicable standard, record the number of failures. For each failure record the date, time, the cause and duration of each failure.

(5) For each failure to meet an applicable standard, record and retain a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(6) Record actions taken in accordance with the general duty requirements to minimize emissions in § 63.9600(a) and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(b) * * *

(3) On or before January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, previous (that is, superseded) versions of the performance evaluation plan as required in § 63.8(d)(3). After January 25, 2021, for affected sources that commenced construction or reconstruction on or before September 25, 2019, and after July 28, 2020, or upon start-up, which ever date is later, for affected sources that commenced construction or reconstruction after September 25, 2019, previous (that is, superseded) versions of the performance evaluation plan as required in § 63.9632(b)(5), with the program of corrective action included in the plan required under § 63.8(d)(2).

* * * * *

■ 19. Section 63.9650 is revised to read as follows:

§ 63.9650 What parts of the General Provisions apply to me?

Table 2 to this subpart shows which parts of the General Provisions in §§ 63.1 through 63.16 apply to you.

■ 20. Section 63.9651 is amended by revising paragraph (c) introductory text and adding paragraph (c)(5) to read as follows:

§ 63.9651 Who implements and enforces this subpart?

* * * * *

(c) The authorities that will not be delegated to state, local, or tribal agencies are specified in paragraphs (c)(1) through (5) of this section.

* * * * *

(5) Approval of an alternative to any electronic reporting to the EPA required by this subpart.

■ 21. Section 63.9652 is amended by:

■ a. Removing the definition for ''Conveyor belt transfer point''.

■ b. Revising the definition for ''Deviation''.

■ c. Removing the definition for ''Wet grinding and milling''.

■ d. Adding in alphabetical order a definition for ''Wet scrubber''.

The revision and addition read as follows:

§ 63.9652 What definitions apply to this subpart?

* * * * *

Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limitation (including operating limits) or operation and maintenance requirement; or

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.

* * * * *

Wet scrubber means an air pollution control device that removes particulate matter and acid gases from the waste gas stream of stationary sources. The pollutants are removed primarily through the impaction, diffusion, interception and/or absorption of the pollutant onto droplets of liquid. Wet scrubbers include venturi scrubbers, marble bed scrubbers, or impingement scrubbers. For purposes of this subpart, wet scrubbers do not include dynamic wet scrubbers.

■ 22. Table 2 to subpart RRRRR of part 63 is revised to read as follows:

As required in § 63.9650, you must comply with the requirements of the NESHAP General Provisions (40 CFR part 63, subpart A) shown in the following table:

TABLE 2 TO SUBPART RRRRR OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART RRRRR OF PART 63

Citation	Subject	Applies to subpart RRRRR	Explanation
§ 63.1(a)(1)–(4)	Applicability	Yes.	
§ 63.1(a)(5)	[Reserved]	No.	
§ 63.1(a)(6)	Applicability	Yes.	
§ 63.1(a)(7)–(9)	[Reserved]	No.	
§ 63.1(a)(10)–(12)	Applicability	Yes.	
§ 63.1(b)(1)	Initial Applicability Determination	Yes.	
§ 63.1(b)(2)	[Reserved]	No.	
§ 63.1(b)(3)	Initial Applicability Determination	Yes.	
§ 63.1(c)(1)–(2)	Applicability After Standard Established, Permit Requirements.	Yes.	
§ 63.1(c)(3)–(4)	[Reserved]	No.	
§ 63.1(c)(5)	Area Source Becomes Major	Yes.	
§ 63.1(d)	[Reserved]	No.	
§ 63.1(e)	Equivalency of Permit Limits	Yes.	
§ 63.2	Definitions	Yes.	
§ 63.3(a)–(c)	Units and Abbreviations	Yes.	
§ 63.4(a)(1)–(2)	Prohibited Activities	Yes.	
§ 63.4(a)(3)–(5)	[Reserved]	No.	
§ 63.4(b)–(c)	Circumvention, Fragmentation	Yes.	

TABLE 2 TO SUBPART RRRRR OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART RRRRR OF PART 63—Continued

Citation	Subject	Applies to subpart RRRRR	Explanation
§ 63.5(a)(1)–(2)	Construction/Reconstruction, Applicability.	Yes.	
§ 63.5(b)(1)	Construction/Reconstruction, Applicability.	Yes.	
§ 63.5(b)(2)	[Reserved]	No.	
§ 63.5(b)(3)–(4)	Construction/Reconstruction, Applicability.	Yes.	
§ 63.5(b)(5)	[Reserved]	No.	
§ 63.5(b)(6)	Applicability	Yes.	
§ 63.5(c)	[Reserved]	No.	
§ 63.5(d)(1)–(4)	Application for Approval of Construction or Reconstruction.	Yes.	
§ 63.5(e)	Approval of Construction or Reconstruction.	Yes.	
§ 63.5(f)	Approval Based on State Review	Yes.	
§ 63.6(a)	Compliance with Standards and Maintenance Requirements.	Yes.	
§ 63.6(b)(1)–(5)	Compliance Dates for New/Reconstructed Sources.	Yes.	
§ 63.6(b)(6)	[Reserved]	No.	
§ 63.6(b)(7)	Compliance Dates for New/Reconstructed Sources.	Yes.	
§ 63.6(c)(1)–(2)	Compliance Dates for Existing Sources	Yes.	
§ 63.6(c)(3)–(4)	[Reserved]	No.	
§ 63.6(c)(5)	Compliance Dates for Existing Sources	Yes.	
§ 63.6(d)	[Reserved]	No.	
§ 63.6(e)(1)(i)	Operation and Maintenance Requirements—General Duty to Minimize Emissions.	Yes, on or before the compliance date specified in § 63.9600(a). No, after the compliance date specified in § 63.9600(a).	See § 63.9600(a) for general duty requirement.
§ 63.6(e)(1)(ii)	Operation and Maintenance Requirements—Requirement to Correct Malfunction as Soon as Possible.	No.	
§ 63.6(e)(1)(iii)	Operation and Maintenance Requirements—Enforceability.	Yes.	
§ 63.6(e)(2)	[Reserved]	No.	
§ 63.6(e)(3)	Startup, Shutdown, Malfunction (SSM) Plan.	Yes, on or before the compliance date specified in § 63.9610(c). No, after the compliance date specified in § 63.9610(c).	
§ 63.6(f)(1)	SSM Exemption	No	See § 63.9600(a).
§ 63.6(f)(2)–(3)	Methods for Determining Compliance	Yes.	
§ 63.6(g)(1)–(3)	Alternative Nonopacity Standard	Yes.	
§ 63.6(h), except (h)(1).	Compliance with Opacity and Visible Emission (VE) Standards.	No	Opacity limits in subpart RRRRR are established as part of performance testing in order to set operating limits for ESPs.
§ 63.6(h)(1)	Compliance except during SSM	No	See § 63.9600(a).
§ 63.6(i)(1)–(14)	Extension of Compliance	Yes.	
§ 63.6(i)(15)	[Reserved]	No.	
§ 63.6(i)(16)	Extension of Compliance	Yes.	
§ 63.6(j)	Presidential Compliance Exemption	Yes.	
§ 63.7(a)(1)–(2)	Applicability and Performance Test Dates.	No	Subpart RRRRR specifies performance test applicability and dates.
§ 63.7(a)(3)–(4)	Performance Testing Requirements	Yes.	
§ 63.7(b)	Notification	Yes.	
§ 63.7(c)	Quality Assurance/Test Plan	Yes.	
§ 63.7(d)	Testing Facilities	Yes.	
§ 63.7(e)(1)	Conduct of Performance Tests	No	See § 63.9621.
§ 63.7(e)(2)–(4)	Conduct of Performance Tests	Yes.	
§ 63.7(f)	Alternative Test Method	Yes.	
§ 63.7(g)	Data Analysis	Yes	Except this subpart specifies how and when the performance test results are reported.
§ 63.7(h)	Waiver of Tests	Yes.	
§ 63.8(a)(1)–(2)	Monitoring Requirements	Yes.	
§ 63.8(a)(3)	[Reserved]	No.	
§ 63.8(a)(4)	Additional Monitoring Requirements for Control Devices in § 63.11.	No	Subpart RRRRR does not require flares.
§ 63.8(b)(1)–(3)	Conduct of Monitoring	Yes.	

TABLE 2 TO SUBPART RRRRR OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART RRRRR OF PART 63—Continued

Citation	Subject	Applies to subpart RRRRR	Explanation
§ 63.8(c)(1)(i)	Operation and Maintenance of CMS	Yes, on or before the compliance date specified in § 63.9632(b)(4). No, after the compliance date specified in § 63.9632(b)(4).	See § 63.9632 for operation and maintenance requirements for monitoring. See § 63.9600(a) for general duty requirement.
§ 63.8(c)(1)(ii)	Spare parts for CMS Equipment	Yes.	
§ 63.8(c)(1)(iii)	SSM Plan for CMS	Yes, on or before the compliance date specified in § 63.9632(b)(4). No, after the compliance date specified in § 63.9632(b)(4).	
§ 63.8(c)(2)–(3)	CMS Operation/Maintenance	Yes.	
§ 63.8(c)(4)	Frequency of Operation for CMS	No	Subpart RRRRR specifies requirements for operation of CMS.
§ 63.8(c)(5)–(8)	CMS Requirements	Yes	CMS requirements in § 63.8(c)(5) and (6) apply only to COMS for dry electrostatic precipitators.
§ 63.8(d)(1)–(2)	Monitoring Quality Control	Yes.	
§ 63.8(d)(3)	Monitoring Quality Control	No	See § 63.9632(b)(5).
§ 63.8(e)	Performance Evaluation of CMS	Yes.	
§ 63.8(f)(1)–(5)	Alternative Monitoring Method	Yes.	
§ 63.8(f)(6)	Relative Accuracy Test Alternative (RATA).	No	Subpart RRRRR does not require continuous emission monitoring systems.
§ 63.8(g)(1)–(4)	Data Reduction	Yes.	
§ 63.8(g)(5)	Data That Cannot Be Used	No	Subpart RRRRR specifies data reduction requirements.
§ 63.9	Notification Requirements	Yes	Additional notifications for CMS in § 63.9(g) apply to COMS for dry electrostatic precipitators.
§ 63.10(a)	Recordkeeping and Reporting, Applicability and General Information.	Yes.	
§ 63.10(b)(1)	General Recordkeeping Requirements	Yes.	
§ 63.10(b)(2)(i)	Records of SSM	No	See § 63.9642 for recordkeeping when there is a deviation from a standard.
§ 63.10(b)(2)(ii)	Recordkeeping of Failures to Meet Standard.	No	See § 63.9642 for recordkeeping of (1) date, time and duration; (2) listing of affected source or equipment, and an estimate of the quantity of each regulated pollutant emitted over the standard; and (3) actions to minimize emissions and correct the failure.
§ 63.10(b)(2)(iii)	Maintenance Records	Yes.	
§ 63.10(b)(2)(iv)	Actions Taken to Minimize Emissions During SSM.	No.	
§ 63.10(b)(2)(v)	Actions Taken to Minimize Emissions During SSM.	No.	
§ 63.10(b)(2)(vi)	Recordkeeping for CMS Malfunctions	Yes.	
§ 63.10(b)(2)(vii)–(xii).	Recordkeeping for CMS	Yes.	
§ 63.10(b)(2)(xiii)	Records for Relative Accuracy Test	No	Subpart RRRRR does not require continuous emission monitoring systems.
§ 63.10(b)(2)(xiv)	Records for Notification	Yes.	
§ 63.10(b)(3)	Applicability Determinations	Yes.	
§ 63.10(c)(1)–(6)	Additional Recordkeeping Requirements for Sources with CMS.	Yes.	
§ 63.10(c)(7)–(8)	Records of Excess Emissions and Parameter Monitoring Exceedances for CMS.	No	Subpart RRRRR specifies recordkeeping requirements.
§ 63.10(c)(9)	[Reserved]	No.	
§ 63.10(c)(10)–(14)	CMS Recordkeeping	Yes.	
§ 63.10(c)(15)	Use of SSM Plan	No.	
§ 63.10(d)(1)–(2)	General Reporting Requirements	Yes	Except this subpart specifies how and when the performance test results are reported.
§ 63.10(d)(3)	Reporting opacity or VE observations	No	Subpart RRRRR does not have opacity and VE standards that require the use of EPA Method 9 of appendix A–4 to 40 CFR part 60 or EPA Method 22 of appendix A–7 to 40 CFR part 60.

TABLE 2 TO SUBPART RRRRR OF PART 63—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART RRRRR OF PART 63—Continued

Citation	Subject	Applies to subpart RRRRR	Explanation
§ 63.10(d)(5)	SSM Reports	Yes, on or before the compliance date specified in § 63.9641(b)(4). No, after the compliance date specified in § 63.9641(b)(4).	See § 63.9641 for malfunction reporting requirements.
§ 63.10(e)	Additional Reporting Requirements	Yes, except a breakdown of the total duration of excess emissions due to startup/shutdown in 63.10(e)(3)(vi)(I) is not required and when the summary report is submitted through CEDRI, the report is not required to be titled ''Summary Report-Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance.''.	The electronic reporting template combines the information from the summary report and excess emission report with the Subpart RRRRR compliance report.
§ 63.10(f)	Waiver of Recordkeeping or Reporting Requirements.	Yes.	
§ 63.11	Control Device and Work Practice Requirements.	No	Subpart RRRRR does not require flares.
§ 63.12(a)–(c)	State Authority and Delegations	Yes.	
§ 63.13(a)–(c)	State/Regional Addresses	Yes.	
§ 63.14(a)–(t)	Incorporations by Reference	Yes.	
§ 63.15(a)–(b)	Availability of Information and Confidentiality.	Yes.	
§ 63.16	Performance Track Provisions	Yes.	

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S. 4148/P.L. 116–150
To extend the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, and for other purposes. (July 22, 2020; 134 Stat. 679)
Last List July 17, 2020

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