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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0566; Product Identifier 2018–CE–035–AD; Amendment 39–21182; AD 2020–15–19]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Pacific Aerospace Limited Model 750XL airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as ineffective firewall sealing for firewall wiring penetrations. The FAA is issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective August 19, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of August 19, 2020.

ADDRESSES: For service information identified in this AD, contact Pacific Aerospace Limited, Airport Road, Hamilton, Private Bag 3027, Hamilton 3240, New Zealand; phone: +64 7843 6144; fax: +64 843 6134; email: *pacific@aerospace.co.nz;* internet: *www.aerospace.co.nz.* 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. It is also available on the internet at *https://www.regulations.gov* by searching for Docket No. FAA–2019–0566.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0566; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the NPRM, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Pacific Aerospace Limited Model 750XL airplanes. The NPRM was published in the **Federal Register** on August 6, 2019 (84 FR 38146). The NPRM proposed to correct an unsafe condition of the specified products and was prompted by MCAI AD DCA/750XL/31, dated July 5, 2018, issued by the Civil Aviation Authority (CAA) of New Zealand. The MCAI states:

> During a review of the installation of the aircraft main loom [part number] P/N 11–81021, possible ineffective sealing was identified for firewall wiring penetrations. DCA/750XL/31 is issued to mandate the instructions in Pacific Aerospace Mandatory Service Bulletin (MSB) PACSB/XL/101 issue 1, dated 9 May 2018, or later approved revision to improve the firewall sealing by installing new components (firewall penetration tubes, firesleeve and hose clips).

The CAA advised the design is non-compliant with regard to the fireproof requirements for firewalls. Ineffective sealant may fail to prevent fire propagation through the firewall, which could result in smoke or fire in the cockpit. The CAA issued the MCAI to correct this unsafe condition.

You may examine the MCAI on the internet at: *https://www.regulations.gov* by searching for FAA–2019–0566–0002.

Comments

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

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Pacific Aerospace Mandatory Service Bulletin PACSB/XL/101, Issue 1, dated May 9, 2018. The service information provides instructions for installing improved firewall sealing for wiring penetration looms and correcting any damaged or chafed looms. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD will affect 22 products of U.S. registry. The FAA also estimates that it will take about 8 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $385 per product.

Based on these figures, the FAA estimates the cost of this AD on U.S. operators to be $23,430, or $1,065 per product.

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

Authority for This Rulemaking

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

Aviation Programs, describes in more detail the scope of the Agency's authority.

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–15–19 Pacific Aerospace Limited: Amendment 39–21182; Docket No. FAA–2019–0566; Product Identifier 2018–CE–035–AD.

(a) Effective Date

This AD becomes effective August 19, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pacific Aerospace Limited Model 750XL airplanes, serial numbers up to and including 221, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 71: Power Plant.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The FAA is issuing this AD to prevent fire propagation through the firewall because of ineffective sealant, which could result in smoke or fire in the cockpit.

(f) Actions and Compliance

Unless already done, within 3 months after August 19, 2020 (the effective date of this AD) or within 300 hours time-in-service after August 19, 2020 (the effective date of this AD), whichever occurs first, install new sealant components into the main loom firewall penetration hole and the ADAS or DAAM firewall penetration holes if installed by following the Accomplishment Instructions in Pacific Aerospace Mandatory Service Bulletin PACSB/XL/101, Issue 1, dated May 9, 2018, except you are not required to contact Pacific Aerospace Limited if there is any chafing or damage on a loom. Instead, your repair must be accomplished before further flight using a method approved by the Manager, Small Airplane Standards Branch, FAA, using the contact information in paragraph (g) of this AD, or approved by the Civil Aviation Authority (CAA) of New Zealand. For a repair method to be approved as required by this paragraph, the FAA or CAA approval letter must specifically refer to this AD.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(h) Related Information

Refer to MCAI CAA AD DCA/750XL/31, dated July 5, 2018, for related information. The MCAI can be found in the AD docket on the internet at: *https://www.regulations.gov/document?D=FAA-2019-0566-0002.*

(i) Material Incorporated by Reference

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

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

(i) Pacific Aerospace Mandatory Service Bulletin PACSB/XL/101, Issue 1, dated May 9, 2018.

(ii) [Reserved]

(3) For service information identified in this AD, contact Pacific Aerospace Limited, Airport Road, Hamilton, Private Bag 3027, Hamilton 3240, New Zealand; phone: +64 7843 6144; fax: +64 843 6134; email: *pacific@aerospace.co.nz;* internet: *www.aerospace.co.nz.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. In addition, you can access this service information on the internet at *https://www.regulations.gov* by searching for Docket No. FAA–2019–0566.

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

Issued on July 22, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–16395 Filed 7–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0208; Product Identifier 2019–NM–209–AD; Amendment 39–21177; AD 2020–15–14]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2015–13–06, which applied to certain The Boeing Company Model 747–400 and 747–400F series airplanes. AD 2015–13–06 required repetitive inspections of the longeron extension fittings for cracking;

repetitive high frequency eddy current (HFEC) inspections of any modified, repaired, or replaced longeron extension fitting for cracking; and applicable on-condition actions. This AD retains the requirements of AD 2015–13–06. This AD also requires, for certain additional airplanes, repetitive inspections of the longeron extension fittings for cracking and repair if necessary. This AD was prompted by the FAA's determination that additional airplanes are affected by the identified unsafe condition. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 3, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 3, 2020.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; phone: 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–2020–0208.

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–2020–0208; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Eric Lin, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3523; email: *eric.lin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2015–13–06, Amendment 39–18193 (80 FR 44835, July 28, 2015) (''AD 2015–13–06''). AD 2015–13–06 applied to certain The Boeing Company Model 747–400 and 747–400F series airplanes. The NPRM published in the **Federal Register** on March 30, 2020 (85 FR 17510). The NPRM was prompted by a report that an operator found a cracked longeron extension fitting on an airplane not included in the applicability of AD 2015–13–06. The NPRM proposed to continue to require repetitive inspections of the longeron extension fittings for cracking; repetitive HFEC inspections of any modified, repaired, or replaced longeron extension fitting for cracking; and applicable on-condition actions. The NPRM also proposed to add Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400D, 747SR, and 747SP series airplanes to the applicability, and for those additional airplanes, repetitive inspections of the longeron extension fittings for cracking and repair if necessary. The FAA is issuing this AD to address cracks in the longeron extension fittings, which can become large and adversely affect the structural integrity of the airplane.

Comments

The FAA gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

Boeing stated that it had no comment regarding the NPRM and Hasan Ashour expressed support for the NPRM.

Request To Expand the Applicability of the NPRM

Addison Hull requested that the FAA expand the applicability of the NPRM to include all airplanes. The commenter expressed concern that the NPRM only identified 67 affected airplanes. The commenter also pointed out their belief that all airplanes should have the same minimum requirements, and that this method would be more efficient compared with publishing specific rules to mandate the inspection and maintenance of other types of airplanes that are not affected by the NPRM.

The FAA disagrees with the request. The FAA issues ADs to address potential unsafe conditions in airplanes with similar designs. The FAA has worked closely with the design approval holder (DAH) to determine the group of affected airplanes that may develop this particular unsafe condition. The group of affected airplanes for this particular unsafe condition is an expansion to the group of airplanes addressed by AD 2015–13–06. Therefore, the FAA believes that the entire number of affected airplanes have been captured by this AD. This AD has not been changed in this regard.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019. This service information describes procedures for repetitive inspections of the longeron extension fittings for cracking; repetitive HFEC inspections of any modified, repaired, or replaced longeron extension fitting for cracking; and applicable on-condition actions. On-condition actions include replacement, repair, and modification. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 67 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
HFEC inspection (retained actions from AD 2015–13–06) (41 airplanes).	32 work-hours × $85 per hour = $2,720 per inspection cycle.	$0	$2,720 per inspection cycle.	$111,520 per inspection cycle.
HFEC inspection (new action) (26 airplanes).	32 work-hours × $85 per hour = $2,720 per inspection cycle.	0	2,720 per inspection cycle.	70,720 per inspection cycle.

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

ESTIMATED COSTS OF ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement, repair, modification, or preventative modification.	Up to 908 work-hours × $85 per hour = Up to $77,180.	Up to $99,950	Up to $177,130.

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–13–06, Amendment 39–18193 (80 FR 44835, July 28, 2015), and adding the following new AD:

2020–15–14 The Boeing Company: Amendment 39–21177; Docket No. FAA–2020–0208; Product Identifier 2019–NM–209–AD.

(a) Effective Date

This AD is effective September 3, 2020.

(b) Affected ADs

This AD replaces AD 2015–13–06, Amendment 39–18193 (80 FR 44835, July 28, 2015) (''AD 2015–13–06'').

(c) Applicability

This AD applies to The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes, certificated in any category, as identified in Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of cracking in the outboard flange of the longeron extension fittings and the FAA's determination that additional airplanes are affected by the identified unsafe condition. The FAA is issuing this AD to address cracks in the longeron extension fittings, which can become large 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 paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019, uses the phrase ''the Revision 3 date of this service bulletin,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019, specifies contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 747–53A2860, Revision 1,

dated March 18, 2014, which was incorporated by reference in AD 2015–13–06; or Boeing Service Bulletin 747–53A2860, Revision 2, dated July 12, 2016, which is not incorporated by reference in this AD.

(2) This paragraph provides credit for the repetitive inspections, and inspection of temporary repair and corrective actions required by paragraph (g) of this AD, if those actions were performed before September 1, 2015 (the effective date of AD 2015–13–06) using Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, which was incorporated by reference in AD 2013–14–05, Amendment 39–17510 (78 FR 43763, July 22, 2013).

(j) 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 (k)(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 the actions specified in paragraphs (g), (h), (i), and (j) of AD 2015–13–06 are approved as AMOCs for the corresponding provisions of Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019, that are required by paragraph (g) of this AD.

(k) Related Information

(1) For more information about this AD, contact Eric Lin, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3523; email: *eric.lin@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(3) and (4) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019.

(ii) [Reserved]

(3) 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; phone: 562–797–1717; internet: *https://www.myboeingfleet.com.*

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

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

Issued on July 16, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–16483 Filed 7–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0214; Product Identifier 2018–SW–039–AD; Amendment 39–21178; AD 2020–15–15]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model EC225LP helicopters. This AD was prompted by a mechanical deformation found on the protective cover of the ''SHEAR'' control pushbutton installed on a copilot collective stick. This AD requires modification of the helicopter by replacing the protective cover and re-identifying the part number of the pilot and copilot collective sticks. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 3, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 3, 2020.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0214.

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–2020–0214; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Clark Davenport, Flight Test Analyst, Flight Test Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5151; email *clark.davenport@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Model EC225LP helicopters. The NPRM published in the **Federal Register** on April 8, 2020 (85 FR 19707). The NPRM was prompted by a mechanical deformation found on the protective cover of the ''SHEAR'' control pushbutton installed on a copilot collective stick. The NPRM proposed to require modification of the helicopter by replacing the protective cover and re-identifying the part number of the pilot and copilot collective sticks. The FAA is issuing this AD to address mechanical deformation on the protective cover of the ''SHEAR'' control pushbutton installed on a copilot collective stick, which could lead to unintended shearing of the hoist cable, possibly

resulting in loss of a hoisted load or person(s).

The European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0106, dated May 10, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Helicopters Model EC225LP helicopters. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0214.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA has considered the comment received. Artem Svetlovsky agreed with the NPRM.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Airbus Helicopters has issued Alert Service Bulletin EC225–67A017, Revision 0, dated March 26, 2018. This service information describes procedures for modification of the helicopter by replacing the protective cover of the ''SHEAR'' control pushbutton and re-identifying the part number of the pilot and copilot collective sticks. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 12 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
2 work-hours × $85 per hour = $170	$2,632	$2,802	$33,624

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–15–15 Airbus Helicopters: Amendment 39–21178; Docket No. FAA–2020–0214; Product Identifier 2018–SW–039–AD.

(a) Effective Date

This AD is effective September 3, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model EC225LP helicopters, certificated in any category.

(d) Subject

Joint Aircraft Service Component (JASC) Code 67, Rotorcraft Flight Controls.

(e) Reason

This AD was prompted by a mechanical deformation found on the protective cover of the ''SHEAR'' control pushbutton installed on a copilot collective stick. The FAA is issuing this AD to address this condition, which could lead to unintended shearing of the hoist cable, possibly resulting in loss of a hoisted load or person(s).

(f) Compliance

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

(g) Definitions

For the purposes of this AD, the definitions specified in paragraphs (g)(1) through (3) of this AD apply.

(1) Affected part: A pilot or copilot collective stick having part number (P/N) 704A41110139, equipment manufacturer NSE P/N N2000355.

(2) Group 1 helicopters: Helicopters that have an affected part installed.

(3) Group 2 helicopters: Helicopters that do not have an affected part installed. A helicopter that has embodied Airbus Helicopters Modification 332P084165 in production is a Group 2 helicopter, provided that helicopter remains in that configuration.

(h) Required Actions

For Group 1 helicopters: At the applicable compliance time specified in Table 1 to paragraph (h) of this AD, modify the helicopter by replacing the protective cover of the ''SHEAR'' control pushbutton and re-identifying the part number of the pilot and copilot collective sticks, in accordance with the Accomplishment Instructions of Airbus Helicopters Alert Service Bulletin EC225–67A017, Revision 0, dated March 26, 2018.

Table 1 to paragraph (h) – *Compliance times for required actions*

Helicopter configuration	Compliance time
"SHEAR" control associated with a hoist installation	Within 3 months after the effective date of this AD
"SHEAR" control not associated with a hoist installation	Within 12 months after the effective date of this AD or upon connecting the "SHEAR" control with an installation, whichever occurs first

(i) Parts Installation Prohibition

At the applicable times specified in paragraphs (i)(1) and (2) of this AD: Do not install on any helicopter a ''SHEAR'' control pushbutton protective cover having P/N 700070 on the pilot or copilot collective stick, and do not install on any helicopter a pilot or copilot collective stick having P/N 704A41110139 (equipment manufacturer NSE P/N N2000355).

(1) For Group 1 helicopters: After modification of the helicopter as required by paragraph (h) of this AD.

(2) For Group 2 helicopters: From the effective date of this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Clark Davenport, Flight Test Analyst, Flight Test Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, 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.

(k) Related Information

(1) The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2018–0106, dated May 10, 2018. This EASA AD may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0214.

(2) For more information about this AD, Clark Davenport, Flight Test Analyst, Flight Test Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5151; email *clark.davenport@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Airbus Helicopters Alert Service Bulletin EC225–67A017, Revision 0, dated March 26, 2018.

(ii) [Reserved]

(3) For service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on July 16, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–16415 Filed 7–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0337; Product Identifier 2020–NM–044–AD; Amendment 39–21172; AD 2020–15–09]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A330–941 airplanes. This AD was prompted by a report that seven spoiler servo-controls (SSCs) lost hydraulic locking function due to a sheared seal on the blocking valve. This AD requires repetitive operational tests of the hydraulic locking function on each SSC and replacement if necessary, as specified in a European Union Aviation Safety Agency (EASA), which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 3, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 3, 2020.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3,

50668 Cologne, Germany; telephone +49 221 89990 1000; 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–2020–0337.

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–2020–0337; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3229; email *vladimir.ulyanov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0054, dated March 11, 2020 (''EASA AD 2020–0054'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A330–941 airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A330–941 airplanes. The NPRM published in the **Federal Register** on April 27, 2020 (85 FR 23255). The NPRM was prompted by a report that seven SSCs lost hydraulic locking function due to a sheared seal on the blocking valve. The NPRM proposed to require repetitive operational tests of the hydraulic locking function on each SSC and replacement if necessary, as specified in a EASA AD.

The FAA is issuing this AD to address loss of hydraulic locking function on the SSCs, which in combination with one engine inoperative at takeoff, could result in reduced controllability of the airplane. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA has considered the comments received. The Air Line Pilots Association, International (ALPA) indicated its support for NPRM.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0054 describes procedures for repetitive operational tests of the hydraulic locking function on each SSC (any type), when fitted on the blue or yellow hydraulic circuits, and replacing any affected SSC 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.

Costs of Compliance

The FAA estimates that this AD affects 5 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
6 work-hours × $85 per hour = $510	$0	$510	$2,550

The FAA estimates the following costs to do any necessary on-condition action 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 this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
3 work-hours × $85 per hour = $255	$35,000	$35,255

Authority for This Rulemaking

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

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

develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–15–09 Airbus SAS: Amendment 39–21172; Docket No. FAA–2020–0337; Product Identifier 2020–NM–044–AD.

(a) Effective Date

This AD is effective September 3, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A330–941 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by a report that seven spoiler servo-controls (SSCs) lost hydraulic locking function due to a sheared seal on the blocking valve. The FAA is issuing this AD to address loss of hydraulic locking function on the SSCs, which in combination with one engine inoperative at takeoff, could result in reduced controllability of 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 2020–0054, dated March 11, 2020 (''EASA AD 2020–0054'').

(h) Exception to EASA AD 2020–0054

The ''Remarks'' section of EASA AD 2020–0054 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 International Section, send it to the attention of the person identified in paragraph (j) 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 2020–0054 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

For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3229; email *vladimir.ulyanov@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020–0054, dated March 11, 2020.

(ii) [Reserved]

(3) For information about EASA AD 2020–0054, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; 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.*

(4) 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–2020–0337.

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

Issued on July 13, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–16484 Filed 7–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0679; Project Identifier AD–2020–01060–E; Amendment 39–21197; AD 2020–16–13]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Corporation (Type Certificate Previously Held by Allison Engine Company) Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain

Rolls-Royce Corporation (RRC) AE 3007A, AE 3007A1, AE 3007A1/1, AE 3007A1/2, AE 3007A1/3, AE 3007A1E, AE 3007A1P, and AE 3007A3 model turbofan engines. This AD was prompted by an in-flight shutdown (IFSD) of an engine and subsequent investigation by the manufacturer that revealed a crack in the 3rd-stage compressor wheel. This AD requires replacement of affected 3rd-stage compressor wheels. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 14, 2020.

The FAA must receive comments on this AD by September 14, 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 final rule, contact Rolls-Royce Corporation, 450 South Meridian Street, Mail Code NB–01–06, Indianapolis, IN 46225; phone: (317) 230–1667; email: *CMSEindyOSD@rolls-royce.com;* internet: *www.rolls-royce.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

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–2020–0679; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for the Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Kyri Zaroyiannis, Aerospace Engineer, Chicago ACO, FAA, 2300 E Devon Ave., Des Plaines, IL 60018; phone: (847) 294–7836; fax: (847) 294–7834; email: *kyri.zaroyiannis@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA learned of an uncommanded IFSD of a RRC AE 3007A1 model turbofan engine installed on an Embraer S.A. ERJ–145 airplane conducting a revenue flight. The manufacturer's investigation of this incident revealed that the IFSD resulted from a low-cycle fatigue crack in the dovetail slot for the blade attachment in the 3rd-stage compressor wheel, causing one 3rd-stage compressor blade to release. The crack initiated in the dovetail slot due to a sharp corner in the wheel slot geometry. The broaching process was identified as the cause and parts from this manufacturing lot require removal from service. This condition, if not addressed, could result in uncontained release of the 3rd-stage compressor wheel, damage to the engine, and damage to the airplane. The FAA is issuing this AD to address the unsafe condition on these products.

FAA's Determination

The FAA is issuing 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.

Related Service Information

The FAA reviewed Rolls-Royce Alert Service Bulletin (ASB) AE 3007A–A–72–446, Revision 2, dated July 28, 2020. The ASB describes procedures for replacing certain 3rd-stage compressor wheels.

AD Requirements

This AD requires replacement of certain 3rd-stage compressor wheels before they accumulate a specified number of cycles.

FAA's Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C.) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than 30 days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule. RRC inspected a RRC AE3007A1 model turbofan engine after it experiences an uncommanded IFSD during a revenue flight on an Embraer ERJ–145 airplane.

The manufacturer's inspection discovered a low-cycle fatigue crack in a 3rd-stage compressor wheel that allowed a 3rd-stage compressor blade to release during the flight. The manufacturer traced the cause of the cracked 3rd-stage compressor wheel to a specific machining process that occurred during manufacture of the 3rd-stage compressor wheels. The manufacturer's subsequent investigation discovered multiple 3rd-stage compressor wheels in the affected serial numbered population with similar low-cycle fatigue cracks. The 3rd-stage compressor wheels identified in this AD are unable to remain in service beyond the cycles since new limits listed in paragragh (g) of this AD. As a result of the shortened compliance times established based on the FAA's risk assessment, the FAA has determined that there is insufficient time available to allow for notice and opportunity for prior public comment.

The FAA considers the removal of these 3rd-stage compressor wheels from service to be an urgent safety issue. Exceeding the reduced cycle limits on the 3rd-stage compressor wheels required by this AD could lead to failure of the 3rd-stage compressor wheel and high-energy release of the 3rd-stage compressor wheel, resulting in damage to the engine and damage to the airplane. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2020–0679 and Project Identifier AD–2020–01060–E at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, 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 final rule 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 final rule.

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 final rule 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 final rule, 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 final rule. Submissions containing CBI should be sent to Kyri Zaroyiannis, Aerospace Engineer, Chicago ACO, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimate that this AD affects 4 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Remove 3rd-stage compressor wheel	40 work-hours × $85 per hour = $3,400	$0	$3,400	$13,600
Replace 3rd-stage compressor wheel	85 work-hours × $85 per hour = $7,225	32,844	40,069	160,276

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–16–13 Rolls-Royce Corporation (Type Certificate previously held by Allison Engine Company): Amendment 39–21197; Docket No. FAA–2020–0679; Project Identifier AD–2020–01060–E.

(a) Effective Date

This AD is effective August 14, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce Corporation (RRC) AE 3007A, AE 3007A1, AE 3007A1/1, AE 3007A1/2, AE 3007A1/3, AE 3007A1E, AE 3007A1P, and AE 3007A3 model turbofan engines with a 3rd-stage compressor wheel, part number (P/N) 23084158, and with a serial number listed in Figure 1 to paragraph (c) of this AD.

BILLING CODE 4910–13–P

Figure 1 to Paragraph (c) – Serial Numbers of Affected P/N 23084158 3rd-stage Compressor Wheels

L343502	L343540	L343546	L343547	L343548	L343549	L343550
L343551	L343552	L343553	L343557	L343558	L343559	L343560
L343562	L343564	L343565	L343566	L343567	L343568	L343569
L343570	L343571	L343572	L343573	L343574	L343575	L343576
L343577	L343578	L343579	L343580	L343581	L343582	L343583
L343584	L343585	L343586	L343587	L343588	L343589	L343590
L343591	L343592	L343593	L343594	L343595	L343596	L343597
L343598	L343599	L343600	L343601	L343602	L343603	

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by an in-flight shutdown of an engine during a revenue flight and subsequent investigation by the manufacturer that revealed a crack in the 3rd-stage compressor wheel. The FAA is issuing this AD to prevent failure of the 3rd-stage compressor wheel. The unsafe condition, if not addressed, could result in an uncontained release of the 3rd-stage compressor wheel, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) For AE 3007A, AE 3007A1, AE 3007A1/1, AE 3007A1/2, AE 3007A1/3, AE 3007A1P, and AE 3007A3 model turbofan engines, prior to the 3rd-stage compressor wheel accumulating the cycles listed in Table 1 to paragraph (g)(1) of this AD or before further flight, whichever occurs later after the effective date of this AD, remove the affected 3rd-stage compressor wheel and replace with a part eligible for installation.

Table 1 to Paragraph (g)(1) – Compliance Time for Removal of 3rd-Stage Compressor Wheel on AE 3007A, AE 3007A1, AE 3007A1/1, AE 3007A1/2, AE 3007A1/3, AE 3007A1P, and AE 3007A3 Model Turbofan Engines

Cycles Since New (CSN) on the 3rd-Stage Compressor Wheel as of April 14, 2020	Remove Prior to Accumulating (in cycles) After the Effective Date of this AD
12,300 or more	25
10,000 to 12,299	200
8,000 to 9,999	500
6,600 to 7,999	1,000
Fewer than 6,600	Before accumulating 7,600 CSN or at the next engine shop visit after the effective date of this AD, whichever occurs first.

(2) For AE 3007A1E model turbofan engines, prior to the 3rd-stage compressor wheel accumulating the cycles listed in Table 2 to paragraph (g)(2) of this AD or before further flight, whichever occurs later after the effective date of this AD, remove the affected 3rd-stage compressor wheel and replace with a part eligible for installation.

Table 2 to Paragraph (g)(2) – Compliance Time for Removal of 3rd-Stage Compressor Wheel on AE 3007A1E Model Turbofan Engines

CSN on the 3rd Stage Compressor Wheel as of April 14, 2020	Remove Prior to Accumulating (in cycles) After the Effective Date of this AD
7,000 or more	25
4,100 to 6,999	200
Fewer than 4,100	Before reaching 5,100 CSN or at the next engine shop visit after the effective date of this AD, whichever occurs first.

(h) Definitions

(1) For the purpose of this AD, a part eligible for installation is a 3rd-stage compressor wheel that does not have a P/N and a serial number listed in the Applicability, paragraph (c) of this AD.

(2) For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges, except that the separation of engine flanges solely for the purposes of transportation of the engine without subsequent engine maintenance does not constitute an engine shop visit.

(i) Special Flight Permit

(1) Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are subject to the requirements of paragraph (i)(1)(i) of this AD.

(i) Operators may perform a one-time non-revenue ferry flight to a location where the engine can be removed from service. This ferry flight must be performed with only essential flight crew.

(ii) [Reserved]

(2) [Reserved]

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Chicago ACO, 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 (k) 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.

(k) Related Information

For more information about this AD, contact Kyri Zaroyiannis, Aerospace Engineer, Chicago ACO, FAA, 2300 E Devon Ave., Des Plaines, IL 60018; phone: (847) 294–7836; fax: (847) 294–7834; email: *kyri.zaroyiannis@faa.gov.*

(l) Material Incorporated by Reference

None.

Issued on July 28, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–16680 Filed 7–28–20; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0215; Product Identifier 2018–SW–088–AD; Amendment 39–21181; AD 2020–15–18]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.A. Helicopters

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.A. (Leonardo) Model AB139, AW139, AW169, and AW189 helicopters. This AD was prompted by reports of uncommanded deployment of the emergency flotation system (EFS) due to improper accomplishment of the reset procedure of the shape memory alloy (SMA) inflation system actuation device. This AD requires removal of affected SMA inflation systems and installation of serviceable SMA inflation systems. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 3, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 3, 2020.

ADDRESSES: For service information identified in this final rule, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0215.

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–2020–0215; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kristi Bradley, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5485; email *Kristin.Bradley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Leonardo Model AB139, AW139, AW169, and AW189 helicopters. The NPRM published in the **Federal Register** on April 14, 2020 (85 FR 20618). The NPRM was prompted by reports of uncommanded deployment of

the EFS due to improper accomplishment of the reset procedure of the SMA inflation system actuation device. The NPRM proposed to require removal of affected SMA inflation systems and installation of serviceable SMA inflation systems. The FAA is issuing this AD to address uncommanded EFS deployment, which could result in reduced control of the helicopter.

The European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0208, dated September 20, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Leonardo Model AB139, AW139, AW169, and AW189 helicopters. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0215.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. After the NPRM was published, the FAA received a comment from one commenter. However, the comment addressed neither the proposed actions nor the determination of the cost to the public. Therefore, the FAA has made no changes based on this comment.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Leonardo Helicopters has issued Alert Service Bulletin (ASB) No. 139–533, dated August 30, 2018; ASB No. 169–099, dated August 30, 2018; and ASB No. 189–195, dated August 30, 2018. This service information describes procedures for removal of affected SMA inflation systems and installation of serviceable SMA inflation systems (including correcting the SMA inflation system by performing a reset procedure). These documents are distinct since they apply to different helicopter models.

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

Costs of Compliance

The FAA estimates that this AD affects 138 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 7 work-hours × $85 per hour = Up to $595	$*	Up to $595 *	Up to $82,110.*

* The FAA has received no definitive data that would enable the FAA to provide parts cost estimates for the actions specified in this 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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–15–18 Leonardo S.p.A.: Amendment 39–21181; Docket No. FAA–2020–0215; Product Identifier 2018–SW–088–AD.

(a) Effective Date

This AD is effective September 3, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Leonardo S.p.A. helicopters identified in paragraphs (c)(1) through (3) of this AD, certificated in any category.

(1) Model AB139 and AW139 helicopters, all serial numbers, equipped with an emergency flotation system (EFS) float assembly having part number (P/N) 3G9560V00332, 3G9560V00432, 3G9560V01432, or 3G9560V01532.

(2) Model AW169 helicopters, all serial numbers, equipped with an EFS float assembly having any part number.

(3) Model AW189 helicopters, all serial numbers, equipped with an EFS float assembly having P/N 8G9560V00331 or 8G9560V00431.

(d) Subject

Joint Aircraft Service Component (JASC) Code 3212, Emergency Flotation Section.

(e) Reason

This AD was prompted by reports of uncommanded deployment of the EFS due to improper accomplishment of the reset procedure of the shape memory alloy (SMA) inflation system actuation device. The FAA is issuing this AD to address uncommanded EFS deployment, which could result in reduced control of the helicopter.

(f) Compliance

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

(g) Definitions

(1) An ''affected part'' is an SMA inflation system having P/N 3G9560V01052 (Model AB139 and AW139 helicopters), P/N 6F9560V00551 (Model AW169 helicopters), or P/N 8G9560V01751 (Model AW189 helicopters), as applicable, with a serial number specified in Figure 1 to paragraph (g)(1) of this AD except those which have been corrected in accordance with the Accomplishment Instructions of Leonardo Helicopters Alert Service Bulletin (ASB) No. 139–533, dated August 30, 2018 (ASB–139–153); Leonardo Helicopters ASB No. 169–099, dated August 30, 2018 (ASB 169–099); or Leonardo Helicopters ASB No. 189–195, dated August 30, 2018 (ASB 189–195); as applicable.

Figure 1 to Paragraph (g)(1) – *Affected parts*

Helicopter Model	Affected part serial numbers (s/n)
AB139 and AW139	Up to s/n 1801 inclusive, except s/n 1783 and s/n 1784
AW169	Up to s/n 67 inclusive
AW189	Up to s/n 182 inclusive, except s/n 117

(2) A ''serviceable part'' is an affected part that has been corrected in accordance with the Accomplishment Instructions of ASB 139–533; ASB 169–099; or ASB 189–195; as applicable; or a part that is not affected.

(h) Removal and Installation

At the applicable compliance time specified in Figure 2 to paragraph (h) of this AD, remove each affected part from the helicopter and install a serviceable part. This may be done in accordance with the Accomplishment Instructions of ASB 139–533; ASB 169–099; or ASB 189–195; as applicable.

Figure 2 to Paragraph (h) – *Removal and installation compliance times*

Helicopter Model	Compliance time (after the effective date of this AD)
AB139 and AW139	100 hours time-in-service (TIS)
AW169	45 hours TIS
AW189	

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(i) Parts Installation Prohibition

As of the effective date of this AD, no person may install an affected part on any helicopter.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Kristi Bradley, Aerospace Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, 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.

(k) Related Information

(1) The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2018–0208, dated September 20, 2018. This EASA AD may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0215.

(2) For more information about this AD, contact Kristi Bradley, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5485; email *Kristin.Bradley@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Leonardo Helicopters Alert Service Bulletin No. 139–533, dated August 30, 2018.

(ii) Leonardo Helicopters Alert Service Bulletin No. 169–099, dated August 30, 2018.

(iii) Leonardo Helicopters Alert Service Bulletin No. 189–195, dated August 30, 2018.

(3) For service information identified in this AD, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

www.archives.gov/federal-register/cfr/ibr-locations.html.

Issued on July 16, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–16408 Filed 7–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0588; Product Identifier 2020–NM–048–AD; Amendment 39–21173; AD 2020–15–10]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A350–941 airplanes. This AD was prompted by reports of improperly locked diagonal struts located in a certain section of the fuselage; the teeth of the lock washers were incorrectly engaged, which could lead to a loss of tightening torque of an affected strut. This AD requires inspecting the diagonal strut for correct installation and for correct locking of the lock washers, and corrective actions if necessary, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective August 14, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 14, 2020.

The FAA must receive comments on this AD by September 14, 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 the material identified in this AD that is incorporated by reference (IBR), contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.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–2020–0588.

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–2020–0588; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, 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: Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0071, dated March 25, 2020 (''EASA AD 2020–0071'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A350–941 airplanes.

This AD was prompted by reports of improperly locked diagonal struts located in a certain section of the fuselage; the teeth of the lock washers were incorrectly engaged, which could lead to a loss of tightening torque of an affected strut. The FAA is issuing this AD to address this condition, which could affect the structural integrity of the surrounding parts, possibly resulting in failure of the horizontal tail plane attachments or rear cone joints, and consequent reduction or loss of control of the airplane. See the MCAI for additional background information.

Related IBR Material Under 1 CFR Part 51

EASA AD 2020–0071 describes procedures for inspecting the diagonal strut for correct installation and for correct locking of the lock washers, and corrective actions if necessary. The corrective actions include a general visual inspection of the affected strut for damage, repair of damaged struts, and re-installation of affected struts with no damage.

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

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 issuing this AD because the FAA evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA AD 2020–0071 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 2020–0071 is incorporated by reference in this final rule. This AD, therefore, requires compliance with EASA AD 2020–0071 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this 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 2020–0071 that is required for compliance with EASA AD 2020–0071 is available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0588.

FAA's Justification and Determination of the Effective Date

Since there are currently no domestic operators of these products, notice and opportunity for public comment before issuing this AD are unnecessary. In addition, for the reasons stated above, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not precede it by notice and opportunity for public comment. The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0588; Product Identifier 2020–NM–048–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 AD 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 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 final rule, request for comments, 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 final rule, request for comments, 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 final rule, request for comments. 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.

Regulatory Flexibility Act (RFA)

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

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. If an affected airplane is imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product
3 work-hours × $85 per hour = $340	$0	$255

* Table does not include estimated costs for reporting.

The FAA estimates that it would take about 1 work-hour per product to comply with the reporting requirement in this AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the cost of reporting the inspection results on U.S. operators to be $85 per product.

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Labor cost	Parts cost	Cost per product
2 work-hours × $85 per hour = $170	$0	$170

* Table does not include estimated costs for the on-condition repair of damaged struts. The FAA has received no definitive data that would enable us to provide cost estimates for that action.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–15–10 Airbus SAS: Amendment 39–21173; Docket No. FAA–2020–0588; Product Identifier 2020–NM–048–AD.

(a) Effective Date

This AD becomes effective August 14, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies Airbus SAS Model A350–941 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020–0071, dated March 25, 2020 (''EASA AD 2020–0071'').

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by reports of improperly locked diagonal struts located in a certain section of the fuselage; the teeth of the lock washers were incorrectly engaged, which could lead to a loss of tightening torque of an affected strut. The FAA is issuing this AD to address this condition, which could affect the structural integrity of the surrounding parts, possibly resulting in failure of the horizontal tail plane attachments or rear cone joints, and consequent reduction or loss of control of 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, EASA AD 2020–0071.

(h) Exceptions to EASA AD 2020–0071

(1) The ''Remarks'' section of EASA AD 2020–0071 does not apply to this AD.

(2) Paragraph (3) of EASA AD 2020–0071 specifies to report inspection results to Airbus within a certain compliance time. For this AD, report inspection results at the applicable time specified in paragraph (h)(2)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of 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) 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 2020–0071 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.

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

(j) Related Information

For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference

(IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

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

(i) European Union Aviation Safety Agency (EASA) AD 2020–0071, dated March 25, 2020.

(ii) [Reserved]

(3) For information about EASA AD 2020–0071, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; 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.*

(4) 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–2020–0588.

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

Issued on July 13, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–16485 Filed 7–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0598; Product Identifier 2018–SW–030–AD; Amendment 39–21194; AD 2020–16–10]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Inc. (Type Certificate Previously Held by Bell Helicopter Textron Inc.) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bell Textron Inc. (Bell) Model 204B, 205A, 205A–1, 205B, 212, 214B, 214B–1, 412, 412CF, and 412EP helicopters. This AD was prompted by a report of a shoulder harness seat belt comfort clip (comfort clip) interfering with the seat belt inertia reel. This AD requires removing comfort clips from service and inspecting the seat belt shoulder harness (harness) for a rip or an abrasion. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective September 3, 2020.

ADDRESSES: For service information identified in this final rule, contact Bell Textron Inc., P.O. Box 482, Fort Worth, TX 76101; telephone 817–280–3391; fax 817–280–6466; or at *https://www.bellcustomer.com.* You may view the 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* by searching for and locating Docket No. FAA–2018–0598; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M 30, West Building Ground Floor, Room W12 140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kuethe Harmon, Safety Management Program Manager, DSCO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5198; fax: 817–222–4960; email: *Kuethe.Harmon@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Bell Model 204B, 205A, 205A–1, 205B, 212, 214B, 214B–1, 412, 412CF, and 412EP helicopters with a comfort clip part number (P/N) D7LZ–6560286–A, D7LZ–6560286–B, or 504636–401 installed. The NPRM published in the **Federal Register** on April 6, 2020 (85 FR, 19113). The NPRM was prompted by a series of service bulletins issued by Bell reporting an issue with comfort clip P/Ns D7LZ–6560286–A, D7LZ–6560286–B, and 504636–401, which are installed on seat belt assemblies. A design review by Leonardo S.p.A. Helicopter (formerly Agusta S.p.A., Finmeccanica S.p.A.) indicates the use of the affected comfort clips could jeopardize, in cases of impact or deceleration, the correct functionality of the seat belt or the seat belt inertia reel. The NPRM proposed to require removing comfort clips P/Ns D7LZ–6560286–A, D7LZ–6560286–B, and 504636–401from service and inspecting each harness for a rip or an abrasion. The FAA is issuing this AD to address the unsafe condition on these products.

Comments

The FAA gave the public the opportunity to participate in developing this AD, but the FAA did not receive any comments on the NPRM.

FAA's Determination

The FAA has reviewed the relevant information and determined that an unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Related Service Information

The FAA reviewed Bell Alert Service Bulletin (ASB) 204B–15–70 for Model 204B helicopters, Bell ASB 205–15–113 for Model 205A and 205A–1 helicopters, Bell ASB 205B–15–66 for Model 205B helicopters, Bell ASB 212–15–156 for Model 212 helicopters, Bell ASB 412–15–170 for Model 412 and 412EP helicopters, and Bell ASB 412CF–15–60 for Model 412CF helicopters, all dated January 20, 2016. The FAA also reviewed Bell ASB 214–15–76, dated January 11, 2016, for Model 214B and 214B–1 helicopters. This service information specifies removing the comfort clips from all crew and passenger seat belt assemblies.

Differences Between This AD and the Service Information

The service information specifies a compliance time of within 100 flight hours or no later than February 21, 2016, and does not specify inspecting each harness for a rip and an abrasion. This AD requires a compliance time of within 50 hours TIS and requires inspecting each harness for a rip and an abrasion. The FAA determined that including an inspection for harness damage is necessary to correct the unsafe condition.

Costs of Compliance

The FAA estimates that this AD affects 210 helicopters of U.S. registry. The FAA estimates that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour.

Removing a comfort clip takes about 0.5 work-hour, for an estimated cost of $43 per comfort clip.

Inspecting a harness takes about 0.25 work-hour, for an estimated cost of $21 per harness.

If required, replacing a harness takes about 1 work-hour and parts cost about $1,050 for an estimated replacement cost of $1,135 per harness.

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 helicopters identified in this rulemaking action.

Regulatory Findings

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

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

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

2. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–16–10 Bell Textron Inc. (Type Certificate Previously Held by Bell Helicopter Textron Inc.): Amendment 39–21194; Docket No. FAA–2018–0598; Product Identifier 2018–SW–030–AD.

(a) Applicability

This AD applies to Bell Textron Inc. (Bell) Model 204B, 205A, 205A–1, 205B, 212, 214B, 214B–1, 412, 412CF, and 412EP helicopters, certificated in any category, with a shoulder harness seat belt comfort clip (comfort clip) part numbers (P/Ns) D7LZ–6560286–A, D7LZ–6560286–B, or 504636–401, installed.

(b) Unsafe Condition

This AD defines the unsafe condition as a comfort clip interfering with the seat belt inertia reel. The FAA is issuing this AD to prevent the seat belt from locking. This condition could result in injury to the occupant during an emergency landing.

(c) Effective Date

This AD becomes effective September 3, 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 50 hours time-in-service:

(i) Remove from service each comfort clip P/Ns D7LZ–6560286–A, D7LZ–6560286–B, or 504636–401 from the shoulder harness seat belt (harness).

(ii) Inspect each harness for a rip and an abrasion. If there is a rip or any abrasion, before further flight, remove from service the harness.

(2) After the effective date of this AD, do not install comfort clip P/Ns D7LZ–6560286–A, D7LZ–6560286–B, or 504636–401 on any helicopter.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, DSCO Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Kuethe Harmon, Safety Management Program Manager, DSCO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5198; fax: 817–222–4960; email: *kuethe.harmon@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) Related Information

Bell Helicopter Textron Alert Service Bulletin 204B–15–70 for Model 204B helicopters, Bell ASB 205–15–113 for Model 205A and 205A–1 helicopters, Bell ASB 205B–15–66 for Model 205B helicopters, Bell ASB 212–15–156 for Model 212 helicopters, Bell ASB 412–15–170 for Model 412 and 412EP helicopters, and Bell ASB 412CF–15–60 for Model 412CF helicopters, all dated January 20, 2016, and Bell ASB 214–15–76, dated January 11, 2016, for Model 214B and 214B–1 helicopters, all of which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Bell Textron Inc., P.O. Box 482, Fort Worth, TX 76101; telephone 817–280–3391; fax 817–280–6466; or at *https://www.bellcustomer.com.* You may view a copy of the 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: 2500, Cabin Equipment/Furnishings.

Issued on July 24, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–16490 Filed 7–29–20; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1913

[Docket No. OSHA–2020–0005]

RIN 1218–AC95

Rules of Agency Practice and Procedure Concerning Occupational Safety and Health Administration Access to Employee Medical Records

AGENCY: Occupational Safety and Health Administration (OSHA); Labor.

ACTION: Final rule.

SUMMARY: OSHA is issuing a final rule to amend the regulation addressing the rules of agency practice and procedure concerning OSHA access to employee medical records. The final rule transfers the approval of written medical access orders (MAO) from the Assistant Secretary for Occupational Safety and Health (Assistant Secretary) to the OSHA Medical Records Officer (MRO) and makes the MRO responsible for making determinations regarding inter-

agency transfer and public disclosure of personally identifiable medical information in OSHA's possession.

DATES: This final rule is effective on July 30, 2020.

ADDRESSES: In accordance with 29 U.S.C. 2112(a)(2), OSHA designates, Mr. Edmund C. Baird, Associate Solicitor of Labor for Occupational Safety and Health, Office of the Solicitor, Room S–4004, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, to receive petitions for review of the final rule.

FOR FURTHER INFORMATION CONTACT:

Press inquiries: Mr. Frank Meilinger, OSHA, Office of Communications; telephone: (202) 693–1999; email: *Meilinger.francis2@dol.gov.*

General and technical information: Dr. Michael Hodgson, Director, OSHA Office of Occupational Medicine and Nursing; telephone: (202) 693–1768; email: *hodgson.michael@dol.gov.*

SUPPLEMENTARY INFORMATION: The final rule also amends § 1913.10 to clarify that a written MAO does not constitute an administrative subpoena, eliminates outdated requirements for the removal of direct personal identifiers when OSHA personnel review medical information away from a worksite, and establishes new procedures for the access and safeguarding of personally identifiable employee medical information in electronic form. The revisions to § 1913.10 in the final rule will increase employee privacy and enhance OSHA's ability to safeguard personally identifiable medical information.

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I. Background

A. Introduction

In order to carry out its statutory obligations, OSHA often reviews employee medical records. For example, OSHA may need to review employee medical records during a compliance inspection to determine whether an employer is in compliance with OSHA standards and regulations, or to verify that an employer has taken steps to correct existing violations. Access to employee medical records may also be necessary during inspections to determine the effectiveness of voluntary employer safety and health programs. OSHA also reviews medical records when gathering information during agency rulemaking to develop or revise occupational safety and health standards.

Several OSHA standards and regulations mandate medical records access, including 29 CFR 1910.1020, Access to Employee Exposure and Medical Records, which sets forth procedures by which exposure and medical records can be accessed by employees, their designated representatives, and OSHA. This regulation, which applies to employers with employees exposed to toxic substances and harmful physical agents, provides OSHA representatives with prompt access to employee exposure and medical records and to analysis thereof using exposure or medical records. See 29 CFR 1910.1020(e)(3). In addition, several of OSHA's substance-specific standards include provisions for OSHA access to employee medical records. (*e.g.,* 29 CFR 1910.25(n)(4) (Lead), and 29 CFR 1910.1028(k) (Benzene)).

In many instances, OSHA must examine and copy employee medical information in personally identifiable form. Personally identifiable employee medical information as defined by 29 CFR 1913.10(b)(2) means employee medical information accompanied by either direct identifiers (name, address, social security number, payroll number) or by information which could reasonably be used in particular circumstances indirectly to identify specific employees (*e.g.,* date of birth, race, sex, date of initial employment, job title). An employee medical record may include individual health histories as well as medical opinions and evaluations generated during diagnosis, physical examinations, or medical treatment by a health care professional.

Because of the substantial personal privacy interests involved, OSHA authority to access personally identifiable employee medical information is exercised only after the agency has made a careful determination of the need for the information, and only when appropriate safeguards are in place to prevent unauthorized access. Once this information is accessed, OSHA examination and use is limited to only that information needed to accomplish a relevant statutory purpose. Also, personally identifiable employee medical information is retained by OSHA only for so long as needed to accomplish the purpose for access, is kept secured while being used, and is not disclosed to other agencies or members of the public except in narrowly defined circumstances. In addition, the examination and use of personally identifiable employee medical information is limited to only OSHA personnel with a need to review such information.

This rule is not an Executive Order (E.O.) 13771 regulatory action because this rule is not significant under E.O. 12866. Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule not a 'major rule', as defined by 5 U.S.C. 804(2).

B. OSHA's Regulation at 29 CFR 1913.10

On May 25, 1980, OSHA issued a final rule entitled Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records (45 FR 35284). The final rule was developed and published in concert with the promulgation of 29 CFR 1910.1020, Access to Employee Exposure and Medical Records (45 FR 35212). During the rulemaking, there was universal agreement that if OSHA obtained access to employee medical records, the access should be accompanied by stringent internal agency procedures to preclude abuse of personally identifiable medical information. Provided these procedures were established, many participants in the rulemaking endorsed OSHA access to employee medical records without the consent of the employee for occupational safety and health purposes (see 45 FR 35218).

Except as provided in 29 CFR 1913.10(b)(3) through (6), the rules of agency practice and procedure apply to all requests by OSHA personnel to obtain access to records to examine and copy personally identifiable employee medical information, whether or not access is mandated by 29 CFR 1910.1020. Among other things, the regulation at 29 CFR 1913.10 establishes certain responsibilities for specific OSHA officials when the agency accesses personally identifiable employee medical information. The regulation also includes provisions addressing the internal use of employee medical records by agency personnel, as well as requirements for inter-agency transfer and public disclosure of such records. The regulation includes security procedures for the use and storage of employee medical records while in the agency's possession. Finally, the regulation sets forth internal

agency requirements for the retention and destruction of records.

A key provision set forth in § 1913.10 is that, with few exceptions, each request by an OSHA representative to examine or copy personally identifiable employee medical information must be made pursuant to a written access order. The written access order is an authorization for specific OSHA personnel to examine or copy personally identifiable employee medical information contained in records held by an employer or other record holder. The rules of agency practice and procedure in § 1913.10 make clear that each written access order must state the statutory purpose for which access is sought, a general description of the type of employee medical information that will be examined and why there is a need to examine personally identifiable information, whether the medical information will be examined on-site, what type of information will be copied and removed off-site, and the anticipated time during which OSHA expects to retain the employee medical information in personally identifiable form.

In order to enhance employee privacy, and clarify certain provisions, OSHA has determined that it is necessary to revise its regulation at § 1913.10. For example, OSHA's previous regulation at § 1913.10 used the term ''written access order.'' However, this final rule revises the regulatory text to include the more commonly used term ''medical access order'' or ''MAO.''

The final rule also amends the regulation at 29 CFR 1913.10 to transfer certain responsibilities from the Assistant Secretary to the OSHA Medical Records Officer (MRO). Specifically, the MRO will now be responsible for the overall administration and implementation of the procedures contained in § 1913.10. These new responsibilities include making determinations regarding (1) OSHA access to personally identifiable employee medical information pursuant to a MAO, and (2) inter-agency transfer and public disclosure of personally identifiable employee medical information. The final rule also transfers responsibility from the Assistant Secretary to the MRO for issuing written directives that authorize OSHA compliance personnel to review certain information without obtaining a MAO.

The final rule clarifies that a MAO does not constitute an administrative subpoena, and eliminates requirements for the removal of direct personal identifiers when OSHA personnel review medical information away from a workplace. The deletion of requirements for the removal of direct personal identifiers will be offset by new provisions designed to strengthen employee privacy. Finally, the final rule establishes new internal OSHA requirements, based on existing agency policy, for the access and safeguarding of personally identifiable employee medical information maintained in electronic form.

The procedures set forth in § 1913.10 are internal agency procedures and do not affect employer compliance with OSHA requirements. Employers and employees will benefit from the revisions to § 1913.10 in several ways. First, since the process for determining whether there is a need for OSHA to review employee medical information will be more efficient, employers will know sooner if such a review is authorized at their worksite. Second, the elimination of the outdated requirement to remove direct personal identifiers before taking medical information off-site for review will reduce the amount of an employer's time and physical space needed by OSHA personnel when they visit a specific workplace. Third, the revisions will benefit employees because the procedures in § 1913.10 to protect the security and privacy of employee medical records will be strengthened, especially with regard to medical information in electronic form. Fourth, the elimination of the requirement to remove direct personal identifiers before taking medical information off-site will enhance employee privacy because the removal process always carries with it the possibility that medical information will be misidentified or mislabeled, which could result in unauthorized staff mistakenly reviewing that information. Finally, deletion of the time-consuming de-identification procedures will mean that authorized OSHA personnel can conduct follow-up consultations with employees about their health more quickly.

The notice and comment rulemaking procedures of 5 U.S.C. 553 of the Administrative Procedure Act (APA) do not apply to ''interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice.'' 5 U.S.C. 553(b)(A). The provisions in 29 CFR 1913.10 are rules of agency procedure and practice within the meaning of section 553(b)(A) of the APA. Therefore, publication in the **Federal Register** of a notice of proposed rulemaking and request for comments is not required. Furthermore, because this rule is procedural rather than substantive, the normal requirement of 5 U.S.C. 553(d) that a rule not be effective until at least 30 days after publication in the **Federal Register** is inapplicable. OSHA also finds good cause to provide an immediate effective date for this rule, because it imposes no obligations on parties outside the federal government and therefore no advance notice is required to enable employers or other private parties to come into compliance.

II. Legal Authority

The Occupational Safety and Health Act of 1970, 29 U.S.C. 651 *et seq.* (OSH Act) authorizes the Secretary to issue two types of occupational safety and health rules: Standards and regulations. Standards, which are authorized by section 6 of the Act, specify remedial measures to be taken to prevent and control employee exposure to identified occupational safety and health hazards, while regulations are the means to effectuate other statutory purposes, including the maintaining of records. For example, the OSHA requirements at 29 CFR 1910.95 are a ''standard'' because they include remedial measures to address the specific and already identified hazard of employee exposure to occupational noise. In contrast, a ''regulation'' is a purely administrative effort designed to uncover violations of the Act and discover unknown dangers. The procedural regulations in 29 CFR 1913.10 are necessary to enable the use of employee medical records by OSHA consistent with the employee's right of privacy.

In section 2(b) of the OSH Act, Congress declared the overriding purpose of the Act is ''to assure so far as possible every working man and woman in the Nation safe and healthful working conditions.'' (29 U.S.C. 651.) Congress also explicitly declared that this must be accomplished, among other ways, ''by providing an effective enforcement program . . .'' (29 U.S.C. 651(b)(10)). For the Secretary of Labor to conduct an effective enforcement program, he or she must determine whether occupational safety and health hazards exist in the workplace. To that end, the OSH Act authorizes the Secretary to enter and inspect workplaces and to conduct reasonable investigations into working conditions.

Section 8(a) of the OSH Act authorizes OSHA to enter, inspect, and investigate places of employment, and section 8(b) permits OSHA to subpoena both witnesses and evidence when conducting inspections and investigations. (29 U.S.C. 657(a) and (b)). As noted above, in some instances, it may be necessary for OSHA to examine personally identifiable employee medical information. Section

8 of the OSH Act recognizes OSHA's right of access to medical records, and records access is mandated by OSHA standards and regulations, including 29 CFR 1910.1020(e)(3) (access to employee exposure and medical records). OSHA relies on administrative subpoenas to compel production of medical records by employers and other record holders.

OSHA is issuing the final rule pursuant to authority expressly granted in section 8 of the OSH Act. Section 8(c)(1) requires each employer to ''make, keep, preserve, and make available to the Secretary [of Labor] or the Secretary of Health and Human Services, such records regarding his activities relating to this Act as the Secretary, in cooperation with the Secretary of Health and Human Services, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational accidents and illnesses'' (29 U.S.C. 657(c)(1)). Employee medical records are included within the type of records addressed by this provision.

Section 8(g)(1) of the OSH Act provides that the Secretary and Secretary of Health and Human Services are authorized to compile, analyze, and publish, either in summary or detailed from, all records or information obtained under this section (29 U.S.C. 657(g)(1)). Section 8(g)(2) is the general rulemaking authority of the OSH Act and provides that the Secretary and the Secretary of Health and Human Services shall prescribe such rules and regulations as he may deem necessary to carry out their responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

III. Summary and Explanation of the Final Rule

Section 1913.10(b)—Scope and Application

OSHA's regulation at 29 CFR 1913.10(b), Scope and application, defines the circumstances under which the procedural regulations in § 1913.10 will apply. Except as provided in paragraphs (b)(3) through (6), the policies and procedures in § 1913.10 apply to all requests by OSHA personnel to access personally identifiable employee medical information.

In general, 29 CFR 1913.10 requires OSHA personnel to obtain a MAO (previously ''written access order,'' but referred to in this section as ''MAO'' as it is in the final rule) when accessing personally identifiable employee medical information. However, under certain circumstances, the regulation states that OSHA access may be accomplished without obtaining a MAO. For example, § 1913.10(d)(4)(i) provides that a MAO is not needed when an employee gives specific written consent for OSHA to access their medical records. Also, § 1913.10(b)(3) through (5) include several categories of records that are not subject to § 1913.10 and therefore may be accessed without obtaining a MAO. These categories of records include medical information that is not in personally identifiable form, injury and illness records required by 29 CFR part 1904, death certificates, employee exposure records, and medical information obtained in the course of litigation. In addition, previous § 1913.10(b)(6) provided that the policies and procedures in § 1913.10 do not apply when a written directive by the Assistant Secretary authorizes appropriately qualified personnel to conduct limited review of specific medical information mandated by an OSHA standard or of specific biological monitoring test results. This final rule amends § 1913.10(b)(6) to state that the MRO is now responsible for issuing these written authorization directives.

OSHA Directive CPL 02–02–072, Rules of agency practice and procedure concerning OSHA access to employee medical records, August 22, 2007, includes authorization for review of three categories of information based on the provisions in § 1913.10(b)(6). The directive authorizes OSHA compliance personnel to review (1) medical opinions mandated by OSHA standards, (2) information required by a medical surveillance program, and (3) certain information used to verify compliance with the injury and illness recordkeeping requirements in 29 CFR part 1904. OSHA personnel do not need a MAO when they access the information at a workplace pursuant to a written directive under § 1913.10(b)(6). Instead, OSHA personnel follow the procedures set forth in the written directive. The 2007 directive includes provisions on how OSHA personnel may access the specific types of information and how the information should be protected once in the agency's possession.

OSHA believes the MRO is in the best position to make determinations regarding written authorization under § 1913.10(b)(6). Section 1913.10(c)(2) already provides that the MRO must have experience or training in the evaluation, use, and privacy protection of medical records, and, as discussed below in this preamble, paragraph (c) of § 1913.10 has been amended to provide that the MRO is now responsible for the overall administration of the policies and procedures in § 1913.10. Also, as part of the final rule, paragraph (c) now states that the MRO is specifically responsible for making determinations regarding the approval of MAOs, inter-agency transfer, and public disclosure of identifiable employee medical records. Given all the new MRO responsibilities set forth in paragraph (c), as well as the existing duties in the other paragraphs of the regulation, it is appropriate to also make the MRO responsible for written authorization under paragraph (b)(6). Accordingly, final § 1913.10(b)(6) states that the provisions of 29 CFR 1913.10 do not apply where a written directive by the MRO authorizes appropriately qualified personnel to conduct limited review of specific medical information mandated by an occupational safety and health standard or of specific biological monitoring test results. OSHA will also amend Directive CPL 02–02–072 to reflect the new regulatory text in paragraph (b)(6).

Section 1913.10(c)—Responsible Persons

OSHA's regulation at 29 CFR 1913.10(c) establishes certain responsibilities for OSHA personnel when the agency accesses personally identifiable employee medical information. Paragraph (c) is largely a summary of duties established by other paragraphs in § 1913.10 and sets forth specific responsibilities for the Assistant Secretary, MRO, and Principal OSHA Investigator. The final rule amends several provisions in paragraph (c) to emphasize the responsibilities of the MRO.

Under the previous regulation, paragraph (c)(1) provided that the OSHA Assistant Secretary was responsible for the overall administration and implementation of the policies and procedures in § 1913.10. This responsibility included making determinations regarding (1) OSHA access to personally identifiable employee medical information and (2) interagency transfer or public disclosure of personally identifiable employee medical information. Also under the previous regulation, § 1913.10(d)(1) provided that each request by an OSHA representative to access information through a written access order must be approved by the Assistant Secretary upon the recommendation of the MRO.

Section 1913.10(c)(2) of the previous regulation provided that the Assistant Secretary was responsible for designating an OSHA official with experience or training in the evaluation,

use, and privacy protection of medical records to be the MRO. The MRO, who reported directly to the Assistant Secretary on matters related to § 1913.10, was responsible for making recommendations to the Assistant Secretary on whether to approve or deny written access orders, and served as the central reviewer of the sufficiency and justification of these documents. The MRO was also responsible for responding to employee, collective bargaining agent, and employer objections to written access orders. In addition, § 1913.10(c)(2) of the previous regulation stated that the MRO was responsible for controlling the use of direct personal identifiers; controlling internal agency use and security of personally identifiable employee medical information; assuring that the results of agency analysis of personally identifiable employee medical information are, where appropriate, communicated to employees; preparing an annual report for the Assistant Secretary on OSHA's experience with respect to § 1913.10; and assuring that adequate notice is given of intended inter-agency transfers or public disclosures of personally identifiable employee medical information.

The other OSHA official with important responsibilities when the agency accesses employee medical information is the Principal OSHA Investigator. Section 1913.10(c)(3) provides that the Principal OSHA Investigator is the OSHA employee designated on the MAO who is primarily responsible for ensuring that OSHA examination and use of employee medical information is in accordance with the provisions of the MAO and § 1913.10. In most instances, the Principal OSHA Investigator named on a MAO is an employee from an OSHA Regional or Area Office and determines how and when employee medical information will be accessed during an OSHA inspection or investigation. In practice, the Principal OSHA Investigator is responsible for ensuring that the provisions of the MAO and § 1913.10 are followed by OSHA personnel when medical information is accessed at a specific workplace. As provided in § 1913.10(c)(3), the Principal OSHA Investigator must be professionally trained in medicine, public health, or similar fields (epidemiology, toxicology, industrial hygiene, biostatistics, environmental health) when access is made pursuant to a MAO. The provisions in § 1913.10(c)(3) concerning the Principal OSHA Investigator are unchanged by the final rule.

The final rule retains the Assistant Secretary's responsibility to designate an OSHA official as MRO. However, this responsibility is now set forth in § 1913.10(c)(1). Like the previous regulation, § 1913.10(c)(1) of the final rule states that the Assistant Secretary shall designate an OSHA official with experience or training in the evaluation, use, and privacy protection of medical records to be the OSHA Medical Records Officer. The final rule also states that the Assistant Secretary may change the designation of the MRO at will.

The final rule includes several changes to paragraph (c)(2), OSHA Medical Records Officer. Some of these changes transfer specific responsibilities from the Assistant Secretary to the MRO while other responsibilities assigned to the MRO in § 1913.10(c)(2) are carried over from the previous regulation.

The final rule amends paragraph (c)(2) to provide that the MRO is now responsible for the overall administration and implementation of the procedures contained in § 1913.10. OSHA believes there are two central principles that form the basis of the procedural requirements in § 1913.10: (1) There should be a thorough review of all efforts to examine or copy personally identifiable employee medical information before the information is obtained and (2) personally identifiable information must be carefully protected once obtained. OSHA also believes the MRO is in the best position to ensure that the central principles of § 1913.10 are carried out by the agency.

As already noted, paragraph (c)(1) of the final rule, like the previous regulation, provides that the MRO must have experience and training in the evaluation, use, and privacy protection of medical records. Historically, a physician from OSHA's Office of Occupational Medicine and Nursing (OOMN) has been designated as MRO, and, in most cases, the person designated has been the Director of OOMN. As a result, the MRO has had an extensive background in both medicine and administration.

Additionally, under the previous regulation, the MRO was already responsible for ensuring the sufficiency and justification of MAOs and making recommendations to the Assistant Secretary on whether to approve or deny such documents. The MRO also has several duties set forth throughout the other paragraphs in § 1913.10 and therefore has a good understanding of the day-to-day implementation of the regulation.

Under the final rule, the MRO will now be responsible for making determinations regarding whether to approve or deny MAOs, any inter-agency transfer, and public disclosures of personally identifiable employee medical information, as well as whether to issue written directives authorizing OSHA personnel to conduct limited review of certain medical information without an MAO. Accordingly, the extensive medical and administrative experience, the responsibilities under the previous regulation, and the new responsibilities assigned by this final rule make the MRO the logical OSHA official to have responsibility for the overall administration and implementation of the procedures in § 1913.10.

While the final rule limits the role of the Assistant Secretary in the day-to-day implementation of § 1913.10, the Assistant Secretary still maintains an important oversight responsibility. As in the previous regulation, the Assistant Secretary retains the responsibility for naming an OSHA official as MRO, with the ability to replace the MRO at will, and the MRO must still report to the Assistant Secretary on matters related to § 1913.10. In practice, the MRO will continue to consult with the Assistant Secretary on MAO approval, inter-agency transfers, and public disclosures of personally identifiable employee medical information. In addition, paragraph (l) requires the MRO to prepare an annual report for the Assistant Secretary on matters related to the approval and purpose of MAOs, objections to MAOs, and inter-agency transfers and public disclosures during the previous year. The responsibility to designate an OSHA official as MRO, continued consultation, and receiving reports from the MRO will keep the Assistant Secretary informed about OSHA's overall implementation of § 1913.10. Accordingly, like the previous regulation, the final rule at paragraph (c)(2) provides that the MRO is responsible for reporting directly to the Assistant Secretary on matters concerning § 1913.10.

Under the final rule, the MRO is also now responsible for making determinations concerning (1) access to personally identifiable employee medical information and (2) interagency transfer or public disclosure of personally identifiable employee medical information. These two responsibilities had been assigned to the Assistant Secretary in previous § 1913.10(c)(1).

Section 1913.10(c)(2)(i) of the final rule states that the MRO is responsible for making determinations concerning

OSHA access to personally identifiable employee medical information under § 1913.10(d). Paragraph (d) addresses OSHA access to personally identifiable employee medical information by MAO.

With the exception of two circumstances described at the end of paragraph (d), each request by OSHA to examine or copy personally identifiable employee medical information is made pursuant to an MAO. Paragraph (d)(2) sets criteria the agency must follow when it seeks access to identifiable medical information, and paragraph (d)(3) sets forth the content to be included in the MAO. In order to be valid, an MAO must be approved by the MRO using the criteria in paragraph (d)(2). First, the MRO must consider whether the information to be examined or copied is relevant to a statutory purpose and whether there is a need to gain access to the information. The MRO has the responsibility, on a case-by-case basis, to ensure that access is sought only where there is a genuine need to do so. OSHA believes that a finding of relevance and need by the MRO is a significant safeguard against excessive use of the agency's authority to access personally identifiable employee medical information.

Paragraph (d)(2) next states that consideration must be given to whether the personally identifiable employee medical information subject to the MAO is limited to only that information needed to accomplish the purpose for access. This provision is aimed at preventing OSHA access to extraneous medical information unrelated to the purpose for access. Lastly, paragraph (d)(2) states that the MRO must determine that the personnel authorized to review the medical information are limited to those who have a need for access and have appropriate professional qualifications. The limiting of personnel that can review and analyze information to only those who have a need for access and who have appropriate professional qualifications is important for maintaining the confidentiality of employee medical records.

OSHA believes the MRO is in the best position to evaluate the criteria in paragraph (d) and make determinations on whether to approve or deny MAOs. Typically, the MRO has extensive subject-matter clinical experience and expertise in occupational medicine. This allows the MRO to evaluate whether, and to what extent, employee medical information needs to be accessed by OSHA. Accordingly, paragraph (d)(2) has been amended to state that, before approving an MAO, the MRO must determine that the documents meet the criteria in that paragraph.

For similar reasons, the MRO is also now responsible for making determinations concerning inter-agency transfer and public disclosure of personally identifiable employee medical information. Section 1913.10(m) describes the circumstances under which personally identifiable employee medical information can be transferred to another agency or disclosed to the public. The requirements in paragraph (m) remain unchanged from the previous regulation. However, the provisions in paragraph (m), as well as paragraph (c)(2), are amended by the final rule to provide that the MRO, not the Assistant Secretary, is now responsible for making determinations regarding inter-agency transfer and public disclosure of personally identifiable employee medical information. The individual provisions in paragraph (m) are amended to cross reference with the new MRO responsibility established in § 1913.10(c)(2)(vii).

The following discussion of the individual provisions in paragraph (m) clarifies the MRO's new responsibility for making determinations concerning inter-agency transfer and public disclosure set forth in § 1913.10(c)(2). The previous regulation at § 1913.10(m)(1) stated that personally identifiable employee medical information shall not be transferred to another agency or office outside of OSHA (other than the Office of the Solicitor of Labor) or disclosed to the public (other than to the affected employee or the original recordholder) except when required by law or when approved by the Assistant Secretary. The final rule amends paragraph (c)(2)(vii) to make clear that the MRO is now responsible for making these determinations. The final rule also amends paragraph (m) to provide that the MRO must follow specific criteria when making determinations concerning inter-agency transfer and public disclosure of personally identifiable employee medical information.

OSHA's longstanding position is that inter-agency transfer and public disclosure of personally identifiable employee medical information should be carefully considered, and paragraph (m) addresses these issues. Inter-agency transfer and public disclosure of personally identifiable employee medical information are not categorically prohibited by the regulation for two reasons. OSHA believes (1) it cannot legally make such a commitment and (2) situations arise where transfer or disclosure is appropriate. Under certain circumstances, as a matter of law, OSHA is compelled to transfer information to another agency or disclose it to a non-governmental individual. For example, OSHA might be required to provide the information in response to a lawful subpoena. In other circumstances, disclosure may also be appropriate. For example, in order to resolve a public health problem, OSHA may need to transfer employee medical information to another federal or state agency. In such situations, the transfer of employee medical information may be critical in identifying an emerging health issue, compiling data on worker fatalities from specific exposure, or evaluating the effectiveness of workplace controls designed to prevent occupational illness at manufacturing facilities.

OSHA notes that inter-agency transfer and public disclosure of personally identifiable employee medical information is not a common occurrence. In the last five years, the agency has made only three inter-agency transfers of personally identifiable employee medical information to another federal or state agency. OSHA also notes that inter-agency transfer and public disclosure of employee medical information not in personally identifiable form is not subject to provisions in § 1913.10.

Paragraph (m) of § 1913.10 includes strict limitations on inter-agency sharing and public disclosure of employee medical information. Except when required by law, all inter-agency transfer or public disclosure of personally identifiable employee medical information must be approved by the MRO in accordance with the criteria in paragraph (m).

Paragraph (m)(2) states that, except as provided for in paragraph (m)(3), the MRO shall not approve a request for an inter-agency transfer, which has not been consented to by the affected employee, unless the request is by a public health agency. Under this provision, transfer of medical information is permitted only to a public health agency for a substantial public health purpose. The regulation goes on to state that the MRO can approve the transfer only if the public health agency (1) needs the information for substantial public health purposes, (2) will not use the information to make individual determinations concerning affected employees which could be to their detriment, (3) has regulations or written established procedures providing protection for personally identifiable medical information substantially equivalent to § 1913.10,

and (4) satisfies an exemption to the Privacy Act to the extent the Privacy Act applies to the requested information.

Because OSHA collects medical information only for a public health purpose, OSHA believes it is appropriate to restrict all subsequent discretionary transfers to those agencies with an equivalent public health purpose. The MRO must review each request for a transfer on a case-by-case basis by taking into account each of the listed criteria in paragraph (m)(2). Most importantly, in order to protect individual privacy, the MRO must be satisfied that the recipient agency's privacy protections are equivalent to OSHA's.

Paragraph (m)(3) contains two exceptions to the requirements of paragraph (m)(2). First, upon the approval of the MRO, personally identifiable employee medical information can be shared with the National Institute for Occupational Safety and Health (NIOSH). Like OSHA, NIOSH is a public health agency and its research activities complement OSHA's regulatory responsibilities. OSHA's ability to analyze employee medical records is often improved by gaining NIOSH assistance, and medical information collected by OSHA may have major research value for NIOSH. Also, because of its frequent use of medical information, and sensitivity to individual privacy, NIOSH has procedures in place that provide for the protection of personally identifiable medical information that are substantially equivalent to § 1913.10. As a result, employee medical information may be transferred to NIOSH if approved by the MRO without further inquiry into the sufficiency of its programs for protecting medical records.

Paragraph (m)(3) also permits, upon the approval of the MRO, the inter-agency transfer of personally identifiable employee medical information to the U.S. Department of Justice when necessary with respect to a specific action under the OSH Act. For example, the Justice Department prosecutes criminal violations under the OSH Act, as well as civil penalty collection actions. The Justice Department also represents OSHA in Freedom of Information Act (FOIA) lawsuits. Personally identifiable employee medical information may be relevant in these legal actions, and OSHA must be able to share information in these circumstances.

Paragraphs (m)(4) and (5) address public disclosure of personally identifiable employee medical information which has not been consented to by the affected employee. Paragraph (m)(4) provides that the MRO shall not approve a request for public disclosure of employee medical information containing personal identifiers unless there are compelling circumstances affecting the health or safety of an individual. Also, paragraph (m)(5) states that the MRO shall not approve a request for public disclosure of employee medical information which contains information which could reasonably be used indirectly to identify specific employees when the disclosure would constitute a clearly unwarranted invasion of personal privacy. Finally, paragraph (m)(6) retains the provision from the previous regulation that, except as to inter-agency transfer to NIOSH or the Department of Justice, the MRO shall ensure that advance notice is provided to any collective bargaining agent representing affected employees and to the employer on each occasion OSHA intends to transfer personally identifiable employee medical information to another agency or disclose it to a member of the public other than to an affected employee. When feasible, the MRO must take reasonable steps to assure that advance notice is provided to affected employees when the employees' medical information to be transferred or disclosed contains direct personal identifiers.

Finally, the final rule at § 1913.10(c)(2) retains several provisions from the previous regulation. Specifically, paragraph (c)(2)(iii) continues to provide that the MRO is responsible for responding to MAO objections, and paragraph (c)(2)(iv) continues to provide that the MRO is responsible for overseeing the internal use and security of personally identifiable employee medical information. Two other MRO responsibilities in paragraph (c)(2) have been retained from the previous regulation but have been renumbered under the final rule. Paragraph (c)(2)(v), formerly paragraph (c)(2)(vi), continues to provide that the MRO is responsible for assuring that the results of agency analyses of personally identifiable medical information are, where appropriate, communicated to employees. Paragraph (c)(2)(vi), formerly paragraph (c)(2)(vii), retains the provision that the MRO is responsible for preparing an annual report of OSHA's experience under § 1913.10.

Section 1913.10(d)(1)—Requirements for Medical Access Orders

OSHA's previous regulation at § 1913.10(d)(1) stated that, except as provided in paragraph (d)(4), each request by an OSHA representative to examine or copy personally identifiable employee medical information contained in a record held by an employer or other record holder shall be made pursuant to a written access order which has been approved by the Assistant Secretary upon the recommendation of the OSHA Medical Records Officer. Paragraph (d)(1) went on to state that, if deemed appropriate, a written access order may constitute, or be accompanied by, an administrative subpoena.

As explained above, the MRO is now responsible for the approval or denial of MAOs, and paragraph (d)(1) has been revised to reflect this change. The final rule also amends paragraph (d)(1) to make clear that a MAO does not constitute an administrative subpoena.

An administrative subpoena is a written order issued by OSHA to require an employer, or any other person, to produce listed records, documents, testimony and/or other supporting evidence relevant to an inspection or investigation under the OSH Act. If the person served with a subpoena refuses to honor (or only partially honors) the order, the subpoena is subject to judicial review and enforcement by a U.S. District Court. OSHA Regional Administrators have authority to issue administrative subpoenas and are also authorized to delegate to Area Directors the authority to issue routine administrative subpoenas. OSHA's policies and procedures for issuing an administrative subpoena are set forth in OSHA Instruction ADM 01–00–002, August 19, 1991.

In contrast, a MAO is an authorization for specified OSHA personnel to examine or copy personally identifiable employee medical information contained in a record held by an employer or some other record holder. Since an MAO relates to internal OSHA procedures, it cannot be used to compel the production of records, nor be enforced in a U.S. District Court. Historically, OSHA has not treated an MAO as equivalent to an administrative subpoena. OSHA's longstanding practice has been to rely on an administrative subpoena to compel production of medical records by employers. See OSHA's August 22, 2007, Instruction CPL 02–02–072, *Rules of agency practice and procedure concerning OSHA access to employee medical records.* MAOs set forth internal OSHA procedure for assuring appropriate confidentiality of medical records is observed by OSHA personnel. As a result, except when reasonably certain that the employer will grant access to employee medical

information, OSHA personnel present an administrative subpoena to the employer concurrently with an MAO.

The final rule amends § 1913.10(d)(1) to state that except as provided in paragraph (d)(4), each request by an OSHA representative to examine or copy personally identifiable employee medical information contained in a record held by an employer or other recordholder shall be made pursuant to a written medical access order which has been approved by the OSHA Medical Records Officer. A medical access order does not constitute an administrative subpoena.

Section 1913.10(g)—Removal of Direct Personal Identifiers

OSHA's previous regulation at § 1913.10(g) provided that all direct personal identifiers (*e.g.,* name, address, Social Security Number, payroll number) must be removed by OSHA personnel whenever employee medical information obtained pursuant to a written access order is taken off-site, unless otherwise directed by the MRO. The regulation also required the Principal OSHA Investigator to code the medical information and the list of direct personal identifiers with a unique identifying number for each employee and then hand deliver or mail the list of identifiers to the MRO. The MRO thereafter controlled the use and distribution of the list of coded identifiers to those with a need to know its contents. In addition, the numerical coded medical information was to be used and kept secured as though still in a directly identifiable form.

Paragraph (g) was originally promulgated by OSHA when the rules of agency practice and procedure were issued in 1980. At that time, electronic medical records did not exist, and the employee records that did exist were maintained almost entirely in paper form. Since 1980, the number of medical records maintained by employers and other record holders has substantially increased, and the majority of these records are now maintained in electronic form.

The final rule revises § 1913.10 by deleting the outdated procedures set forth in paragraph (g). OSHA is eliminating this internal requirement for several reasons. First, existing access and safeguarding requirements in § 1913.10 already address privacy concerns when OSHA takes medical information away from a workplace for off-site review. Specifically, paragraph (h) of § 1913.10 provides that only authorized personnel may examine or copy personally identifiable employee medical information. As explained below, OSHA experience is that this process can result in coding and re-coding errors in individual employee medical records. Likewise, it provides that, unless an exception applies, OSHA personnel and contractors are authorized to use information only for the purpose for which it was obtained. In addition, paragraph (h)(5) states that, whenever practicable, the examination of personally identifiable employee medical information shall be conducted on-site with a minimum of medical information taken off-site in a personally identifiable form.

Additionally, paragraph (i) of § 1913.10 includes security procedures for handling personally identifiable employee medical information. For example, paragraph (i)(1) provides that files containing personally identifiable employee medical information shall be segregated from other agency files and, when not in active use, must be kept in a locked cabinet or vault. In practice, the locking requirement extends to when medical information is transported from the workplace, as OSHA personnel place records in a locked trunk during transport by automobile.

Second, paragraph (n) of this final rule establishes new requirements for the access and safeguarding of personally identifiable employee medical information in electronic form. As discussed more extensively below, paragraph (n) of the final rule provides that the Principal OSHA Investigator is responsible for preventing any careless, accidental, or unintentional disclosure of, modification to, or destruction of electronic medical records. Paragraph (n)(3) of the final rule provides that the transfer and/or duplication of medical records in electronic form must be kept to the minimum necessary to accomplish the purpose for which it was obtained. Also, paragraph (n)(4) states that electronic files containing personally identifiable employee medical information shall be downloaded only to a computer hard drive or laptop that is secured (*e.g.,* password protected). Paragraph (n)(4) now includes the Government standards that address secure access to Government systems and the data they contain: Federal Information Processing Standards (FIPS) 201–2, ''Personal Identity Verification (PIV) of Federal Employees and Contractors''; and HSPD–12, ''Homeland Security Presidential Directive 12: Policy for a Common Identification Standard for Federal Employees and Contractors (HSPD–12).''

In addition, paragraph (n)(5) provides that electronic files containing personally identifiable employee medical information must be encrypted before transferred to authorized individuals. OSHA believes the safeguards for electronic medical records established by this final rule, which are based on existing OSHA practices and policy, enhance privacy protection and reduces the need to remove direct personal identifiers when OSHA personnel take personally identifiable employee medical information off-site.

OSHA's experience is that de-identification increases the risk of mislabeling or misidentifying employee medical records and places a burden on agency resources by requiring additional OSHA staff time to accurately conduct de-identification and copying of employee medical records. In some cases, depending on the number of employees at a specific facility, OSHA employees may spend several hours finding and removing each direct personal identifier within each affected employee's medical record. The deletion of paragraph (g) will reduce the amount of time and physical space needed by OSHA personnel at a worksite.

Finally, the deletion of de-identification procedures in paragraph (g) will simplify follow-up communication from authorized OSHA personnel with individual employees after evaluation of their medical information. For example, by not having to complete a potentially extensive de-identification process, critical medical information about an employee will be reviewed by an OSHA physician sooner, and this will allow the physician to conduct follow-up consultation with the employee in a timely manner. Also, because personally-identifiable information will remain in the medical records taken from a workplace for off-site review, it will make it easier for the OSHA physician to identify employees, compare associated records, and contact individual employees.

For all of the above reasons, OSHA has concluded that the removal of direct personal identifier requirements in paragraph (g) should be deleted.

Section 1913.10(n)—Medical Records Maintained in Electronic Form

In many cases, employers and other record holders maintain personally identifiable employee medical information in electronic form. OSHA's regulation at 29 CFR 1910.1020 provides that a ''record'' includes any item, collection, or grouping of information regardless of the form or process by which it is maintained (*e.g.,* paper, document, microfilm, X-ray film, or

automated data processing). Medical records may also be maintained on media such as magnetic tape, computer disks, USB storage devices (*e.g.,* thumb drives), and online computer storage. Historically, OSHA personnel have followed the requirements in 29 CFR 1913.10 when accessing personally identifiable employee medical information maintained in electronic form. However, the regulation did not include provisions that specifically addressed electronic medical records. The final rule establishes new internal policies and procedures in paragraph (n) to § 1913.10 that specifically address OSHA access, use, and safeguarding of personally identifiable employee medical information maintained in electronic form.

Since the rules of agency practice and procedure were first issued in 1980, medical professionals have increasingly relied on the use and storage of medical records in electronic form. These records tend to improve the quality of health care and have several practical advantages over paper records. For example, electronic medical records can be accessed by health care professionals at any time from any given location. Legible records can also lead to more accurate diagnosis, treatment, and drug prescription. Electronic medical records are cost-effective because they take up less storage space and can be stored indefinitely. However, because they are in electronic form, these records also present unique challenges to security, privacy, and data integrity.

OSHA believes the best way to protect the security and confidentiality of personally identifiable employee medical information in electronic form is to prevent unauthorized access to such information. Several effective administrative, technological, and physical measures can be taken to protect electronic medical information from unauthorized access, use, disclosure, disruption, modification, or destruction. These methods include establishing specific security roles and responsibilities for OSHA officials, technology safeguards such as encryption or firewalls to protect against electronic breaches, ID/password protection for devices and information systems, and the use of anti-virus and intrusion detection software. The establishment of new internal OSHA policies and procedures in paragraph (n) of this final rule will effectively protect the security, privacy, and data integrity of employee medical information in electronic form.

Section 1913.10(n)(1) of the final rule provides that, in general, when accessing and/or copying personally identifiable employee medical information in electronic form, OSHA personnel shall follow the requirements set forth in 29 CFR 1913.10. As noted above, OSHA personnel have historically followed the rules of agency practice and procedure in § 1913.10 when accessing employee medical information in electronic form, and many of the provisions in § 1913.10 are applicable regardless of the format used to maintain information. As a result, unless specifically addressed in paragraph (n), OSHA personnel should continue to follow the rules of agency practice and procedure in paragraphs (a) through (m) when accessing and safeguarding electronic employee medical information.

Section (n)(2) of the final rule includes responsibilities for the Principal OSHA Investigator when OSHA personnel access personally identifiable employee medical information in electronic form. Specifically, paragraph (n)(2) states that when personally identifiable employee medical information in electronic form is taken off-site, the Principal OSHA Investigator is primarily responsible for ensuring that such information is properly used and kept secured. This provision is based on the requirement in paragraph (h)(1) of § 1913.10, which provides that the Principal OSHA Investigator is responsible for ensuring that medical information is used and kept secured in accordance with § 1913.10. Other specific responsibilities assigned to the Principal OSHA Investigator in paragraph (n)(2) include preventing any accidental or unintentional disclosure of, modification to, or destruction of personally identifiable employee medical information in electronic form (paragraph (n)(2)(i)); controlling the flow of data into, through, and from agency computer operations (paragraph (n)(2)(ii)); and ensuring that distribution and review of medical information in electronic form is limited to only those OSHA personnel and contractors with a need for access (paragraph (n)(2)(iii)). The requirement in paragraph (n)(2)(iii) is derived from § 1913.10(d)(2)(iii), which provides that, before approving a MAO, the MRO must determine that personnel authorized to review and analyze personally identifiable employee medical information are limited to those who have a need for access and have appropriate qualifications.

As discussed above, the Principal OSHA Investigator is the OSHA employee in the field with primary responsibility for ensuring that the examination and use of employee medical information is in accordance with § 1913.10. As such, the Principal OSHA Investigator is responsible for ensuring that the provisions in paragraph (n) are followed by OSHA personnel when electronic medical information is accessed from a specific workplace. For example, this would include ensuring that access to personally identifiable employee medical records in electronic form is limited to only authorized personnel with a need to review the information, ensuring that employee medical information is only downloaded to a secured device (*e.g.,* password protected), and verifying that medical information is deleted or destroyed when no longer needed by the agency.

Section 1913.10(n)(3) of the final rule provides that the transfer and/or duplication of medical information in electronic form shall be kept to the minimum necessary to accomplish the purpose for which it was obtained. This provision is similar to paragraph (i)(3) of § 1913.10, which states that the photocopying or other duplication of personally identifiable employee medical information shall be kept to the minimum necessary to accomplish the purpose for which the information was obtained.

In some cases, personally identifiable employee medical information in electronic form needs to be transferred or duplicated to facilitate internal OSHA review. For example, in order to conduct a proper workplace inspection or investigation, it may be necessary for OSHA personnel to transfer employee medical records to another OSHA employee with expertise on a specific occupational health hazard. Paragraph (n)(3) of the final rule permits the transfer and duplication of electronic medical information but only to authorized individuals with a need to review the information. Transfer and duplication are also limited to the minimum necessary to accomplish the purpose for which it was obtained. An example of this limitation might include the review of a medical record to determine whether an employee has sustained a work-related injury or illness. In such cases, review of a medical record would extend only to information about the employee's injury or illness. In this example, the transfer and/or duplication of electronic medical information unrelated to the injury or illness would not be permitted.

Additionally, OSHA believes the likelihood that medical information in electronic form will be lost, altered, or destroyed increases during transfer or duplication. The duplication of electronic medical information can also

raise concern about data integrity. For example, the copying or deleting of employee medical information from one document to another raises concern about the accuracy of the information. Accordingly, personally identifiable electronic medical information should be transferred only to authorized individuals with a need to know the information and should be duplicated only to facilitate authorized internal agency review.

Consistent with existing OSHA policy, § 1913.10(n)(4) of the final rule states that electronic files containing personally identifiable employee medical information shall be downloaded only to a computer hard drive or laptop that is in accordance with Federal Information Processing Standard (FIPS) 201–2, ''Personal Identity Verification (PIV) of Federal Employees and Contractors,'' and ''Homeland Security Presidential Directive 12: Policy for Common Identification Standard for Federal Employees and Contractors (HSPD–12).'' The use of secured technology when downloading medical records will help to ensure that information is (1) accessed only by authorized individuals with a need-to-know and (2) not modified or deleted.

In accordance with current OSHA and Federal Government policy, the use of password protection is easy to implement, cost-effective, and a reliable method for securing electronic information. By downloading employee medical information to a secured hard drive or laptop, OSHA personnel will be able to ensure that only individuals that know the password can open a document and read its content. This practice also provides a level of protection that goes with the document no matter where it is stored or sent. Finally, because tampering with a secured device takes time and effort, providing this level of protection acts as a deterrent to accessing document content by unauthorized individuals.

Additionally, it is important for OSHA personnel to follow proper security practices when using password protected devices containing personally identifiable employee medical information. Authorized individuals must not share their ID with others, should log-off when leaving a terminal, and use their own ID to access employee medical records. Also, authorized individuals should not keep written facsimiles of passwords or access codes. Other security measures, such as the use of firewalls, anti-virus software, and intrusion detection software should also be used to protect data integrity. Again, the Principal OSHA Investigator is responsible for ensuring that proper security measures are in place in the field to protect the confidentiality of personally identifiable employee medical records in electronic form.

Moreover, it is critically important that mobile devices be encrypted or use password protection when used to download, transfer, or store electronic medical information. Mobile devices are for individual use, and are not designed for centralized IT management. These devices can easily be manipulated, damaged, or stolen. By encryption, OSHA means the process of changing plain text into cypher text for the purpose of security. The use of encryption results in the encoding of information in such a way so that only authorized individuals can access the information.

Section 1913.10(n)(5) of the final rule states that electronic files containing personally identifiable employee medical information shall not be transferred to authorized personnel through email attachment unless appropriately encrypted. The transfer of employee medical information by email attachment increases the risk that such information will be sent to an unauthorized individual. The transfer of personally identifiable employee medical information in electronic form must be made through secured means. See § 1913.10(n)(4), discussed above (''Electronic files containing personally identifiable employee medical information shall only be downloaded to a computer hard drive or laptop that is secured.''). Appropriate methods for the transfer of personally identifiable employee medical information in electronic form may include the use of password protected or encrypted files on a secured agency website designed for confidential information, the mailing of encrypted computer disks or USB drives, the emailing of password protected medical records (Adobe secured), and the printing and hand delivery of paper records.

Paragraph (n)(6) provides that when an employer or other record holder(s) provides access to employee medical information through a properly encrypted email attachment, the attachment shall be downloaded to a secured hard drive or laptop. After the attachment is downloaded, the email shall be permanently deleted.

In some cases, employers and other record holders provide OSHA with access to employee medical information through an encrypted email attachment. As noted above, the use of email attachments to transfer medical records makes it more likely that the information will be sent to unauthorized individuals. Paragraph (n)(6) ensures that medical information received in an encrypted email attachment is downloaded to a secured device.

After downloading the attachment from the employer or other record holder, the email must be permanently deleted to prevent transfer to unauthorized individuals. By permanently deleted, OSHA means that the email should be deleted so that it cannot be retrieved. Some email programs automatically delete trashed emails after a certain amount of time. Other programs retain emails until the user runs out of space. However, the intent of this provision is that, once the attachment is downloaded, OSHA personnel should immediately and permanently delete the incoming email. Most email programs have a ''delete forever'' function that allows the user to select emails in the trash folder for permanent deletion.

Section 1913.10(n)(7) of the final rule states that personally identifiable employee medical information in electronic form shall be secured when not in use. This provision is based on paragraph (i)(1) of § 1913.10, which states that agency files containing personally identifiable employee medical information shall be segregated from other agency files, and when not in active use, files containing this information shall be kept secured in a locked cabinet or vault. Paragraph (n)(7) is intended to prevent unauthorized access or modification to employee medical information in electronic form. In addition to all of the procedures in paragraph (n) addressing the use of electronic information by OSHA personnel, when not in use, such information must be stored in a secured manner. For example, when not in use, personally identifiable employee medical information should be stored on a password protected hard drive or laptop. Another example might be the storing of information on a password protected agency website designed to store confidential information. Also, if employee medical records are kept on computer disk or other electronic storage media, when not in use, the disk or media should be stored under lock and key. Paragraph (n)(7)(i) of the final rule also emphasizes the importance of proper storage by specifically stating that medical information in electronic form shall only be maintained or stored where facilities and conditions are designed to prevent unauthorized access.

Paragraph (n)(7)(ii) provides that personally identifiable employee medical information in electronic form shall be maintained only for so long as

needed to accomplish the purpose for access. This provision is derived from paragraph (j)(1) of § 1913.10, which provides that consistent with OSHA records disposition programs, personally identifiable employee medical information shall be destroyed or returned to the original record holder when no longer needed for the purposes for which they were obtained. In OSHA's view, maintaining medical records only for so long as needed helps to ensure that such information will not be accessed by unauthorized individuals.

In some cases, after its initial use by the agency, personally identifiable employee medical information may not be used again until sometime in the future. For example, medical information used as the basis for an OSHA citation may be used during the hearing stage of an enforcement case before the Occupational Safety and Health Review Commission. The medical information may not be used while the case is on appeal, but there may be a need for the information if the case is remanded for further judicial proceedings. Similarly, an investigation of an apparently new health hazard may produce uncertain results. Before completely closing out this investigation, it may be appropriate to await the outcome of an ongoing research study or parallel investigation elsewhere in the country. In these cases, § 1913.10(j) provides that the medical information should be transferred to the MRO. Also, under § 1913.10(l)(2), the MRO must conduct an annual review of all centrally-held information to determine which information is no longer needed for the purposes for which it was obtained. These requirements apply equally to personally identifiable employee medical information stored in electronic form.

Paragraph (n)(7)(iii) of the final rules states that when no longer needed, the Principal OSHA Investigator shall ensure that all personally identifiable employee medical information on electric files has been deleted, destroyed, or returned to the original record holder. The requirement in paragraph (n)(7)(iii) is intended to ensure that the Principal OSHA Investigator is responsible for OSHA access and use of electronic medical information from beginning to end. When no longer needed, the Principal OSHA Investigator must make sure that authorized OSHA personnel follow proper procedures for the deletion, destruction and disposal of personally identifiable employee medical information. In practice, the Principal OSHA Investigator must ensure that media containing employee medical information is sanitized or destroyed before disposal or release for reuse in accordance with approved methods. In addition, if electronic medical records are returned to the original record holder, the Principal OSHA Investigator must ensure that all data is returned, and no data remains in the possession of OSHA personnel.

Paragraph (n)(7)(iv) states that the disposal of personally identifiable employee medical information maintained in electronic form shall be accomplished in such a manner as to make the data unattainable by unauthorized personnel. When no longer needed, electronic media must be handled and sanitized appropriately to prevent unauthorized disclosure or modification of personally identifiable employee medical information.

OSHA personnel use several types of electronic media to access, use, and maintain personally identifiable employee medical information, including hard drives, laptops, USB storage drives (*e.g.,* thumb drives), CDs, DVDs, and digital storage cards such as camera cards. In order to meet the requirement in paragraph (n)(7)(iv), and depending on the type of electronic media used, OSHA personnel may need to re-use, recycle, or destroy the electronic media containing medical information. Also, when employee medical information in electronic form is no longer needed, it is important to ensure that deleted data is not easily recoverable. Residual data may allow unauthorized individuals to reconstruct data and thereby gain access to personally identifiable employee medical information. Sanitization is one method that can be used to ensure that deleted data cannot be reconstructed.

Sanitization is the general process of removing data from storage media, such that there is reasonable assurance that the data may not be easily retrieved and reconstructed. There are different types of sanitization for each type of media, including cleaning, purging, and destroying. Cleaning is the removal of data from devices in such a way that there is assurance that the data cannot be reconstructed using normal system functions or software file/data recovery utilities. For example, cleaning may include using software or hardware products to overwhelm media with non-sensitive data. Purging is generally done before releasing media beyond control, such as before discarding old media, and includes degaussing or exposing media to a strong magnetic field in order to disrupt recorded magnetic domains. Destruction of media is the ultimate form of sanitization.

In some cases, OSHA personnel maintain employee medical information on media that may not be able to be reused such as computer disks and camera cards. In these situations, when no longer needed, electronic media containing personally identifiable employee medical information should be disposed of using approved secure data destruction. Several methods exist to dispose of electronic media containing medical information. For example, computer disks can be rendered unusable by shredding, incinerating, or pulverizing. Many OSHA Regional and Area Offices already have equipment that can shred or burn disks. Other offices contract with private companies to perform this task in a secure manner. As a reminder, in order to address security and privacy concerns, disposal operations should be conducted in accordance with approved DOL or OSHA methods. In addition, OSHA is responsible for the management of records pursuant to the Federal Records Act of 1950, as amended (44 U.S.C. Chapters 21, 29, 31, 33). The retention and destruction of Federal records must be conducted in accordance with the procedures described in the Federal Records Act.

Finally, in the future, OSHA personnel will be using media types not specifically mentioned in this preamble. The processes mentioned in this document should guide media sanitization and disposal decisions regardless of the type of media in use. In the future, OSHA will issue guidance to agency staff as new technology is developed.

IV. State Plans

The 28 states and U.S. territories with their own OSHA-approved occupational safety and health plans are encouraged, but not required, to adopt these rules of agency practice and procedure concerning employee medical record access that Federal OSHA is promulgating to 29 CFR 1913.10 in this final rule. The states and U.S. territories with OSHA-approved occupational safety and health plans covering private employees and state and local government employees are Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. In addition, six states and U.S. territories have OSHA-approved state Plans that apply to state and local government employees only: Connecticut, Illinois,

Maine, New Jersey, New York, and the Virgin Islands.

This final rule describes a Federal program change for which State Plan adoption is not required. However, State Plans are required to have standards, and an enforcement program, that are ''at least as effective in providing safe and healthful employment'' as those of Federal OSHA. In order to be ''at least as effective'' as Federal OSHA, a State Plan must appropriately utilize its authority for access to medical records, and must have effective procedures to assure that the privacy of those records is protected in a manner consistent with applicable state and federal privacy laws. Therefore, although adoption of this rule is not required, State Plans must have procedures covering this issue that are at least as effective as those of Federal OSHA and are encouraged to adopt requirements comparable to those in 29 CFR 1913.10.

Within 60 days of the effective date of this final rule, a State Plan must submit a notice of intent indicating whether they already have a similar policy in place, intend to adopt new policies and procedures, or do not intend to adopt this final rule. If a State Plan does not adopt at first, but at some later point decides to adopt this final rule or an at least as effective version of this final rule, the State Plan must notify OSHA of this change in intent. Within 60 days of adoption, the State Plan must provide an electronic copy of the regulation or policy, or a link to where their policy is posted on the State Plan's website. The State Plan must also provide the date of adoption and identify differences, if any, between their policy and this final rule. OSHA will provide summary information on the State Plan responses to this instruction on its website at: *www.osha.gov/dcsp/osp/index.html.*

V. Regulatory Flexibility Certification

The notice and comment procedures of section 553 of the APA do not apply ''to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice.'' 5 U.S.C. 553(b)(A). Rules that are exempt from APA notice and comment requirements are also exempt from the Regulatory Flexibility Act (RFA). See SBA Office of Advocacy, A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act (August 2017); also found at *http://www.sba.gov/sites/default/files/rfaguide5F05125F0.pdf.* This is a rule of agency procedure, practice, and interpretation within the meaning of that section; and therefore, is exempt from both the notice and comment rulemaking procedures of the APA and the requirements of the RFA.

VI. Environmental Impact Analysis

In accordance with the requirements of the National Environmental Policy Act (NEPA) (42 U.S.C. 4231 *et seq.*), Council on Environmental Quality NEPA regulations (40 CFR parts 1500 through 1518), and the Department of Labor NEPA regulations (29 CFR part 11), OSHA has determined that this final rule will not have a significant impact on the external environment.

VII. Federalism

OSHA reviewed this final rule in accordance with the most recent Executive order on federalism (Executive Order 13132, 64 FR 43255, August 10, 1999). This Executive order requires Federal agencies, to the extent possible, to refrain from limiting state policy options, consult with states prior to taking any action that would restrict state policy options, and take such actions only when clear constitutional authority exists and the problem is national in scope.

This rule does not have ''federalism implications.'' The rule does 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'' and therefore is not subject to Executive Order 13132 (Federalism).

VIII. Unfunded Mandates

The Department has concluded that this rule is not a ''significant regulatory action'' within the meaning of Executive Order 12866, reaffirmed by Executive Order 13563, because it is not likely to (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or Tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. Therefore, no economic impact analysis under section 6(a)(3)(C) of Executive Order 12866 has been prepared. For the same reason, and because no notice of proposed rulemaking was published, no statement is required under section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532. In any event, this rulemaking is procedural and interpretive in nature and is thus not expected to have a significant economic impact.

IX. Consultation and Coordination With Indian Tribal Governments

OSHA reviewed this rule in accordance with Executive Order 13175 (65 FR 67249, November 6, 2000) and determined that it does not have ''tribal implications'' as defined in that order. The rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

X. Office of Management and Budget Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) and OMB regulations (5 CFR part 1320) require agencies to obtain approval from OMB before conducting any collection of information. The PRA defines a ''collection of information'' as ''the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public of facts or opinions by or for an agency regardless of form or format'' (44 U.S.C. 3502(3)(A)). The PRA does not apply to this final rule because it amends existing internal agency procedures and does not impose any new recordkeeping or information collection requirements that require OMB approval.

Authority and Signature

This document was prepared under the direction of Loren Sweatt, Principal Deputy Assistant Secretary for Occupational Safety and Health. It is issued under Section 8 of the Occupational Safety and Health Act (29 U.S.C. 657), 5 U.S.C. 553, 5 U.S.C. 552a(e), 5 U.S.C. 301, and Secretary of Labor's Order No. 5–2012 (77 FR 3912).

Signed at Washington, DC, on July 14, 2020.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

Final Rule

Part 1913 of title 29 of the Code of Federal Regulations is hereby amended as follows:

PART 1913—[AMENDED]

■ 1. The authority citation for part 1913 is revised to read as follows:

Authority: 29 U.S.C. 657; 5 U.S.C. 553; 5 U.S.C. 301; Secretary of Labor's Order No. 8–76 (41 FR 25059), 5–2002 (67 FR 65008), or 1–2012 (77 FR 3912) as applicable.

■ 2. Amend § 1913.10 by:
■ a. Revising paragraphs (b)(6), (c)(1) and (2), and (d)(1) and (2);
■ b. Removing and reserving paragraph (g);
■ c. Revising paragraph (m); and
■ d. Adding paragraph (n).

The revisions and addition read as follows:

§ 1913.10 Rules of agency practice and procedure concerning OSHA access to employee medical records.

* * * * *

(b) * * *

(6) This section does not apply where a written directive by the OSHA Medical Records Officer authorizes appropriately qualified personnel to conduct limited reviews of specific medical information mandated by an occupational safety and health standard, or of specific biological monitoring test results.

* * * * *

(c) * * *

(1) *Assistant Secretary.* The Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) shall designate an OSHA official with experience or training in the evaluation, use, and privacy protection of medical records to be the OSHA Medical Records Officer. The Assistant Secretary may change the designation of the OSHA Medical Records Officer at will.

(2) *OSHA Medical Records Officer.* The OSHA Medical Records Officer shall be responsible for the overall administration and implementation of the procedures contained in this section. The OSHA Medical Records Officer shall report directly to the Assistant Secretary on matters concerning this section and be responsible for:

(i) Making final determinations concerning the approval or denial of medical access orders (paragraph (d) of this section);

(ii) Assuring that medical access orders meet the requirements of paragraphs (d)(2) and (3) of this section;

(iii) Responding to objections concerning medical access orders (paragraph (f) of this section);

(iv) Overseeing internal agency use and security of personally identifiable employee medical information (paragraphs (g) through (j) of this section);

(v) Assuring that the results of agency analyses of personally identifiable medical information are, where appropriate, communicated to employees (paragraph (k) of this section);

(vi) Preparing an annual report of OSHA's experience under this section (paragraph (l) of this section); and

(vii) Making final determinations concerning inter-agency transfer or public disclosure of personally identifiable employee medical information (paragraph (m) of this section). The Medical Records Officer shall also assure that advance notice is given of intended inter-agency transfers or public disclosures.

* * * * *

(d) * * *

(1) *Requirement for medical access order.* Except as provided in paragraph (d)(4) of this section, each request by an OSHA representative to examine or copy personally identifiable employee medical information contained in a record held by an employer or other recordholder shall be made pursuant to a written medical access order which has been approved by the OSHA Medical Records Officer. A medical access order does not constitute an administrative subpoena.

(2) *Approval criteria for medical access order.* Before approving a medical access order, the OSHA Medical Records Officer shall determine that:

(i) The medical information to be examined or copied is relevant to a statutory purpose and there is a need to gain access to this personally identifiable information;

(ii) The personally identifiable medical information to be examined or copied is limited to only that information needed to accomplish the purpose for access; and

(iii) The personnel authorized to review and analyze the personally identifiable medical information are limited to those who have a need for access and have appropriate professional qualifications.

* * * * *

(m) *Inter-agency transfer and public disclosure.* (1) Personally identifiable employee medical information shall not be transferred to another agency or office outside of OSHA (other than to the Office of the Solicitor of Labor) or disclosed to the public (other than to the affected employee or the original recordholder) except when required by law or when approved by the OSHA Medical Records Officer.

(2) Except as provided in paragraph (m)(3) of this section, the OSHA Medical Records Officer shall not approve a request for an inter-agency transfer of personally identifiable employee medical information, which has not been consented to by the affected employees, unless the request is by a public health agency which:

(i) Needs the requested information in a personally identifiable form for a substantial public health purpose;

(ii) Will not use the requested information to make individual determinations concerning affected employees which could be to their detriment;

(iii) Has regulations or established written procedures providing protection for personally identifiable medical information substantially equivalent to that of this section; and

(iv) Satisfies an exemption to the Privacy Act to the extent that the Privacy Act applies to the requested information (see 5 U.S.C. 552a(b); 29 CFR 70a.3).

(3) Upon the approval of the OSHA Medical Records Officer, personally identifiable employee medical information may be transferred to:

(i) The National Institute for Occupational Safety and Health (NIOSH); and

(ii) The Department of Justice when necessary with respect to a specific action under the Occupational Safety and Health Act.

(4) The OSHA Medical Records Officer shall not approve a request for public disclosure of employee medical information containing direct personal identifiers unless there are compelling circumstances affecting the health or safety of an individual.

(5) The OSHA Medical Records Officer shall not approve a request for public disclosure of employee medical information which contains information which could reasonably be used indirectly to identify specific employees when the disclosure would constitute a clearly unwarranted invasion of personal privacy (see 5 U.S.C. 552(b)(6); 29 CFR 70.26).

(6) Except as to inter-agency transfers to NIOSH or the Department of Justice, the OSHA Medical Records Officer shall ensure that advance notice is provided to any collective bargaining agent representing affected employees and to the employer on each occasion that OSHA intends to either transfer personally identifiable employee medical information to another agency or disclose it to a member of the public other than to an affected employee. When feasible, the OSHA Medical Records Officer shall take reasonable steps to assure that advance notice is provided to affected employees when

the employee medical information to be transferred or disclosed contains direct personal identifiers.

(n) *Medical records maintained in electronic form.* (1) In general, when accessing and/or copying personally identifiable employee medical information in electronic form, OSHA personnel shall follow all of the requirements set forth in this section.

(2) When personally identifiable employee medical information in electronic form is taken off-site, the Principal OSHA Investigator is primarily responsible for ensuring that such information is properly used and kept secured.

(i) The Principal OSHA Investigator is responsible for preventing any accidental or unintentional disclosure of, modification to, or destruction of personally identifiable employee medical information in electronic form.

(ii) The Principal OSHA Investigator is responsible for controlling the flow of data into, through, and from agency computer operations.

(iii) The Principal OSHA Investigator shall ensure the distribution and review of medical information in electronic form is limited to only those OSHA personnel and contractors with a need for access.

(3) The transfer and/or duplication of medical information in electronic form shall be kept to the minimum necessary to accomplish the purpose for which it was obtained.

(4) Electronic files containing personally identifiable employee medical information shall be downloaded only to a computer hard drive or laptop that is secured in accordance with Federal Information Processing Standard (FIPS) 201–2 ''Personal Identity Verification (PIV) of Federal Employees and Contractors'' and ''Homeland Security Presidential Directive 12: Policy for a Common Identification Standard for Federal Employees and Contractors (HSPD–12).''

(5) Electronic files containing personally identifiable employee medical information shall not be transferred to authorized personnel through email attachment unless appropriately encrypted.

(6) When an employer or other record holder(s) provides access to employee medical information through a properly encrypted email attachment, the attachment shall be downloaded to a secured hard drive or laptop. After the attachment is downloaded, the email shall be permanently deleted.

(7) Personally identifiable employee medical information in electronic form shall be secured when not in use.

(i) Medical information in electronic form shall only be maintained or stored where facilities and conditions are designed to prevent unauthorized access.

(ii) Personally identifiable employee medical information in electronic form shall be maintained only for so long as needed to accomplish the purpose for access.

(iii) When no longer needed, the Principal OSHA Investigator shall ensure that all personally identifiable employee medical information on electronic files has been deleted, destroyed, or returned to the original record holder.

(iv) The disposal of personally identifiable employee medical information maintained in electronic form shall be accomplished in such a manner as to make the data unattainable by unauthorized personnel.

[FR Doc. 2020–15562 Filed 7–29–20; 8:45 am]

BILLING CODE 4510–26–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 18–143, 10–90, 14–58; FCC 19–95; FRS 16955]

The Uniendo a Puerto Rico Fund and the Connect USVI Fund, Connect America Fund, ETC Annual Reports and Certifications

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, an information collection associated with the rules for the Connect America Fund contained in the Commission's *Uniendo a Puerto Rico Fund and Connect USVI Fund Order,* FCC 19–95. This document is consistent with the *Uniendo a Puerto Rico Fund and Connect USVI Fund Order,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the new information collection requirements.

DATES: The amendments to §§ 54.1505, 54.1508 and 54.1515 published at 84 FR 59937, November 7, 2019 are effective July 30, 2020.

FOR FURTHER INFORMATION CONTACT: Alexander Minard, Wireline Competition Bureau at (202) 418–7400 or TTY (202) 418–0484. For additional information concerning the Paperwork Reduction Act information collection requirements contact Nicole Ongele at (202) 418–2991 or via email: *Nicole.Ongele@fcc.gov.*

SUPPLEMENTARY INFORMATION: The Commission submitted revised information collection requirements for review and approval by OMB, as required by the Paperwork Reduction Act (PRA) of 1995, on May 20, 2020, which were approved by OMB on July 9, 2020. The information collection requirements are contained in the Commission's *Uniendo a Puerto Rico Fund and Connect USVI Fund Order,* FCC 19–95 published at 84 FR 59937, November 7, 2019. The OMB Control Number is 3060–1274. If you have any comments on the burden estimates listed in the following, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–1274, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

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

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received OMB approval on July 9, 2020, for the information collection requirements contained in 47 CFR 54.1505, 54.1508 and 54.1515 published at 84 FR 59937, November 7, 2019. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1274.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1274.
OMB Approval Date: July 9, 2020.
OMB Expiration Date: July 31, 2023.
Title: Application for the Uniendo a Puerto Rico Fund and the Connect USVI Fund Stage 2 Fixed Support.
Form Number: FCC Form 5634.
Type of Review: New information collection.
Respondents: Business or other for-profit.
Number of Respondents and Responses: 20 unique respondents; 30 responses.
Estimated Time per Response: 2–80 hours.
Frequency of Response: One-time and annual reporting requirements.
Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 214, and 254.
Total Annual Burden: 1,620 hours.
Total Annual Cost: No Cost.
Privacy Act Impact Assessment: No impact(s).
Nature and Extent of Confidentiality: Although some information collected in FCC Form 5634 will be made available for routine public inspection, the Commission will withhold certain information collected in FCC Form 5634 from routine public inspection. Specifically, the Commission will treat certain financial and technical information submitted in FCC Form 5634 as confidential. However, if a request for public inspection for this technical or financial information is made under 47 CFR 0.461, and the applicant has any objections to disclosure, the applicant will be notified and will be required to justify continued confidential treatment. To the extent that an applicant seeks to have other information collected in FCC Form 5634 or during the post-selection review process withheld from public inspection, the applicant may request confidential treatment pursuant to 47 CFR 0.459.
Needs and Uses: In the *Uniendo a Puerto Rico Fund and Connect USVI Fund Order,* the Commission comprehensively reformed the high-cost program within the universal service fund to focus support on networks capable of providing advanced, hardened voice and broadband services in Puerto Rico and the U.S. Virgin Islands (collectively, the Territories). *Uniendo a Puerto Rico Fund and the Connect USVI Fund,* WC Dockets Nos. 18–143 et al., Report and Order and Order on Reconsideration, 34 FCC Rcd 9109 (*PR–USVI Order*). As part of the *PR–USVI Order,* the Commission adopted a single-round competitive proposal process to award Stage 2 support for fixed telecommunications networks in the Territories (Stage 2 Competition).

For the Stage 2 Competition, service providers will compete to receive high-cost support of up to $504.7 million in Puerto Rico and $186.5 million in the U.S. Virgin Islands over 10 years to offer fixed voice and broadband services to all locations in the Territories in accordance with the framework adopted in the *PR–USVI Order.* The information collection requirements reported under this new collection are the result of the competitive proposal process adopted by the *PR–USVI Order* to award support to winning applicants. The Commission adopted various rules regarding the eligibility of service providers and the term of support. In addition, the Commission adopted rules to govern the competitive proposal process, which includes information to be submitted by parties as part of their competitive proposals and information that must be submitted by winning bidders seeking to become authorized to receive Stage 2 fixed support. The Commission concluded, based on its experience with awarding high-cost support and consistent with the record, that this single-stage competitive proposal process balances the need to collect information essential to awarding support and authorizing Stage 2 fixed support with administrative efficiency.

The Commission estimates that approximately 20 parties will apply and approximately 10 will be selected as winning applicants. This information collection addresses the burdens associated with these requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–16348 Filed 7–29–20; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 200723–0199]

RIN 0648–BJ12

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 59

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

ACTION: Final rule.

SUMMARY: This action approves and implements Framework Adjustment 59 to the Northeast Multispecies Fishery Management Plan. This rule sets or adjusts catch limits for 19 of the 20 multispecies (groundfish) stocks and makes minor changes to groundfish management measures. This action is necessary to respond to updated scientific information and to achieve the goals and objectives of the fishery management plan. The final measures are intended to help prevent overfishing, rebuild overfished stocks, achieve optimum yield, and ensure that management measures are based on the best scientific information available.

DATES: Effective July 28, 2020.

ADDRESSES: Copies of Framework Adjustment 59, including the Environmental Assessment, the Regulatory Impact Review, and the Regulatory Flexibility Act Analysis prepared by the New England Fishery Management Council in support of this action are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The supporting documents are also accessible via the internet at: *http://www.nefmc.org/management-plans/northeast-multispecies* or *http://www.regulations.gov.*

Copies of the small entity compliance guide are available from Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930–2298, or available on the internet at: *https://www.fisheries.noaa.gov/management-plan/northeast-multispecies-management-plan.*

FOR FURTHER INFORMATION CONTACT: Liz Sullivan, Fishery Policy Analyst, phone: 978–282–8493; email: *Liz.Sullivan@noaa.gov.*

SUPPLEMENTARY INFORMATION:

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1. Summary of Approved Measures
2. Fishing Year 2020 Shared U.S./Canada Quotas
3. Catch Limits for Fishing Years 2020–2022
4. Regulatory Corrections under Secretarial Authority
5. Comments and Responses on Measures Proposed in the Framework 59 Proposed Rule
6. Changes from the Proposed Rule

1. Summary of Approved Measures

This action approves the management measures in Framework Adjustment 59

to the Northeast Multispecies Fishery Management Plan (FMP). The measures implemented in this final rule:

- Set fishing year 2020 shared U.S./Canada quotas for Georges Bank (GB) yellowtail flounder and Eastern GB cod and haddock;
- Set 2020–2022 specifications, including catch limits, for 15 groundfish stocks;
- Adjust 2020 allocations for four groundfish stocks: Gulf of Maine (GOM) winter flounder, Southern New England/Mid-Atlantic (SNE/MA) winter flounder, redfish, and ocean pout;
- Address commercial/recreational allocation issues raised by new Marine Recreational Information Program (MRIP) data; and
- Revise the GB cod Incidental Catch total allowable catch (TAC) to remove the allocation to the Closed Area I Hook Gear Haddock Special Access Program (SAP).

This action also implements regulatory corrections that are not part of Framework 59, but that are implemented under our section 305(d) authority in the Magnuson-Stevens Act to make changes necessary to carry out the FMP. We are implementing these corrections in conjunction with the Framework 59 measures for expediency purposes. We describe these corrections in Section 4, Regulatory Corrections under Secretarial Authority.

2. Fishing Year 2020 Shared U.S./Canada Quotas

Management of Transboundary Georges Bank Stocks

As described in the proposed rule (85 FR 32347; May 29, 2020), Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder are jointly managed with Canada under the U.S./Canada Resource Sharing Understanding. This action adopts shared U.S./Canada quotas for these stocks for fishing year 2020 based on 2019 assessments and the recommendations of the Transboundary Management Guidance Committee (TMGC). The 2020 shared U.S./Canada quotas, and each country's allocation, are listed in Table 1. Detailed summaries of the assessments can be found at: *https://www.fisheries.noaa.gov/new-england-mid-atlantic/international-affairs/population-dynamics-international-collaboration.*

TABLE 1—2020 FISHING YEAR U.S./CANADA QUOTAS (MT, LIVE WEIGHT) AND PERCENT OF QUOTA ALLOCATED TO EACH COUNTRY

Quota	Eastern GB cod	Eastern GB haddock	GB yellowtail flounder
Total Shared Quota	650	30,000	162
U.S. Quota	188.5 (29%)	16,200 (54%)	120 (74%)
Canadian Quota	461.5 (71%)	13,800 (46%)	42 (26%)

The regulations implementing the U.S./Canada Resource Sharing Understanding require deducting any overages of the U.S. quota for Eastern GB cod, Eastern GB haddock, or GB yellowtail flounder from the U.S. quota in the following fishing year. Based on preliminary data through July 9, 2020, the U.S. fishery did not exceed its 2019 fishing year quota for any of the shared stocks. However, if final catch accounting for the 2019 fishing year indicates that the U.S. fishery exceeded its quota for any of the shared stocks, we will reduce the respective U.S. quotas for the 2020 fishing year in an adjustment action, as soon as possible in the 2020 fishing year. If any fishery that is allocated a portion of the U.S. quota exceeds its allocation and causes an overage of the overall U.S. quota, the overage reduction would be applied only to that fishery's allocation in the following fishing year. This ensures that catch by one component of the overall fishery does not negatively affect another component of the overall fishery.

3. Catch Limits for Fishing Years 2020–2022

Summary of the Catch Limits

This rule adopts new catch limits for 14 groundfish stocks for the 2020–2022 fishing years based on stock assessments completed in 2019, and fishing year 2020–2021 specifications for GB yellowtail flounder. Framework 57 (83 FR 18985; May 1, 2018) previously set 2020 quotas for the five groundfish stocks not assessed in 2019 (GOM winter flounder, SNE/MA winter flounder, redfish, ocean pout, and Atlantic wolffish), based on assessments conducted in 2017. This action includes minor adjustments for four of these stocks (excluding Atlantic wolffish) for fishing year 2020. The catch limits implemented in this action, including overfishing limits (OFL), acceptable biological catches (ABC), and annual catch limits (ACL), are listed in Tables 2 through 10. A summary of how these catch limits were developed, including the distribution to the various fishery components, was provided in the proposed rule and in Appendix II (Calculation of Northeast Multispecies Annual Catch Limits, FY 2020–FY 2022) to the Framework 59 Environmental Assessment (EA) (see **ADDRESSES** for information on how to get this document), and is not repeated here. The sector and common pool sub-ACLs implemented in this action are based on fishing year 2020 potential sector contributions (PSC) and final fishing year 2020 sector rosters.

Recreational Allocations

Amendment 16 to the FMP (75 FR 18262; April 9, 2010) established the method for determining the original commercial and recreational allocations of GOM cod and haddock based on the ratio of reported landings (for commercial and recreational) and discards (commercial only) for the time period 2001–2006 using data from the Groundfish Assessment Review Meeting III (GARM III). The 2019 stock assessments used updated data to assess groundfish stocks including GOM cod and haddock. The proposed rule included an explanation of the data changes incorporated into the 2019 stock assessments and is not repeated here.

Framework 59, applying the same method approved in Amendment 16 but with the revised data for the same time period of 2001–2006, approves a revised recreational allocation of 37.5 percent for GOM cod and 33.9 percent for GOM haddock. The remaining portion of the ABC (62.5 percent for GOM cod, 66.1 percent for GOM haddock) is allocated to the commercial fisheries, which include the Federal commercial groundfish fishery, state commercial fishery, and other Federal fisheries. Table 11 shows the original and revised split in allocations as a percentage for

the commercial and recreational fisheries for GOM cod and haddock.

Closed Area I Hook Gear Haddock SAP

Framework 59 removes the portion of the Incidental Catch Total Allowable Catch (TAC) for GB cod that is allocated to the Closed Area I Hook Gear Haddock SAP. The allocation of the GB cod Incidental Catch TAC remains for the Regular B Days-at-Sea Program and the Eastern U.S./Canada Haddock SAP (Table 8).

TABLE 2—FISHING YEARS 2020–2022 OVERFISHING LIMITS AND ACCEPTABLE BIOLOGICAL CATCHES

[Mt, live weight]

Stock	2020		Percent change from 2019	2021		2022	
	OFL	U.S. ABC		OFL	U.S. ABC	OFL	U.S. ABC
GB Cod	UNK	1,291	−29	UNK	1,291	UNK	1,291
GOM Cod	724	552	−21	929	552	1,150	552
GB Haddock	184,822	131,567	126	116,883	76,537	114,925	75,056
GOM Haddock	25,334	19,696	58	21,521	16,794	14,834	11,526
GB Yellowtail Flounder	UNK	120	13	UNK	120		
SNE/MA Yellowtail Flounder	31	22	−68	71	22	184	22
CC/GOM Yellowtail Flounder	1,136	823	61	1,076	823	1,116	823
American Plaice	4,084	3,155	96	3,740	2,881	3,687	2,825
Witch Flounder	UNK	1,483	49	UNK	1,483	UNK	1,483
GB Winter Flounder	790	561	−31	944	561	1,590	561
GOM Winter Flounder*	596	447	0				
SNE/MA Winter Flounder*	1,228	727	0				
Redfish*	15,852	11,942	1				
White Hake	2,857	2,147	−27	2,906	2,147	2,986	2,147
Pollock	35,358	27,447	−32	28,475	22,062	21,744	16,812
N. Windowpane Flounder	84	59	−36	84	59	84	59
S. Windowpane Flounder	568	426	−10	568	426	568	426
Ocean Pout*	169	127	0				
Atlantic Halibut	UNK	106	2	UNK	106	0	106
Atlantic Wolffish*	120	90	0				

CC = Cape Cod; N = Northern; S = Southern; UNK = Unknown.

*The GOM winter flounder, SNE/MA winter flounder, redfish, ocean pout, and Atlantic wolffish stocks have U.S. ABCs previously approved in Framework 57, based on the 2017 assessments. All other stocks' proposed ABCs based on the 2019 assessments.

Note: An empty cell indicates no OFL/ABC is adopted for that year. These catch limits would be set in a future action.

TABLE 3—CATCH LIMITS FOR THE 2020 FISHING YEAR

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Sector sub-ACL	Common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
	A to H	A + B + C	A	B	C	D	E	F	G	H
GB Cod	1,234	1,073	1,041	31					19	142
GOM Cod	523	468	267	9	193				48	7
GB Haddock	124,969	121,864	119,410	2,454		2,447			0	658
GOM Haddock	18,580	18,267	11,754	303	6,210	183			65	65
GB Yellowtail Flounder	116	95	92	3			18.6	2.2	0.0	0.0
SNE/MA Yellowtail Flounder	21	15	12	3			2		0	4
CC/GOM Yellowtail Flounder	787	688	656	32					58	41
American Plaice	3,000	2,937	2,859	78					32	32
Witch Flounder	1,414	1,310	1,275	35					44	59
GB Winter Flounder	545	522	502	21					0	22
GOM Winter Flounder	432	287	272	14					139	7
SNE/MA Winter Flounder	699	539	475	63					36	124
Redfish	11,351	11,231	11,085	147					60	60
White Hake	2,041	2,019	1,995	24					11	11
Pollock	26,184	23,989	23,752	236					1,098	1,098
N. Windowpane Flounder	55	38	na	38			12		1	5
S. Windowpane Flounder	412	48	na	48			143		26	196
Ocean Pout	120	92	na	92					1	27
Atlantic Halibut	102	77	na	77					21	4
Atlantic Wolffish	84	82	na	82					1	1

na: not allocated to sectors.

TABLE 4—CATCH LIMITS FOR THE 2021 FISHING YEAR

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Sector sub-ACL	Common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
	A to H	A + B + C	A	B	C	D	E	F	G	H
GB Cod	1,234	1,073	1,041	31					19	142
GOM Cod	523	468	267	9	193				48	7
GB Haddock	72,699	70,892	69,465	1,428		1,424			0	383
GOM Haddock	15,843	15,575	10,022	258	5,295	156			56	56
GB Yellowtail Flounder	116	95	92	3			19	2	0	0
SNE/MA Yellowtail Flounder	21	15	12	3			2		0	4
CC/GOM Yellowtail Flounder	787	688	656	32					58	41
American Plaice	2,740	2,682	2,611	71					29	29
Witch Flounder	1,414	1,310	1,275	35					44	59
GB Winter Flounder	545	522	502	21					0	22
GOM Winter Flounder*			0	0						
SNE/MA Winter Flounder*			0	0						
Redfish*			0	0						
White Hake	2,041	2,019	1,995	24					11	11
Pollock	21,047	19,282	19,092	190					882	882
N. Windowpane Flounder	55	38	na	38			12		1	5
S. Windowpane Flounder	412	48	na	48			143		26	196
Ocean Pout*										
Atlantic Halibut	102	77	na	77					21	4
Atlantic Wolffish*										

na: not allocated to sectors.
*These stocks only have an allocation for fishing year 2020, previously approved in Framework 57.

TABLE 5—CATCH LIMITS FOR THE 2022 FISHING YEAR

[Mt, live weight]

Stock	Total ACL	Groundfish sub-ACL	Sector sub-ACL	Common pool sub-ACL	Recreational sub-ACL	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
	A to H	A + B + C	A	B	C	D	E	F	G	H
GB Cod	1,234	1,073	1,041	31					19	142
GOM Cod	523	468	267	9	193				48	7
GB Haddock	71,292	69,521	68,120	1,400		1,396			0	375
GOM Haddock	10,873	10,690	6,879	177	3,634	107			38	38
GB Yellowtail Flounder**			0	0						
SNE/MA Yellowtail Flounder	21	15	13	3			2		0	4
CC/GOM Yellowtail Flounder	787	688	656	32					58	41
American Plaice	2,687	2,630	2,560	70					28	28
Witch Flounder	1,414	1,310	1,275	35					44	59
GB Winter Flounder	545	522	502	21					0	22
GOM Winter Flounder*			0	0						
SNE/MA Winter Flounder*			0	0						
Redfish*			0	0						
White Hake	2,041	2,019	1,995	24					11	11
Pollock	16,039	14,694	14,549	145					672	672
N. Windowpane Flounder	55	38	na	38			12		1	5
S. Windowpane Flounder	412	48	na	48			143		26	196
Ocean Pout*										
Atlantic Halibut	102	77	na	77					21	4
Atlantic Wolffish*										

na: not allocated to sectors.
*These stocks only have an allocation for fishing year 2020, previously approved in Framework 57.
** Framework 59 sets allocations for GB yellowtail flounder for fishing years 2020 and 2021 only.

TABLE 6—FISHING YEARS 2020–2022 COMMON POOL TRIMESTER TACS

[Mt, live weight]

Stock	2020			2021			2022		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Cod	8.8	10.7	11.9	8.8	10.7	11.9	8.8	10.7	11.9
GOM Cod	4.3	2.9	1.6	4.3	2.9	1.6	4.3	2.9	1.6
GB Haddock	662.7	810.0	981.8	385.5	471.2	571.1	378.1	462.1	560.1
GOM Haddock	81.8	78.8	142.4	69.8	67.2	121.5	47.9	46.1	83.4

TABLE 6—FISHING YEARS 2020–2022 COMMON POOL TRIMESTER TACS—Continued

[Mt, live weight]

Stock	2020			2021			2022		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Yellowtail Flounder	0.6	1.0	1.7	0.6	1.0	1.7	.....	.....	.....
SNE/MA Yellowtail Flounder	0.6	0.8	1.5	0.6	0.8	1.5	0.6	0.8	1.5
CC/GOM Yellowtail Flounder	18.0	8.2	5.4	18.0	8.2	5.4	18.0	8.2	5.4
American Plaice	57.6	6.2	14.0	52.6	5.7	12.8	51.6	5.6	12.6
Witch Flounder	19.5	7.1	8.9	19.5	7.1	8.9	19.5	7.1	8.9
GB Winter Flounder	1.7	5.0	14.2	1.7	5.0	14.2	1.7	5.0	14.2
GOM Winter Flounder	5.4	5.5	3.6	.....	.....	.....	.....	.....	.....
Redfish	36.7	45.5	64.6	.....	.....	.....	.....	.....	.....
White Hake	9.3	7.6	7.6	9.3	7.6	7.6	9.3	7.6	7.6
Pollock	66.2	82.7	87.5	53.2	66.5	70.3	40.5	50.7	53.6

TABLE 7—COMMON POOL INCIDENTAL CATCH TACS FOR THE 2020–2022 FISHING YEARS

[Mt, live weight]

Stock	Percentage of common pool sub-ACL	2020	2021	2022
GB Cod	1.68	0.53	0.53	0.53
GOM Cod	1	0.09	0.09	0.09
GB Yellowtail Flounder	2	0.07	0.07	.....
CC/GOM Yellowtail Flounder	1	0.32	0.32	0.32
American Plaice	5	3.89	3.56	3.49
Witch Flounder	5	1.77	1.77	1.77
SNE/MA Winter Flounder	1	0.63	.....	.....

TABLE 8—PERCENTAGE OF INCIDENTAL CATCH TACS DISTRIBUTED TO EACH SPECIAL MANAGEMENT PROGRAM

Stock	Regular B DAS program (%)	Closed Area I hook gear haddock SAP (%)	Eastern U.S./CA haddock SAP (%)
GB Cod	60	0	40
GOM Cod	100	n/a	n/a
GB Yellowtail Flounder	50	n/a	50
CC/GOM Yellowtail Flounder	100	n/a	n/a
American Plaice	100	n/a	n/a
Witch Flounder	100	n/a	n/a
SNE/MA Winter Flounder	100	n/a	n/a

TABLE 9—FISHING YEARS 2020–2022 INCIDENTAL CATCH TACS FOR EACH SPECIAL MANAGEMENT PROGRAM

[Mt, live weight]

Stock	Regular B DAS program			Closed Area I hook gear haddock SAP	Eastern U.S./Canada haddock SAP		
	2020	2021	2022	2020–2022	2020	2021	2022
GB Cod	0.32	0.32	0.32	0.0	0.21	0.21	0.21
GOM Cod	0.09	0.09	0.09	n/a	n/a	n/a	n/a
GB Yellowtail Flounder	0.03	0.03	.....	n/a	0.03	0.03	.....
CC/GOM Yellowtail Flounder	0.32	0.32	0.32	n/a	n/a	n/a	n/a
American Plaice	3.89	3.56	3.49	n/a	n/a	n/a	n/a
Witch Flounder	1.77	1.77	1.77	n/a	n/a	n/a	n/a
SNE/MA Winter Flounder	0.63	.....	.....	n/a	n/a	n/a	n/a

TABLE 10—FISHING YEARS 2020–2022 REGULAR B DAS PROGRAM QUARTERLY INCIDENTAL CATCH TACS

[Mt, live weight]

Stock	2020				2021				2022			
	1st quarter (13%)	2nd quarter (29%)	3rd quarter (29%)	4th quarter (29%)	1st quarter (13%)	2nd quarter (29%)	3rd quarter (29%)	4th quarter (29%)	1st quarter (13%)	2nd quarter (29%)	3rd quarter (29%)	4th quarter (29%)
GB Cod	0.04	0.09	0.09	0.09	0.04	0.09	0.09	0.09	0.04	0.09	0.09	0.09
GOM Cod	0.01	0.03	0.03	0.03	0.01	0.03	0.03	0.03	0.01	0.03	0.03	0.03

TABLE 10—FISHING YEARS 2020–2022 REGULAR B DAS PROGRAM QUARTERLY INCIDENTAL CATCH TACS—Continued

[Mt, live weight]

Stock	2020				2021				2022			
	1st quarter (13%)	2nd quarter (29%)	3rd quarter (29%)	4th quarter (29%)	1st quarter (13%)	2nd quarter (29%)	3rd quarter (29%)	4th quarter (29%)	1st quarter (13%)	2nd quarter (29%)	3rd quarter (29%)	4th quarter (29%)
GB Yellowtail Flounder	0.004	0.010	0.010	0.010	0.00	0.01	0.01	0.01	.....	.....	.....	.....
CC/GOM Yellowtail Flounder	0.04	0.09	0.09	0.09	0.04	0.09	0.09	0.09	0.04	0.09	0.09	0.09
American Plaice	0.51	1.13	1.13	1.13	0.46	1.03	1.03	1.03	0.45	1.01	1.01	1.01
Witch Flounder	0.23	0.51	0.51	0.51	0.23	0.51	0.51	0.51	0.23	0.51	0.51	0.51
SNE/MA Winter Flounder	0.08	0.18	0.18	0.18	.....	.....	.....	.....	.....	.....	.....	.....

TABLE 11—ORIGINAL AND REVISED ALLOCATIONS, BY PERCENTAGE, FOR COMMERCIAL AND RECREATIONAL GULF OF MAINE COD AND HADDOCK FISHERIES

	GOM cod		GOM haddock	
	Commercial (%)	Recreational (%)	Commercial (%)	Recreational (%)
Original	66.3	33.7	72.5	27.5
Revised	62.5	37.5	66.1	33.9

Sector Annual Catch Entitlements (ACE)

At the start of the 2020 fishing year, we allocated stocks to each sector, based on the catch limits set by Frameworks 57 and 58. This rule updates the ACE allocated to sectors based on the catch limits approved in Framework 59, fishing year 2020 PSC, and final fishing year 2020 sector rosters. We calculate a sector's allocation for each stock by summing its members' PSC for the stock and then multiplying that total percentage by the commercial sub-ACL for that stock. The process for allocating ACE to sectors is further described in the interim final rule allocating ACE to sectors for fishing year 2020 (85 FR 23229; April 27, 2020) and is not repeated here. Table 12 shows the cumulative PSC by stock for each sector for fishing year 2020. Tables 13 and 14 show the ACEs allocated to each sector for fishing year 2020, in pounds and metric tons, respectively. We have included the common pool sub-ACLs in tables 12 through 14 for comparison.

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Table 12 -- Cumulative PSC (percentage) each sector is receiving by stock for fishing year 2020

Sector Name	MRI Count	GB Cod	GOM Cod	GB Haddock	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
Fixed Gear Sector	71	12.52998071	0.73401354	1.91835326	0.20788439	0.84655142	0.72002673	2.14380856	0.51837750	1.16323846	0.07169861	12.69711109	1.19821088	0.56862766	1.05536784	3.38554643
Maine Coast Community Sector	87	2.32937125	11.91789444	3.13835995	8.99483874	1.77876418	1.49862532	3.67613525	12.28186554	9.69843127	1.01112055	3.72925957	1.83983235	8.58318455	13.21670847	12.62269930
Maine Permit Bank	40	11.87404994	3.36592802	3.72602983	3.03406286	0.38302570	0.32527727	2.58549375	0.76474219	1.71821481	0.89399263	2.48392191	2.26957436	2.65202110	5.80626985	5.44388052
Mooncusser Sector	11	0.13361103	1.15503867	0.04432773	1.12455699	0.01377701	0.03180705	0.31794656	1.16407583	0.72688452	0.00021715	0.42662327	0.01789120	0.82190532	1.65422882	1.69505501
NEFS 2	133	6.50870665	26.86079901	10.68754273	22.47357871	1.90743001	1.67879303	25.10661815	11.13325653	14.58958286	3.21717811	24.59966320	4.21649557	15.44784480	9.36636752	14.83240039
NEFS 4	58	7.40275568	11.14488493	5.81741902	8.87479953	2.16178984	2.26424835	6.38868785	9.51518694	8.85677985	0.69256854	7.43011764	0.99121910	6.67292639	8.26903303	6.86546011
NEFS 5	24	0.47997081	0.00066296	0.81554785	0.00357898	1.27619665	20.04779653	0.20523908	0.43227120	0.56080437	0.43636655	0.01160596	12.03962035	0.01449126	0.09437284	0.04251818
NEFS 6	26	3.15560673	3.15154289	3.58637352	4.40638800	3.30346794	5.11479613	4.55077429	4.58294817	6.04426428	1.72190050	5.09998622	1.90633661	6.81202484	4.52299523	3.66855030
NEFS 7	17	2.89058595	0.84079975	2.34693176	1.81427506	6.88397295	2.02256417	1.26281381	3.01032328	2.10346784	7.91584447	0.28463030	2.91360294	2.57070048	2.12307674	1.70828132
NEFS 8	40	8.34044028	1.21575070	7.74350356	0.72774894	17.07029411	7.05653219	6.55708012	3.26180750	3.67577507	23.88261584	4.91594306	9.67002429	0.91411640	1.06857986	1.20397607
NEFS 10	29	0.52585127	2.47089688	0.17673209	1.28209390	0.00114846	0.54787117	4.28071114	1.08110101	2.04602297	0.01083157	9.10588148	0.60104122	0.33492862	0.65504438	0.76337027
NEFS 11	48	0.39910666	12.35489458	0.03485940	2.86948621	0.00149117	0.01948622	2.52296479	1.69908958	1.65447336	0.00312600	2.13298790	0.02150471	1.94330395	4.50105141	8.90553361
NEFS 12	18	0.62875353	2.87032463	0.09374416	1.01358987	0.00042969	0.01049524	7.83711822	0.50289768	0.56773096	0.00043899	7.53967496	0.21702876	0.22673972	0.28137128	0.77537672
NEFS 13	68	11.82302597	0.78011183	20.47977361	0.96907999	34.78618838	23.37086366	6.51655862	8.51808436	9.23122094	17.35427814	2.14366875	15.64328752	4.38538903	2.22785146	2.64551911
New Hampshire Permit Bank	4	0.00082216	1.14528578	0.00003406	0.03234858	0.00002026	0.00001788	0.02180780	0.02847784	0.00615970	0.00000324	0.06070430	0.00003630	0.01940243	0.08135658	0.11135191
Sustainable Harvest Sector 1	22	2.27065603	2.97394879	2.26814141	3.82333744	0.75985178	0.11191776	2.17301939	5.36146512	3.86767505	5.63770961	3.29020132	0.74983812	2.99124424	4.43171281	2.68939055
Sustainable Harvest Sector 2	38	2.44932546	4.83857136	1.24018013	3.09928041	3.54799768	3.07190342	4.16162984	3.38856383	2.96435822	3.62980206	4.32153323	3.45263749	3.10638146	5.94749853	6.25026810
Sustainable Harvest Sector 3	86	23.33212075	9.00613498	33.86808278	32.73554226	21.72815141	13.23469673	15.09948417	30.10337722	27.81948208	29.53444092	4.67473756	30.47574019	40.62768063	33.48494809	25.40530189
Common Pool	492	2.92525913	3.17251626	2.01406318	2.51352916	3.54945135	18.87228114	4.59210862	2.65208869	2.70543337	3.98586655	5.05174830	11.77607805	1.30708713	1.21216525	0.98552021

Table 13 -- ACE (in 1,000 lb), by stock, for each sector for fishing year 2020 #^

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
Fixed Gear Sector	52	244	4	685	4,469	55	2	0	33	34	34	1	80	14	141	47	1,790
Maine Coast Community Sector	10	45	72	1,121	7,311	2,391	4	1	56	795	280	12	24	22	2,125	588	6,676
Maine Permit Bank	49	231	20	1,331	8,680	807	1	0	39	50	50	10	16	27	657	258	2,879
Mooncusser Sector	1	3	7	16	103	299	0	0	5	75	21	0	3	0	204	74	896
NEFS 2	27	127	163	3,817	24,897	5,974	4	1	381	721	421	37	155	50	3,825	417	7,844
NEFS 4	31	144	68	2,078	13,552	2,359	5	1	97	616	256	8	47	12	1,652	368	3,631
NEFS 5	2	9	0	291	1,900	1	3	7	3	28	16	5	0	143	4	4	22
NEFS 6	13	62	19	1,281	8,354	1,171	7	2	69	297	175	20	32	23	1,687	201	1,940
NEFS 7	12	56	5	838	5,467	482	14	1	19	195	61	91	2	35	637	95	903
NEFS 8	35	163	7	2,766	18,038	193	36	2	99	211	106	275	31	115	226	48	637
NEFS 10	2	10	15	63	412	341	0	0	65	70	59	0	58	7	83	29	404
NEFS 11	2	8	75	12	81	763	0	0	38	110	48	0	13	0	481	200	4,710
NEFS 12	3	12	17	33	218	269	0	0	119	33	16	0	48	3	56	13	410
NEFS 13	49	230	5	7,314	47,707	258	73	8	99	552	267	200	14	186	1,086	99	1,399
New Hampshire Permit Bank	0	0	7	0	0	9	0	0	0	2	0	0	0	0	5	4	59
Sustainable Harvest Sector 1	9	44	18	810	5,284	1,016	2	0	33	347	112	65	21	9	741	197	1,422
Sustainable Harvest Sector 2	10	48	29	443	2,889	824	7	1	63	219	86	42	27	41	769	265	3,306
Sustainable Harvest Sector 3	97	455	55	12,096	78,895	8,702	46	4	229	1,949	804	340	30	362	10,060	1,491	13,436
Common Pool	12	57	19	719	4,692	668	7	6	70	172	78	46	32	140	324	54	521
Sector Total	403	1,892	588	34,996	228,257	25,914	203	27	1,447	6,304	2,810	1,106	600	1,048	24,437	4,398	52,365

Numbers are rounded to the nearest thousand pounds. In some cases, this table shows an allocation of 0, but that sector may be allocated a small amount of that stock in tens or hundreds pounds.

^ The data in the table represent the total allocations to each sector.

Table 14 -- ACE (in metric tons), by stock, for each sector for fishing year 2020 #^

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
Fixed Gear Sector	24	111	2	311	2,027	25	1	0	15	15	15	0	36	6	64	21	812
Maine Coast Community Sector	4	21	33	508	3,316	1,085	2	0	25	361	127	5	11	10	964	267	3,028
Maine Permit Bank	22	105	9	604	3,937	366	0	0	18	22	23	5	7	12	298	117	1,306
Mooncusser Sector	0	1	3	7	47	136	0	0	2	34	10	0	1	0	92	33	407
NEFS 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 4	12	58	74	1,731	11,293	2,710	2	0	173	327	191	17	71	23	1,735	189	3,558
NEFS 5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 6	14	65	31	942	6,147	1,070	2	0	44	279	116	4	21	5	749	167	1,647
NEFS 7	1	4	0	132	862	0	1	3	1	13	7	2	0	65	2	2	10
NEFS 8	6	28	9	581	3,790	531	3	1	31	135	79	9	15	10	765	91	880
NEFS 10	5	26	2	380	2,480	219	7	0	9	88	28	41	1	16	289	43	410
NEFS 11	16	74	3	1,254	8,182	88	16	1	45	96	48	125	14	52	103	22	289
NEFS 12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 13	1	5	7	29	187	155	0	0	29	32	27	0	26	3	38	13	183
New Hampshire Permit Bank	1	4	34	6	37	346	0	0	17	50	22	0	6	0	218	91	2,136
Sustainable Harvest Sector 1	1	6	8	15	99	122	0	0	54	15	7	0	22	1	25	6	186
Sustainable Harvest Sector 2	22	105	2	3,318	21,640	117	33	4	45	250	121	91	6	84	493	45	635
Sustainable Harvest Sector 3	0	0	3	0	0	4	0	0	0	1	0	0	0	0	2	2	27
SHS 1	4	20	8	367	2,397	461	1	0	15	157	51	29	9	4	336	89	645
SHS 2	5	22	13	201	1,310	374	3	0	29	100	39	19	12	19	349	120	1,499
SHS 3	44	206	25	5,487	35,786	3,947	21	2	104	884	364	154	13	164	4,563	676	6,094
Common Pool	6	26	9	326	2,128	303	3	3	32	78	35	21	14	63	147	24	236
Sector Total	183	858	267	15,874	103,536	11,754	92	12	656	2,859	1,275	502	272	475	11,085	1,995	23,752

Numbers are rounded to the nearest metric ton, but allocations are made in pounds. In some cases, this table shows a sector allocation of 0 metric tons, but that sector may be allocated a small amount of that stock in pounds.

^ The data in the table represent the total allocations to each sector.

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Default Catch Limits for Future Fishing Years

Framework 53 established a mechanism for setting default catch limits in the event a future management action is delayed. If final catch limits have not been implemented by the start of a fishing year on May 1, then default catch limits are set at 35 percent of the previous year's catch limit, effective until July 31 of that fishing year, or when replaced by new catch limits sooner than July 31. If this default value exceeds the Council's recommendation for the upcoming fishing year, the default catch limits will be reduced to an amount equal to the Council's recommendation for the upcoming fishing year. Because groundfish vessels are not able to fish if final catch limits have not been implemented, this default measure was established to prevent disruption to the groundfish fishery. Additional description of the default catch limit mechanism is provided in the preamble to the Framework 53 final rule (80 FR 25110; May 1, 2015).

4. Regulatory Corrections Under Secretarial Authority

The following corrections are being made using Magnuson-Stevens Act section 305(d) authority to ensure that FMPs or amendments are implemented in accordance with the Magnuson-Stevens Act.

Authority To Change Gear Standard

In 2007, the Council recommended that the Regional Administrator implement gear performance standards that gear must meet before being considered for use in the Regular B DAS Program and the Eastern U.S./Canada Haddock SAP. On December 26, 2007, we published a final rule approving the Council's recommended gear standards (72 FR 72965). In updating the regulations to reflect the new gear standards, the 2007 rule inadvertently removed the portion of the regulations that gave the Regional Administrator authority to approve additional gear standards, if recommended by the Council. This rulemaking revises the regulatory text to correctly reflect the Council's original intent.

Citation for Windowpane Flounder Accountability Measure

The regulations regarding the windowpane flounder accountability measures include a process by which the AM may be reduced. The regulations implementing this provision include an incorrect citation to a paragraph that was moved to a new location. This action corrects this citation.

5. Comments and Responses on Measures Proposed in the Framework 59 Proposed Rule

We received comments on the Framework 59 proposed rule from 37 members of the public, the Recreational Fishing Alliance, Stellwagen Bank Charter Boat Association, Maine Association of Charterboat Captains, the Northeast Seafood Coalition (NSC), the Fisheries Survival Fund (FSF), and the Conservation Law Foundation (CLF). Only comments that were applicable to the proposed measures are addressed below. Consolidated responses are provided to similar comments on the proposed measures.

Fishing Year 2020 Shared U.S./Canada Quotas

Comment 1: FSF disagreed with a statement in the proposed rule that the Council may not set catch limits that would exceed the Council's Scientific and Statistical Committee's (SSC) recommendations for GB yellowtail flounder. FSF raises three specific concerns: That the Council is not held to the Magnuson-Stevens Act when setting catch limits for stocks with international agreements and therefore the Council is not held to the SSC's recommendation for such stocks; that the International Fisheries Agreement Clarification Act (IFACA) defines the Council's responsibilities in setting catch limits for stocks under international agreement; and that neither the Council nor the SSC have the authority to establish law, through determination of catch limits, under Article II of the Constitution of the United States, Article II.

Response 1: FSF raises concerns about the process that the Council used to set the U.S. share of the GB yellowtail specifications. We disagree with FSF's first two claims about the applicability of the Magnuson-Stevens Act and the IFACA. The Understanding is not a bilateral treaty or agreement, as defined by the Magnuson-Stevens Act, rather it is a cooperative agreement intended to provide guidance in the form of harvest strategies to effectively manage three transboundary groundfish resources. The Council's recommended catch limits are consistent with the TMGC's advice, the Understanding, and IFACA. The IFACA expressly does not amend the Magnuson-Stevens Act, including the Council mandate to not exceed catch limits recommended by its SSC and to set catch limits that prevent overfishing. This mandate is also reflected in the agency's National Standard 2 guidelines at 50 CFR 600.315(c)(6). IFACA acknowledged the Understanding as an international agreement only for the purposes of providing flexibility in rebuilding requirements that would otherwise have been limited to a maximum of 10 years under MSA provisions. As such, IFACA provides flexibility in setting rebuilding plan catch limits and time periods for GB yellowtail flounder. Further, the Council's terms of reference for the SSC's ABC recommendation are consistent with the Understanding and IFACA. The Council requested that the SSC should, taking into consideration the Council's Risk Policy Statement, determine an ABC that will prevent overfishing and meet the management objective to rebuild the stock. GB yellowtail flounder is currently under a 26-year rebuilding plan that expires in 2032. The ABCs for this stock are and have been based on this 26-year rebuilding plan, which was revised in 2012 under the provisions of IFACA.

We disagree with FSF's claim that the SSC unconstitutionally constrains the Executive's authority to set domestic or international policy. Under the Magnuson-Stevens Act, the Council makes recommendations for catch limits and other fishery management measures. The Act requires the Council's SSC to provide scientific advice for the Council to make those recommendations, in accordance with the terms of reference provided by the Council. The Secretary is authorized to approve Council actions that comply with the Magnuson-Stevens Act and applicable laws and will disapprove Council actions that are not consistent with law. Given the Council's and Secretary's roles and authorities defined in the Magnuson-Stevens Act, FSF provides no example of how the Council's actions were unconstitutional by law or in practice in Framework 59's development or implementation.

While the Council may ask the SSC to reconsider its ABC recommendation when warranted, the Council cannot set an ABC higher than that ultimately recommended by its SSC, per the Magnuson-Stevens Act. However, this provision does not apply to the Secretary of Commerce, who exercises his authority under the Magnuson-Stevens Act to approve or disapprove Council recommendations based on inconsistency with law, including National Standard 2's best available science standard. While NMFS has deviated from the Council's recommendation and developed separate rulemaking in emergency situations, such an approach is not warranted for 2020.

Catch Limits for Fishing Years 2020–2022

Comment 2: CLF opposed the ABCs set for GB cod and GOM cod. It stated that the management of cod has been, and continues to be, inconsistent with the Magnuson-Stevens Act. CLF referenced a suite of measures that it requested NMFS implement through a Secretarial amendment and an emergency or interim action to immediately address CLF's alleged cod rebuilding and protection failures. CLF stated that the best scientific information available confirms the continued overfished and overfishing status of cod. It stated that the proposed catch limits for GOM and GB cod do not end overfishing or rebuild the stocks, in part because the Council did not take into account scientific uncertainty in bycatch estimates due to bias in at-sea monitoring coverage that was discovered during the development of Amendment 23 to the groundfish plan. CLF urged NMFS to disapprove the catch limits for GOM and GB cod and remand the decision back to the Council for immediate reconsideration with recommendations that bring the Northeast Multispecies FMP into conformity with the requirements of the Magnuson-Stevens Act.

Response 2: The approved 2020–2022 ABCs and ACLs are based on peer-reviewed 2019 stock assessments and the recommendations of the Council's SSC, consistent with the National Standard 2 requirement to use the best scientific information available. Further, the ABCs and ACLs were calculated to prevent overfishing while achieving optimum yield, as required by National Standard 1, and they are consistent with the current rebuilding programs.

As explained in Appendix I to the EA, in recent years, the SSC has either used the default control rule for a groundfish stock or applied other approaches tailored to address particular elements of scientific uncertainty. The 2019 assessments for GOM cod cite the estimate of natural mortality, as well as stock structure and the veracity of fishery catch data, as important sources of uncertainty. For GB cod, the assessment stated that the major source of uncertainty for the stock assessment was the unknown cause of the retrospective pattern that led to the analytical assessment of this stock not being accepted for the 2015 operational assessment. The SSC considered this scientific uncertainty in setting catch advice for both cod stocks and used the Council's ABC control rule in the absence of better information that would allow a more explicit determination of scientific uncertainty. In both cases, the SSC recommended a 3-year constant catch to help account for uncertainty in the catch projections that are often overly optimistic in the out years. Future stock growth is often projected to be higher than what is realized. As a result, the SSC's ABC recommendations in many cases are lower than the estimated ABCs coming out of the model.

Specific to GOM cod, CLF expressed concern about cod mortality in the American lobster fishery. CLF cited a study that published in March 2020 and therefore was not available for consideration for the 2019 stock assessments, during the SSC's review and recommendation of ABCs, or for the Council's development of and final action for Framework 59. Accordingly, it could not be used in setting fishing year 2020 specifications. The 2019 and prior assessments have not included catch of cod by trap gear in part due to the lack of discard sampling in pot gear and the very limited information on which to base hindcast cod discard estimates or the discard mortality rate for the gear. The goal of stock assessments is to account for the true removals from the population over the entire time series. Future management and research track assessments may consider any additional information on catch estimate accuracy, sources of catch, and estimates of natural mortality, as appropriate.

For GB cod, the SSC considered whether to follow the previous groundfish updates, which used the output of the Plan B Smooth calculation as an OFL. Because the Plan B smooth model does not produce biological reference points, the majority of the SSC concluded that the OFL is unknown for this stock, and therefore recommended using the output to set the ABC, rather than the OFL. This is a similar approach that has been used for other groundfish stocks that use empirical models and do not have biological reference points.

As explained in Appendix I to the EA, in recent years, the SSC has either used the default control rule for a groundfish stock or applied other approaches tailored to address particular elements of scientific uncertainty. One example of a tailored approach is the use of constant catch levels. The Council's Groundfish Plan Development Team (PDT) used the outcomes of operational assessments to develop OFL and ABC alternatives for the SSC to consider using either the defined ABC control rule, approaches tailored for particular stocks in recent specification setting, or recommendations from the accepted peer reviewed stock assessments. The SSC also developed new approaches for some stocks based on its evaluation of uncertainty and attributes of the available science. The SSC routinely uses a constant catch approach and has recommended formally adopting this approach as part of the SSC's control rules.

For the catch limits incorporated into Framework 59, the SSC considered scientific uncertainty, including the issue of how to account for cod discards and bycatch in the assessment, when they recommended the ABCs. This consideration did not include determining the level of at-sea monitoring coverage necessary to ensure catch accountability. Given the Groundfish PDT's analyses of bias, earlier this year we determined that the level of at-sea monitoring coverage for the 2020 fishing year needed to be increased above the minimum coverage necessary to achieve a CV30. We set the coverage target level at 40 percent, which took into account the level of coverage that may be practicably provided and necessary to sufficiently ensure catch accountability for the 2020 fishing year. The level of at-sea monitoring coverage that is necessary on a permanent basis is being considered in Amendment 23 and is outside of the scope of this Framework.

The catch limits implemented in this rule, based on the SSC's recommendation, practicably mitigate economic impacts consistent with Magnuson-Stevens Act requirements. Ignoring an alternative that meets conservation objectives of the Magnuson-Stevens Act that could help mitigate some of the substantial economic impacts of recent groundfish management actions would not be consistent with National Standard.

8. Groundfish vessels catch cod along with other stocks in this multispecies fishery. As a result, a lower cod ABC could also jeopardize achieving optimum yield for the groundfish fishery by restricting the ability to fish for other species compared to the ABCs approved in this final rule.

The catch limits implemented in this rule will replace the fishing year 2020 specifications set in previous frameworks for most groundfish stocks, including GOM and GB cod. For both stocks, the 2020 ABCs set were based on the 2017 assessments and at the time were the best scientific information available (BSIA). Framework 59 sets new ABCs based on the updated BSIA. Any delay in approving these specifications would leave in place higher and outdated ABCs for both of these stocks.

Comment 3: A member of public commented in support of the proposed catch limits to allow for sustainable catch of groundfish species.

Response 3: We agree. For the reasons discussed in the preamble, we have approved the catch limits as proposed.

Comment 4: NSC commented on the adjustment to the recreational and commercial allocations of GOM cod and haddock. It raised concerns about the analysis of potential impacts to GOM cod of the increased proportion of quota allocated to the recreational fishery, and corresponding decrease to the commercial fishery, specifically sectors. It commented that the Council and NMFS did not take into account how the allocation adjustment will impact rebuilding efforts of GOM cod, impact stock assessments, or how the catch could be removed from areas otherwise closed to the commercial fishery to protect GOM cod.

Response 4: As described in the preamble, Amendment 16 established the method for determining the commercial and recreational allocations of GOM cod and haddock based on the ratio of reported landing and discards using data from GARM III. The 2019 stock assessment used updated data, including updated commercial landings and discards, the incorporation of recreational discards, and MRIP recreational landings and discards, as revised following the transition from the telephone-based effort survey to the mail-based effort survey and the re-calibration of recreational catch estimates from 1981 to the present. Framework 59 applies the same method approved in Amendment 16, as well as the same time period used to set allocations in Amendment 16, but with the revised data used in the 2019 assessments, to consistently use the best scientific information available. As stated in Amendment 16, ''by allocating certain groundfish stocks to the commercial and recreational components of the fishery, the design of management measures can be tailored to the components that are responsible should mortality targets be exceeded.'' The change in allocation between the commercial and recreational fisheries is not expected to have direct or indirect impacts on regulated groundfish species or other species because the total catch is constrained by the overall ACL.

While not within the scope of Framework 59, the Council has annually consulted with NMFS regarding recreational management measures for GOM cod and haddock, including adjustments to fishing seasons, minimum fish sizes, and possession limits. Other measures that NSC references, such as changes to the recreational fishery's monitoring and reporting, would require Council action. Similarly, the Council is required to adjust the management uncertainty buffers for each component of the fishery. The PDT reviews the buffers in each specifications action, and there was no information to suggest that a change to the current 7-percent buffer for the recreational fishery's quotas for GOM cod and haddock was needed.

Comment 5: Stellwagen Bank Charter Boat Association, Maine Association of Charterboat Captains, Recreational Fishing Alliance, and 36 members of the public commented in support of the adjustment to the recreational and commercial allocations for GOM cod and haddock, because the reallocation better reflects the complete data that should have been used when the original allocations were developed, such as the inclusion of discards by the recreational fishery in the totals of recreational catch.

Response 5: We agree, and approve the adjusted allocation for these two stocks as proposed, for the reasons discussed in the preamble.

Comment 6: Multiple commenters also recommended that NMFS consider increasing the GOM cod and/or haddock limits and expanding the open seasons.

Response 6: Such possible changes to recreational measures are outside the scope of Framework 59, and will be addressed in a separate action. At its June 2020 Council meeting, the Council updated its recommendation for recreational measures for the 2020 fishing year, to account for lower effort in the spring.

Comment 7: Several commenters also requested that the Council and NMFS take action to allow in-season changes to recreational measures, such as opening of closed months and increasing bag limits if in-season catch data showed that such changes were warranted.

Response 7: The Council did not discuss or recommend such changes to NMFS authority, and therefore this was not considered as part of Framework 59.

6. Changes From the Proposed Rule

The proposed rule included sector and common pool sub-ACLs based on fishing year 2020 PSCs and final fishing year 2020 sector rosters, but did not include the PSCs and ACEs allocated to each sector. This rule includes this information at the sector level.

In the regulatory text, the proposed rule included the text at 50 CFR 648.85(b)(5)(ii), which includes a reference to paragraph (b)(8). This citation has been updated to correctly refer to paragraph (b)(7).

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866. This final rule is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

The Assistant Administrator for Fisheries finds that there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delayed effectiveness of this action. This action relies on the best available science to set 2020 catch limits for groundfish stocks and adopts several other measures to improve the management of the groundfish fishery. This final rule must be in effect as early in fishing year 2020 as possible to capture fully the conservation and economic benefits of Framework 59 and avoid adverse economic impacts.

This rulemaking incorporates information from updated stock assessments from 15 of the 20 groundfish stocks. The development of Framework 59 was timed to incorporate the results of the 2019 groundfish stock assessments, for which the prepublication copy was available in October 2019. In December 2020, the Council took final action on Framework 59, but remanded the OFL and ABC recommendations for four stocks to the Council's SSC for further review. The SSC provided its revised recommendations for these four stocks at the January 2020 Council meeting. The formal submission of the framework to NMFS occurred on April 10, 2020. Given the timing of the Council process, the earliest we were able to publish a proposed rule for Framework 59 was on May 29, 2020.

A delay in implementation of this rule increases negative economic effects for regulated entities. The eastern portions of the GB cod and haddock stocks, jointly managed with Canada, did not have a 2020 quota set by a previous framework. A separate action implemented a constraining default quota (35 percent of the 2019 quota) for Eastern GB cod and haddock that will be in effect only through July 31, 2020, unless we implement Framework 59 before that date. After July 31, the default quotas expire, at which point vessels would be prohibited from

fishing in the Eastern U.S./Canada Area until Framework 59 is effective. The default quotas are constraining the fishery in the Eastern U.S./Canada Area. The majority of fishing in that region occurs during summer primarily due to the seasonal geographic distribution of the stocks jointly managed with Canada. Providing timely access to these stocks is also a safety issue. Summer weather is generally safer for fishing in the Eastern U.S./Canada Area (approximately 150–200 miles offshore).

The allocation changes for GOM haddock and GOM cod in this action would allow for increases in the recreational possession limits for both stocks through a separate, concurrent rulemaking. A delay in this action would delay setting recreational measures for the 2020 fishing year and the economic benefits that these measures would provide. Additionally, recreational fishermen book fishing trips months in advance for the upcoming fishing year. Thus, delays in finalizing recreational measures result in additional negative impacts on the recreational fishing industry due to uncertainty and the inability to book trips.

The 30-day delay in implementation for this rule is unnecessary because this rule contains no new measures (*e.g.,* requiring new nets or equipment) for which regulated entities need time to prepare or revise their current practices. Fishermen who are subject to this action expect and need timely implementation to allow for planning and to avoid adverse economic impacts. This action is similar to the process used to set quotas every 1–2 years, approves all items as proposed, and contains only quotas and minor adjustments to the management plan that were discussed at multiple noticed meetings where the public was provided opportunity to learn about the action, ask questions, and provide input into the development of the measures. Affected parties and other interested parties participated in this public process to develop this action and expect implementation as close to the beginning of the fishing year on May 1 as possible.

Overall, a delay in implementation of this action would greatly diminish any benefits of these specifications and other approved measures. For these reasons, a 30-day delay in the effectiveness of this rule is impracticable and contrary to the public interest.

Final Regulatory Flexibility Analysis

Section 604 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 604, requires Federal agencies to prepare a Final Regulatory Flexibility Analysis (FRFA) for each final rule. The FRFA describes the economic impact of this action on small entities. The FRFA includes a summary of significant issues raised by public comments, the analyses contained in Framework 59 and its accompanying Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (IRFA), the IRFA summary in the proposed rule, as well as the summary provided below. A statement of the necessity for and for the objectives of this action are contained in Framework 59 and in the preamble to this final rule, and is not repeated here.

A Summary of the Significant Issues Raised by the Public in Response to the IRFA, a Summary of the Agency's Assessment of Such Issues, and a Statement of Any Changes Made in the Final Rule as a Result of Such Comments

There were no comments directly related to the IRFA; the Chief Counsel for the Office of Advocacy of the Small Business Administration (SBA) did not file any comments. Therefore, no changes to the proposed rule measures were necessary.

Description and Estimate of the Number of Small Entities to Which the Rule Would Apply

The final rule impacts the recreational groundfish, Atlantic sea scallop, small-mesh multispecies, Atlantic herring, and large-mesh non-groundfish fisheries. Individually-permitted vessels may hold permits for several fisheries, harvesting species of fish that are regulated by several different FMPs, even beyond those affected by the proposed action. Furthermore, multiple-permitted vessels and/or permits may be owned by entities affiliated by stock ownership, common management, identity of interest, contractual relationships, or economic dependency. For the purposes of the RFA analysis, the ownership entities, not the individual vessels, are considered to be the regulated entities.

As of June 1, 2019, NMFS had issued 801 commercial limited-access groundfish permits associated with vessels (including those in confirmation of permit history), 589 party/charter groundfish permits, 730 limited access and general category Atlantic sea scallop permits, 716 small mesh multispecies permits, 78 Atlantic herring permits, and 834 large-mesh non-groundfish permits (limited access summer flounder and scup permits). Therefore, 3,748 permits are potentially regulated by this action. When accounting for overlap between fisheries, this number falls to 2,177 permitted vessels. Each vessel may be individually owned or part of a larger corporate ownership structure, and for RFA purposes it is the ownership entity that is ultimately regulated by the proposed action. Ownership entities are identified on June 1st of each year based on the list of all permit numbers, for the most recent complete calendar year, that have applied for any type of Northeast Federal fishing permit. The current ownership data set is based on calendar year 2018 permits and contains gross sales associated with those permits for calendar years 2016 through 2018.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) 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 combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. The determination as to whether the entity is large or small is based on the average annual revenue for the three years from 2016 through 2018. The SBA has established size standards for all other major industry sectors in the U.S., including for-hire fishing (NAICS code 487210). These entities are classified as small businesses if combined annual receipts are not in excess of $8.0 million for all its affiliated operations. As with commercial fishing businesses, the annual average of the three most recent years (2016–2018) is utilized in determining annual receipts for businesses primarily engaged in for-hire fishing.

Ownership data collected from permit holders indicate that there are 1,670 distinct business entities that hold at least one permit regulated by the proposed action. All 1,670 business entities identified could be directly regulated by this proposed action. Of these 1,670 entities, 1,010 are commercial fishing entities, 305 are for-hire entities, and 355 did not have revenues (were inactive in 2018). Of the 1,010 commercial fishing entities, 998 are categorized as small entities and 12 are categorized as large entities per the NMFS guidelines. All 305 for-hire entities are categorized as small businesses.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

The action does not contain any new collection-of-information requirements under the Paperwork Reduction Act (PRA).

Description of the Steps the Agency Has Taken To Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objectives of Applicable Statutes

The economic impacts of each measure are discussed in more detail in sections 6.5 and 7.12 of the Framework 59 EA and are not repeated here. The economic impacts of this action are predicted to generate $70.1 million in gross revenues on the sector portion of the commercial groundfish trips, $4.8 million more than No Action. Fishery-wide operating profits are predicted to be $3.7 million more than No Action. Therefore, there are no alternatives that would have lower economic impacts.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency will publish one or more guides to assist small entities in complying with the rule, and will designate such publications as ''small entity compliance guides.'' The agency will explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a bulletin to permit holders that also serves as a small entity compliance guide was prepared. This final rule and the guide (*i.e.* bulletin) will be sent via email to the Greater Atlantic Regional Fisheries Office Northeast multispecies fishery email list, as well as the email lists for scallop and herring fisheries, which receive an allocation of some groundfish stocks. The final rule and the guide are available from NMFS at the following website: *https://www.fisheries.noaa.gov/management-plan/northeast-multispecies-management-plan.* Hard copies of the guide and this final rule will be available upon request (see **ADDRESSES**).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: July 23, 2020.

Samuel D. Rauch, III,

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

For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. Section 648.85 is amended by revising paragraph (b)(5)(ii) and adding (b)(6)(iv)(J)(*2*)(*iii*) to read as follows:

§ 648.85 Special management programs.

* * * * *

(b) * * *

(5) * * *

(ii) *GB cod.* The Incidental Catch TAC for GB cod specified in this paragraph (b)(5) shall be subdivided as follows: 60 percent to the Regular B DAS Program described in paragraph (b)(6) of this section and 40 percent to the Eastern U.S./Canada Haddock SAP described in paragraph (b)(7) of this section.

(6) * * *

(iv) * * *

(J) * * *

(*2*) * * *

(*iii*) The Council may recommend to the Regional Administrator an addition or modification to the gear standards specified in paragraph (b)(6)(iv)(J)(*2*)(*i*) or (*ii*) of this section, and the Regional Administrator may approve the Council's recommendation in a manner consistent with the Administrative Procedure Act. If the Regional Administrator does not approve an addition or modification to the gear standards as recommended by the Council, NMFS must provide a written rationale to the Council regarding its decision not to do so.

* * * * *

■ 3. In § 648.90, revise paragraph (a)(5)(i)(E)(*5*) to read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(a) * * *

(5) * * *

(i) * * *

(E) * * *

(*5*) *Reducing the size of an AM.* If the overall northern or southern windowpane flounder ACL is exceeded by more than 20 percent and NMFS determines that the stock is rebuilt, and the biomass criterion, as defined by the Council, is greater than the most recent fishing year's catch, then only the small AM may be implemented as described in this paragraph (a)(5)(i)(E), consistent with the Administrative Procedure Act. This provision applies to a limited access NE multispecies permitted vessel fishing on a NE multispecies DAS or sector trip, and to all vessels fishing with trawl gear with a codend mesh size equal to or greater than 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in § 648.80(b)(3).

* * * * *

[FR Doc. 2020–16424 Filed 7–28–20; 11:15 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200227–0066]RTID 0648–XA326

Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Rockfish'' in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of ''other rockfish'' in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 2020 ''other rockfish'' total allowable catch (TAC) in the Aleutian Islands subarea of the BSAI has been reached.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), July 28, 2020, through 2400 hours, A.l.t., December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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 2020 ''other rockfish'' TAC in the Aleutian Islands subarea of the BSAI is 388 metric tons (mt) as established by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020). In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2020 ''other rockfish'' TAC in the Aleutian Islands subarea of the BSAI has been reached. Therefore, NMFS is requiring that ''other rockfish'' in the Aleutian Islands subarea of the BSAI be treated in the same manner as a prohibited species, as described under § 679.21(a), for the remainder of the year, except ''other rockfish'' species in the Aleutian Islands subarea caught by catcher vessels using hook-and-line, pot, or jig gear as described in § 679.20(j).

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, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the prohibited retention of ''other rockfish'' in the Aleutian Islands subarea of the BSAI. 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 27, 2020.

Jennifer M. Wallace,

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

[FR Doc. 2020–16533 Filed 7–27–20; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 147
Thursday, July 30, 2020

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

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

[NRC–2020–0065]

Transfer of Very Low-Level Waste To Exempt Persons for Disposal

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed interpretive rule; reopening of comment period.

SUMMARY: On March 6, 2020, the U.S. Nuclear Regulatory Commission (NRC) solicited comments on a proposed interpretation of its low-level radioactive waste disposal regulations that would permit licensees to dispose of waste by transfer to persons who hold specific exemptions for the purpose of disposal. The public comment period was originally scheduled to close on April 20, 2020. On April 9, 2020, the public comment period was extended to July 20, 2020. In recognition of the continuing impacts of the current COVID–19 public health emergency (PHE) across the nation, the NRC has decided to reopen the public comment period to allow more time for members of the public to develop and submit their comments.

DATES: The due date of comments requested in the document published on March 6, 2020 (85 FR 13076), which was extended on April 9, 2020 (85 FR 19907), has been reopened. Comments should be filed no later than October 21, 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 before this date. Staff will continue to monitor the COVID–19 pandemic to determine if an additional extension may be warranted.

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–2020–0065. 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.
- *Email comments to: VLLWTransferComments.Resource@nrc.gov.*

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: Marlayna Doell, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3178; email: *Marlayna.Doell@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0065 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–2020–0065.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Document 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.*

B. Submitting Comments

Please include Docket ID NRC–2020–0065 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov,* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

On March 6, 2020, the NRC solicited comments on a proposed interpretation of its low-level radioactive waste disposal regulations that would permit licensees to dispose of waste by transfer to persons who hold specific exemptions for the purpose of disposal. The NRC will consider approval of requests for specific exemptions for the purpose of disposal if they are for the disposal of very low-level radioactive waste (VLLW) by land burial in facilities that have been reviewed and approved for the purpose of disposal of VLLW (*i.e.,* Resource Conservation and Recovery Act sites). Therefore, the NRC's intent is that this interpretive rule will allow licensees to transfer VLLW to exempt persons for the purpose of disposal by land burial. The public comment period was originally scheduled to close on April 20, 2020, and was previously extended to July 20, 2020. In recognition of the impacts of the current COVID–19 PHE across the nation, the NRC has decided to reopen the public comment period until October 21, 2020, to allow more time for members of the public to develop and submit their comments.

Dated: July 23, 2020.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,

Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2020–16298 Filed 7–28–20; 4:15 pm]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0719 Product Identifier 2019–CE–041–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Pilatus Aircraft Ltd. (Pilatus) Model PC–24 airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as movement of the aft fuel pipe within the coupling, which can cause damage to the O-rings and lead to a fuel leak, fuel fire or explosion, and consequent loss of control of the airplane. 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 14, 2020.

ADDRESSES: You may send comments 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 proposed AD, contact Pilatus Aircraft Ltd., Customer Support General Aviation, CH–6371 Stans, Switzerland, +41 848 24 7 365, *techsupport.ch@pilatus-aircraft.com, www.pilatus-aircraft.com.* 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. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0719.

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–2020–0719; 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 proposed AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@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–2020–0719; 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://www.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 Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@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 European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No. 2019–0240, dated September 25, 2019 (referred to after this as ''the MCAI''), to correct an unsafe condition for Pilatus Model PC–24 airplanes. The MCAI states:

> An occurrence was reported where, during maintenance, when system pressure was applied to a motive-flow fuel pipe, the aft fuel pipe was found to move to the end stop within the coupling. When system pressure was released, the aft fuel pipe returned to its point of origin. This movement can cause damage to the O-rings.
>
> This condition, if not corrected, could lead to a fuel leak and consequently a fuel contamination of the rear fuselage, which, in combination with an ignition source in this area, could possibly result in a fuel fire or fuel vapour explosion and consequent loss of the aeroplane.
>
> To address this potential unsafe condition, Pilatus issued the [service bulletin] SB to provide modification instructions.
>
> For the reason described above, this [EASA] AD requires replacement of affected parts with serviceable parts, as defined in this AD, and prohibits (re-)installation of affected parts.

You may obtain further information by examining the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0719.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Pilatus Service Bulletin No: 28–002, dated May 3, 2019. The service information contains procedures for replacing the two flexible saddle clamps on the left-hand (LH) motive-flow fuel pipe and the two flexible saddle clamps on the right-hand

(RH) motive-flow fuel pipe with fixed saddle clamps. This service information also contains procedures for replacing the four O-rings on the LH and RH motive-flow fuel pipes. 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 and Requirements of the 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 this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

The FAA estimates that this proposed AD would affect 16 products of U.S. registry. The FAA also estimates that it would take about 7 work-hours per product to comply with the requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $5,000 per product.

Based on these figures, the FAA estimates the cost of the proposed AD on U.S. operators would be $89,520 or $5,595 per product.

According to the manufacturer, all or 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):

Pilatus Aircraft Ltd.: Docket No. FAA–2020–0719; Product Identifier 2019–CE–041–AD.

(a) Comments Due Date

The FAA must receive comments by September 14, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pilatus Aircraft Ltd. Model PC–24 airplanes, all serial numbers, with a flexible saddle clamp part number (P/N) 946.33.22.004 installed between frame 34 and 36, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2800: Fuel.

(e) Reason

This AD was prompted by an occurrence of movement of the aft fuel pipe within the coupling when system pressure was applied. This movement can cause damage to the O-rings, which could lead to a fuel leak and fuel contamination of the rear fuselage. The FAA is issuing this AD to prevent a fuel fire or fuel vapor explosion with consequent loss of airplane control.

(f) Actions and Compliance

Unless already done, do the following actions in accordance with the applicable compliance times:

(1) Within 3 months after the effective date of this AD, replace each flexible saddle clamp with a fixed saddle clamp with P/N 946.33.21.933, align the left-hand (LH) and right-hand (RH) motive-flow fuel pipes, and test the LH and RH motive-flow fuel pipe for leaks in accordance with the Accomplishment Instructions, sections 3.B and 3.C, of Pilatus PC–24 Service Bulletin No. 28–002, dated May 3, 2019.

(2) As of the effective date of this AD, do not install a flexible saddle clamp P/N 946.33.22.004 between frame 34 and 36 on any airplane.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO. 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.

(h) Related Information

Refer to MCAI EASA AD No.: 2019–0240, dated September 25, 2019, for related information. You may examine the MCAI on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0719. For service information related to this AD, contact Pilatus Aircraft Ltd., Customer Technical Support (MCC), P.O. Box 992, CH–6371 Stans, Switzerland; telephone: +41 (0)41 619 67 74; fax: +41 (0)41 619 67 73; email: *techsupport@pilatus-aircraft.com;* internet: *https://www.pilatus-aircraft.com/en.* You may review 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. 2020–16215 Filed 7–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 11

[Docket No. PTO–C–2013–0042]

RIN 0651–AC91

Changes to Representation of Others Before the United States Patent and Trademark Office

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) proposes to amend the Rules of Practice in Patent Cases and the rules regarding Representation of Others before the United States Patent and Trademark Office. This rulemaking proposes to align the USPTO Rules of Professional Conduct more closely with the ABA Model Rules of Professional Conduct; to improve clarity in existing regulations to facilitate the public's compliance, including revising various deadlines, the procedures concerning the registration exam, provisions related to the revocation of an individual's registration or limited recognition in limited circumstances, and provisions for reinstatement; and to make non-substantive changes, increasing the readability of various provisions.

DATES: Written comments must be received on or before September 28, 2020.

ADDRESSES: Comments should be sent by electronic mail message over the internet addressed to: *AC91.Comments@uspto.gov.* Comments may also be submitted by mail addressed to: Mail Stop OED–AC91, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313–1450, marked to the attention of William R. Covey, Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline.

Comments may also be sent via the Federal eRulemaking Portal. Visit the Federal eRulemaking Portal website (*https://www.regulations.gov*) for additional instructions on providing comments via the Federal eRulemaking Portal. All comments submitted directly to the USPTO or provided on the Federal eRulemaking Portal should include the docket number (PTO–C–2013–0042).

Although comments may be submitted by postal mail, the Office prefers to receive comments by email. The Office prefers comments to be submitted in plain text but also accepts comments submitted in searchable ADOBE® portable document format (''PDF'') or MICROSOFT WORD® format. Comments not submitted electronically should be submitted on paper in a format that accommodates digital scanning into ADOBE® PDF.

Comments will be made available for public inspection at the Office of Enrollment and Discipline, located on the eighth floor of the Madison West Building, 600 Dulany Street, Alexandria, Virginia. Comments also will be available for viewing on the Office's internet website (*http://www.uspto.gov*) and on the Federal eRulemaking Portal. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included.

FOR FURTHER INFORMATION CONTACT: William R. Covey, Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline, by telephone at 571–272–4097.

SUPPLEMENTARY INFORMATION:

Purpose

Section 2(b)(2)(D) of title 35 of the United States Code provides the USPTO with the authority to ''establish regulations, not inconsistent with law, which . . . may govern the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the Office.'' Part 11 of title 37 of the Code of Federal Regulations contains those regulations that govern the representation of others before the USPTO, including regulations relating to recognition to practice before the USPTO, investigations and disciplinary proceedings, and the USPTO Rules of Professional Conduct. Part 1 of title 37 of the Code of Federal Regulations addresses the rules of practice in patent cases, and most relevantly fees in patent matters. This notice sets forth proposed amendments to parts 1 and 11 as discussed herein.

On April 3, 2013, the Office published a final rule that established the USPTO Rules of Professional Conduct, 37 CFR 11.101 *et seq.* The USPTO Rules of Professional Conduct are modeled after the American Bar Association (ABA) Model Rules of Professional Conduct. The USPTO Rules of Professional Conduct have not been substantively updated since 2013.

Harmonization With the ABA Model Rules of Professional Conduct

Due to the length of time since the USPTO last updated its regulations, the USPTO proposes to amend the USPTO Rules of Professional Conduct to align them with widely-adopted revisions to the ABA Model Rules of Professional Conduct. Section 11.106(b) of title 37 of the Code of Federal Regulations would be amended to allow a practitioner to reveal information relating to the representation of a client in certain circumstances for the purpose of detecting and resolving conflicts of interest arising from the practitioner's change of employment or changes in the composition or ownership of a law firm. Section 11.106(d) would be amended to require a practitioner to make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client. Section 11.118 would be amended to clarify that a practitioner may not use information learned from a prospective client except as otherwise provided, regardless of whether the information was learned in a discussion. Section 11.702 would be amended to allow practitioners to post contact information such as a website or email address instead of an office address on marketing materials. Finally, § 11.703 would be amended to clarify that the limitations on solicitation apply to any person, without regard to whether the practitioner considers the targets of the solicitation to actually be prospective clients.

Simplification and Clarification of Rules and Processes

The USPTO also proposes to amend its regulations to facilitate compliance by the public. As discussed in greater detail in the section ''Discussion of Specific Changes in this Proposed Rule,'' amendments are proposed to §§ 11.7, 11.9, 11.11, 11.51, 11.52, 11.53, 11.54, 11.55, 11.58, and 11.60 to enhance generally the clarity of these sections. Also, the reinstatement provisions in §§ 11.9(f) and 11.11(f) would be aligned for all registered practitioners and practitioners granted limited recognition under § 11.9(b). The periods of time in these sections would be either the same as or greater than the applicable periods previously provided under this part. As such, the new time

periods would apply without regard to whether the relevant period began to run before or after the effective date of the final rule for this action.

In addition, the regulations would be amended to add provisions addressing the revocation of registration or limited recognition. To better protect the public, the USPTO proposes to create a process in § 11.11(g) by which an individual's registration or limited recognition may be revoked in limited circumstances. For example, if an applicant were to be granted status as a registered practitioner but were to be later discovered to have failed to disclose material information in his or her application, such as a conviction for a felony, the Director of the Office of Enrollment and Discipline (OED Director) would issue to that practitioner a notice to show cause why the practitioner's registration or recognition should not be revoked, and the practitioner would be provided an opportunity to respond. This would parallel the existing provisions in §§ 11.7(j), 11.11(b), 11.20(a)(4), and 11.60(e).

Finally, the USPTO proposes changes to improve the registration examination and application process. Applicants for the registration examination would be provided the opportunity to avoid having to reapply entirely by paying a new fee of $115 for an extension of time in which to schedule and take the examination. This new fee would be implemented though revisions to §§ 1.21(a)(1), 11.7(b), and 11.9(e). This is expected to streamline the process and reduce expense to applicants while also conserving agency resources.

Other Minor Changes

Minor edits, discussed below, would also be made throughout the regulations. These include increasing structural parallelism between similar provisions, including between §§ 11.24 and 11.29; increasing the readability of provisions throughout, including §§ 11.7 and 11.9; and making corrections to spelling, grammar, and cross-references, harmonizing terminology, correcting syntax formats to comport with the **Federal Register** Document Drafting Handbook, and reorganizing paragraph structure. In sum, these amendments are aimed at benefitting practitioners by clarifying and streamlining professional responsibility obligations and procedures.

Discussion of Specific Changes in This Proposed Rule

The USPTO proposes to eliminate the fee in § 1.21(a)(1)(ii)(B) for taking the registration examination at the USPTO's offices in Alexandria, Virginia. The USPTO no longer intends to administer the paper-based examination in its offices. The computer-based examination will continue to be offered at thousands of testing centers across the United States.

The USPTO proposes to amend §§ 1.21(a)(1), 11.7(b), and 11.9(e) to provide applicants for registration or limited recognition the ability to request extensions of time to schedule the registration exam for a fee. Currently, applicants are assigned a window of time in which to schedule and sit for the registration examination. Applicants who do not take the examination before the expiration of that window must reapply and again pay the application and test administration fees. The ability to request extensions of time will save those applicants who require more time to prepare for the examination or are unable to sit for the examination within the window from having to reapply and again pay the application and test administration fees. The proposed fee is significantly less than the existing application and examination fees that would be due from an applicant who failed to take the registration examination during the test window. The proposed fee would recover the estimated average cost to the Office of related processing, services, and materials. The authorization for this fee is 35 U.S.C. 41(d)(2)(A).

The USPTO proposes to amend § 1.21(a)(9) to provide a heading to clarify the nature of the fees listed thereunder. The proposed revision makes no change to the fees themselves.

The USPTO proposes to amend § 11.1 to clarify several definitions and to correct typographical errors. The terms ''conviction'' and ''convicted'' would be revised to correct the spelling of ''*nolo contendere.*'' The term ''practitioner'' would be revised to eliminate surplusage within the definition. The term ''register'' would be added alongside ''roster'' to clarify that both terms carry the same meaning. The term ''serious crime'' currently encompasses all felonies. However, not all states classify crimes as felonies and misdemeanors. To ensure consistent treatment among similarly situated practitioners, the definition would be revised to encompass any criminal offense punishable by death or imprisonment of more than one year. This revision would provide a clear and uniform rule in harmony with 18 U.S.C. 3559(a). The term ''state'' would be revised to reflect the correct capitalization of ''commonwealth.''

The USPTO proposes to amend § 11.2(b)(2) to eliminate an unnecessary reference to § 11.7(b). This revision would result in no change in practice.

The USPTO proposes to amend § 11.2(b)(4) to clarify that the OED Director is authorized to conduct investigations of persons subject to the disciplinary jurisdiction of the Office. The amendments would also replace the term ''accused practitioner'' with ''subject of the investigation.''

The USPTO proposes to amend § 11.4, currently reserved, to define how time shall be computed in part 11. The computational method aligns with that set forth in the Federal Rules of Civil Procedure.

The USPTO proposes to amend § 11.5(a) by adding a paragraph heading.

The USPTO proposes to amend § 11.5(b) to change the term ''patent cases'' to ''patent matters''; amend § 11.5(b)(1) to change the term ''other proceeding'' to ''other patent proceeding'' to clarify that this subparagraph refers only to patent proceedings; and clarify the definition of practice before the Office in trademark matters in § 11.5(b)(2). Section 11.5(b) continues to provide that nothing in § 11.5 prohibits a practitioner from employing or retaining a non-practitioner assistant under the supervision of the practitioner to assist in matters pending before, or contemplated to be presented to, the Office.

The USPTO proposes to amend § 11.7(b) to eliminate the requirement for applicants to refile previously submitted documentation after one year. The provisions regarding retaking the examination would be moved from subparagraph (b)(1)(ii) to (b)(2). A limitation of five attempts to pass the examination for registration would be added to subparagraph (b)(2) to maintain the integrity of the examination. This would not prevent an applicant from petitioning for subsequent attempts under § 11.2(c). The provisions regarding denial of admission to the examination and notices of incompleteness would be moved from (b)(2) to (b)(3), which is currently reserved.

The USPTO proposes to amend § 11.7(d)(3)(i)(B) to change the term ''patent cases'' to ''patent matters.''

The USPTO proposes to remove the ultimate sentence of § 11.7(e) to eliminate conflict with proposed § 11.7(b)(2).

The USPTO proposes to amend § 11.7(g)(1) and (g)(2)(ii) to clarify that OED may accept a state bar's determination of character and reputation as opposed to simply

character. The amendment also corrects an internal citation and updates a reference to requests for information and evidence in enrollment matters.

The USPTO proposes to amend § 11.7 by adding a new paragraph (l) that would clarify that a registered patent agent who becomes an attorney may be registered as a patent attorney upon paying the required fee and meeting any additional requirements.

The USPTO proposes to amend § 11.9(a) to improve clarity and § 11.9(b) to update a cross-reference. The revisions would make no change in practice.

The USPTO proposes to amend § 11.9 by mirroring where possible the provisions of § 11.7(a) and (b) in new paragraphs (d) and (e) of § 11.9. This is intended to improve the readability of the application process as it applies to those seeking limited recognition under § 11.9(b), and it would make no change in practice.

The USPTO proposes to amend § 11.9 by adding a new paragraph (f) to clarify the documentation required to obtain reinstatement of limited recognition. This proposed revision generally restates the practice currently set forth in § 11.7(b) and clarifies that individuals must provide objective evidence that they continue to possess the necessary legal qualifications if their limited recognition has been expired for five years or longer at the time of application for reinstatement. Retaking and passing the registration examination would be one way to establish such objective evidence.

The USPTO proposes to amend § 11.10(a) to clarify that only authorized practitioners may represent others before the Office in patent matters. This clarification is not intended to affect the rules governing practice before the Patent Trial and Appeal Board in parts 41 and 42 of this chapter.

The USPTO proposes to delete § 11.10(b)(3), (b)(4), (c), (d), and (e), which addressed terms in 18 U.S.C. 207, a criminal statute. No change in practice is intended by these deletions, as these provisions were unnecessary.

The USPTO proposes to amend § 11.11(b) to change the term ''patent cases'' to ''patent matters'', to clarify the nature of the notice called for in paragraph (b)(1), and improve syntax.

The USPTO proposes to amend § 11.11(b)(3) to clarify that the OED Director may withdraw a notice to show cause where the practitioner who is subject to such notice has satisfied the notice's requirements prior to the USPTO Director making a decision on such notice.

The USPTO proposes to amend § 11.11 by adding a new subparagraph (b)(7) to clarify that administratively suspended practitioners must apply for reinstatement under paragraph (f)(1) in order to be reinstated.

The USPTO proposes to amend § 11.11(c) to simplify the process for requesting reactivation and to replace the term ''roster'' with the term ''register''.

The USPTO proposes to amend § 11.11(e)(1) to clarify the eligibility requirements for practitioners who request to resign. These revisions would make no substantive change.

The USPTO proposes to amend § 11.11(f)(2) to improve clarity and harmonize the requirements for reactivation with the requirements for reinstatement following administrative suspension. Specifically, individuals who have been administratively inactive for five or more years subsequent to separation from the Office or cessation of employment in a judicial capacity will be required to submit objective evidence that they continue to possess the necessary legal qualifications. Retaking and passing the registration examination would be one way to establish such objective evidence.

The USPTO proposes to amend § 11.11 by adding a new paragraph (g) to allow administrative revocation of registration or limited recognition, based on mistake, materially false information, or the omission of material information. Registration or limited recognition would only be revoked after the issuance of a notice to show cause and an opportunity to respond. This would parallel the existing provisions in §§ 11.7(j), 11.11(b), 11.20(a)(4), and 11.60(e).

The USPTO proposes to amend § 11.18(c)(2) to set forth the correct title of the Director of the Office of Enrollment and Discipline.

The USPTO proposes to amend § 11.19(a) to change ''patent cases'' to ''patent matters'' and to clarify that a non-practitioner is subject to the USPTO's disciplinary authority if the person engages in or offers to engage in practice before the Office without proper authority. The phrase ''including by the USPTO Director,'' which modifies various types of public discipline, would be deleted as surplusage. The USPTO Director's authority to administer discipline or transfer a practitioner to disability inactive status is firmly established. Thus, the inclusion of this phrase is unnecessary.

The USPTO proposes to amend § 11.19(b)(1)(ii) to include discipline on professional misconduct grounds alongside discipline on ethical grounds. The inclusion of both is aimed at making clear that discipline for professional misconduct also constitutes grounds for discipline. This would result in no change in practice.

The USPTO proposes to amend § 11.19(c) to properly cite a subpart of part 11.

The USPTO proposes to amend § 11.19 by adding a new paragraph (e). This provision would make clear that the OED Director may select any disciplinary procedure or procedures that are appropriate to the situation at hand. For example, the OED Director is authorized in appropriate circumstances to pursue reciprocal discipline under § 11.24, while also instituting a disciplinary proceeding under § 11.32.

The USPTO proposes to simplify § 11.20(a)(4) to provide that the conditions of probation shall be stated in the order imposing probation.

The USPTO proposes to amend § 11.20(c) to improve syntax and to clarify that this provision merely describes the process set forth in § 11.29 for transferring to disability inactive status.

The USPTO proposes to amend § 11.21 to remove the adjective ''brief'' that modifies the phrase ''statement of facts.'' The length of a statement of facts depends on the complexity of the matter and the issues presented. This revision would allow a level of detail in a statement of facts appropriate to the particular matter.

The USPTO proposes to amend § 11.22(c), currently reserved, to require a practitioner to notify the OED Director of the practitioner becoming publicly disciplined, disqualified from practice, transferred to disability status, or convicted of a crime, within 30 days of such occurrence as already required in §§ 11.24, 11.25, or 11.29. This revision would also clarify that a certified copy of the record or order regarding the discipline, disqualification, conviction, or transfer to disability status is clear and convincing evidence of such event.

The USPTO proposes to amend § 11.22(g) to correct erroneous citations to § 11.22(b)(1) and (b)(2). The correct citations are § 11.23(b)(1) and (b)(2).

The USPTO proposes to amend § 11.22(h) to clarify that the list of actions that the OED Director may take upon the conclusion of an investigation is not necessarily limited to the four actions enumerated therein.

The USPTO proposes to amend § 11.24(a) to provide that a certified copy of the record or order regarding public discipline in another jurisdiction shall establish a prima facie case by clear and convincing evidence that a

practitioner has, in fact, been publicly disciplined by that jurisdiction. In addition, the provision would be amended to clarify that the OED Director is permitted to exercise discretion in whether to pursue reciprocal discipline in any given matter.

The USPTO proposes to amend § 11.24(b) to enhance readability. No change in practice is intended.

The USPTO proposes to amend § 11.24(d)(1) to clarify the USPTO Director's prerogative to order a disciplinary record be supplemented with further information or argument.

The USPTO proposes to amend § 11.24(e) to clarify that a final adjudication in another jurisdiction that a practitioner has committed ethical misconduct, regardless of the evidentiary standard applied, shall establish a prima facie case that the practitioner has engaged in misconduct under § 11.804(h). This change would not affect the availability of the defenses specified in § 11.24(d)(1).

The USPTO proposes to amend § 11.25(a) to remove the requirement to self-report certain traffic violations where the sole punishment adjudicated is a fine of $300.00 or less. The provision would also be amended to clarify that the OED Director is permitted to exercise discretion in whether to pursue discipline in any given matter under this section.

The USPTO proposes to amend § 11.25(b)(3) to clarify that the USPTO Director may order that a disciplinary record be supplemented with further information or argument.

The USPTO proposes to amend § 11.25(e)(2) to allow practitioners who are disciplined by the USPTO upon conviction of a serious crime to apply for reinstatement immediately upon completing their sentence, probation, or parole, whichever is later, provided they are otherwise eligible for reinstatement. Under the current rule, a practitioner must wait at least five years after the last of these events before he or she is eligible to apply for reinstatement.

The USPTO proposes to amend § 11.26 to clarify that evidence, other than offers of compromise and statements about settlement made during a settlement conference, may not be excluded merely because the evidence was discussed or otherwise presented in a settlement conference. Such evidence may be excludable for other evidentiary reasons. The provision would also be amended to further clarify that settlement conferences may occur at any time after an investigation is commenced.

The USPTO proposes to amend § 11.27(b) and (c) to clarify procedures for exclusion on consent. Specifically, the revision would allow the OED Director to file a response to a § 11.27(a) affidavit. Nothing herein is intended to alter the requirements under § 11.27(a), including but not limited to the § 11.27(a)(2) requirement that the statement of the nature of the pending investigation or pending proceeding shall be specifically set forth in the affidavit to the satisfaction of the OED Director. The revision would also remove and reserve § 11.27(c), in light of the provisions of revised § 11.26.

The USPTO proposes to amend § 11.28(a) to replace the term ''patent cases'' with ''patent matters'', clarify the requirements for moving to hold a proceeding in abeyance, remove the requirement that such motion be made prior to a disciplinary hearing, and update cross-references.

The USPTO proposes to amend § 11.29(a) to clarify that the OED Director possesses discretion as to whether to request that a practitioner be transferred to disciplinary inactive status.

The USPTO proposes to amend § 11.29(b) to incorporate the ''clear and convincing'' burden of proof currently set forth in § 11.29(d) that a practitioner must satisfy to avoid a reciprocal transfer to disability inactive status. The USPTO also proposes enlarging the period of time to 40 days (instead of 30 days) for a practitioner to respond to the OED Director's request to transfer the practitioner to disability inactive status.

The USPTO proposes to amend § 11.29(d) by revising the heading of the paragraph. The provision would also be reorganized and amended to clarify the USPTO Director's prerogative to order that the record be supplemented with further information or argument. The proposed revisions to § 11.29(b) and (d) would parallel the organizational structure of § 11.24.

The USPTO proposes to amend § 11.29(g) by clarifying that a practitioner in disability inactive status must comply with §§ 11.29 and 11.58, and not merely § 11.58. This revision would make no change in practice and would align with the provisions of revised § 11.58.

The USPTO proposes to amend § 11.29(i) by updating cross-references. The revisions would make no change in practice.

The USPTO proposes to amend § 11.34(c) to expressly allow a complaint to be filed in a disciplinary proceeding by delivering, mailing, or electronically transmitting the document to a hearing officer.

The USPTO proposes to amend § 11.35(a) to make minor corrections to syntax.

The USPTO proposes to amend § 11.35(c) to state that a complaint in a disciplinary matter may be served on the respondent's attorney in lieu of the respondent, if the respondent is known to the OED Director to be represented by an attorney under § 11.40(a). This revision would permit the OED Director to serve the respondent, respondent's attorney, or both.

The USPTO proposes to amend § 11.39(a) to clarify the process by which hearing officers are designated in disciplinary proceedings. This proposed amendment would continue the practice of designating administrative law judges to serve as hearing officers.

The USPTO proposes to amend § 11.39(b) to clarify that administrative law judges appointed in accordance with 5 U.S.C. 3105 may be designated as hearing officers.

The USPTO proposes to amend 11.39(f) to correct a cross-reference.

The USPTO proposes to amend § 11.40 by dividing the current paragraph (b) into two paragraphs to facilitate ease in reading. In all other respects, the provision would remain unchanged.

The USPTO proposes to amend § 11.41(a) to expressly provide that papers may be filed by delivering, mailing, or electronically transmitting such documents to a hearing officer.

The USPTO proposes to amend § 11.43 by changing the heading to clarify that the provision applies only to motions before a hearing officer and not to those before the USPTO Director. The USPTO also proposes to amend the section to require motions to be accompanied by written memoranda setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the movant relies. The proposed revisions would also require responses to motions be filed within 14 days and served on the opposing party, and reply memoranda served within 7 days after service of the opposing party's response. The proposed revisions would also require the format of memoranda to be double-spaced and printed in 12-point font, unless otherwise ordered by the hearing officer.

The USPTO proposes to amend § 11.44(a) to allow scheduling of a hearing only on a date after the time for filing an answer has elapsed.

The USPTO proposes to amend § 11.44(b) to clarify the sanctions a hearing officer may impose for failure to appear at a disciplinary hearing.

The USPTO proposes to amend § 11.50 to clarify the existing practice of prohibiting the admission of speculative evidence.

The USPTO proposes to amend § 11.51(a) by revising it and dividing it into a new § 11.51(a)–(g). The revisions would provide clarity and confirm the existing regulatory requirement that if a respondent demands testimony or the production of documents from a USPTO employee, the respondent must comply with part 104 of this chapter. The rule would also make clear that a deposition may be videotaped if desired. The term ''deposition expenses'' would replace the phrase ''expenses for a court reporter and preparing, serving, and filing depositions''. Deposition expenses may include, but are not limited to, fees for court reporters, videographers, transcripts, and room rentals; witness appearance and travel; service of process; and costs for preparing, serving, and filing depositions. This revision would not affect those expenses that are recoverable under § 11.60(d)(2).

The USPTO proposes to amend § 11.51(b) by redesignating it as § 11.51(h). The revisions to this paragraph would make no change to existing practice.

The USPTO proposes to amend § 11.52 by reorganizing the section to improve clarity. The revisions would limit the scope of written discovery to relevant evidence only, as opposed to evidence that may be reasonably calculated to lead to the discovery of admissible evidence. The revisions would also provide that requests for admission may be used to admit the genuineness of documents and provide consequences for the failure to respond to requests for admission. Finally, the revisions would expand the scope of information that parties must provide regarding expert witnesses to include a complete statement of all opinions to which the expert is expected to testify, the basis and reasons therefor, and a description of all facts or data considered by the expert in forming the opinions.

The USPTO proposes to amend § 11.53 to specify the timing and other requirements of post-hearing memoranda, unless otherwise ordered by the hearing officer. The rule would also allow the hearing officer to enlarge the time permitted for filing post-hearing memoranda and to increase page limits upon a showing of good cause.

The USPTO proposes to amend § 11.54 to require a hearing officer to transmit the record of the proceeding to the OED Director within 14 days of the date of the initial decision or as soon as practicable. The USPTO proposes to amend § 11.54(a)(1) by requiring an initial decision to make ''specific'' references to the record instead of ''appropriate'' references to the record. The provision currently located in § 11.54(a)(2) that describes the process that the hearing officer shall take with respect to the transmission of the decision and the record would be moved to § 11.54(c). It would also be revised to require the hearing officer to forward to the OED Director the record of proceedings within 14 days, or as soon as practicable, after the date of the initial decision. In addition, the provision currently located in § 11.54(a)(2) that discusses the point in time at which the decision of the hearing officer becomes the decision of the USPTO Director would be moved to § 11.54(d). This section would also be amended to remove an unnecessary reference to default judgments. Thus, any decision of a hearing officer, if not appealed, would become final without regard to whether the decision results from default.

The USPTO proposes to amend § 11.55 to more closely align the language with changes to the Federal Rules of Appellate Procedure and provide clarity as to the responsibilities of parties during appeals to the USPTO Director. The revisions would establish a procedure for filing notices of appeal and provide briefing timelines. Currently, the rule allows an appellant 30 days to file a brief. The revisions would allow 14 days in which to file a notice of appeal and 45 days thereafter in which to file the appellate brief. The revisions would also remove current paragraph (i), which is duplicative of a similar provision in § 11.54. Finally, the revisions would add a new paragraph (o) that would govern motions practice before the USPTO Director. The procedures in new paragraph (o) would generally parallel those in § 11.43.

The USPTO proposes to amend § 11.56(c) to allow a party to file a response to a request for reconsideration within 14 days after such request is made. The revision would explicitly require that such request be based on newly discovered evidence or clear error of law or fact.

The USPTO proposes to amend § 11.57 by reorganizing the provision and revising it to conform with Local Civil Rule 83.5 of the Local Rules for the U.S. District Court for the Eastern District of Virginia (*http://www.vaed.uscourts.gov/localrules/LocalRulesEDVA.pdf*). More specifically, § 11.57(a) would be revised to require that any petition for review of a final decision of the USPTO Director must be filed within 30 days after the date of the final decision.

The USPTO proposes to amend § 11.58 by revising, subdividing, and renumbering the provisions describing the duties of disciplined practitioners or practitioners on disability inactive status. The proposed revisions are made with an eye toward simplifying the rule so that disciplined practitioners may more easily comply with its provisions. Where the practitioner believes compliance with the rule would be unduly cumbersome, a practitioner would be permitted to petition for relief. The revised rule would continue to allow a suspended or excluded practitioner to act as a paralegal provided certain conditions are met, such as serving under the supervision of a practitioner as defined in part 11. The revisions would permit, rather than require, the USPTO Director to grant a period of limited recognition to allow a disciplined practitioner to wind up his or her practice. The proposed revisions to § 11.58 would in no way limit the OED Director's ability to take action for violations of the rule. For example, the OED Director is still authorized to take action against a practitioner for violating the terms of disciplinary probation or to seek exclusion or an additional suspension for practitioners who violate disciplinary rules while excluded, suspended, or in disability inactive status. Finally, the proposed revisions would strike references to resigned practitioners. Obligations relating to resigned practitioners would be consolidated in § 11.11(e).

The USPTO proposes to amend § 11.60 to remove references to resigned status. Procedures for resignation and reinstatement from a resigned status would be consolidated in § 11.11. For this reason, the USPTO proposes to amend § 11.60(b) and (c) to eliminate references to reinstatement and § 11.58 compliance requirements for resigned practitioners. The USPTO also proposes to amend the heading of § 11.60 to explicitly reflect that it applies only to disciplined practitioners.

The USPTO proposes to re-designate the current § 11.60(f) as § 11.60(g) and amend the paragraph by inserting a new provision that would clarify that a final decision by the OED Director denying reinstatement to a practitioner is not a final agency action. A suspended or excluded party dissatisfied with the decision of the OED Director regarding his or her reinstatement may seek review of the decision by petitioning the USPTO Director in accordance with § 11.2(d).

The USPTO proposes to re-designate the current § 11.60(g) as § 11.60(h) and

amend the paragraph to allow a notice of a practitioner's intent to seek reinstatement to be published prior to the expiration date of the suspension or exclusion. The purpose of this revision is to speed the processing of petitions for reinstatement while still providing the requisite public notice.

The USPTO proposes to amend § 11.106(b) to allow a practitioner to reveal information relating to the representation of a client to detect and resolve conflicts of interest arising from the practitioner's change of employment or from changes in the composition or ownership of a law firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client. This amendment would cause this provision to more closely align with the 2012 amendments to ABA Model Rule 1.6.

The USPTO proposes to amend § 11.106 by adding a new paragraph (d) that would require a practitioner to make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client. This amendment would cause this provision to more closely align with the 2012 amendments to ABA Model Rule 1.6.

The USPTO proposes to amend § 11.118 to clarify that a practitioner may not use information learned from a prospective client except as otherwise provided, regardless of whether the information was learned in a discussion. This amendment would cause this provision to more closely align with the 2012 amendments to ABA Model Rule 1.18.

The USPTO proposes to amend § 11.702 to establish standards that, if met, would qualify practitioners to state they are a certified specialist in a particular field of law. This amendment would cause this provision to more closely align with the 2012 amendments to ABA Model Rule 7.2.

The USPTO proposes to amend § 11.703 to clarify that the limitations on solicitation apply to any person without regard to whether the practitioner considers the targets of the solicitation to actually be prospective clients. This amendment would cause this provision to more closely align with the 2012 amendments to ABA Model Rule 7.3.

The USPTO proposes to amend § 11.704(e) to clarify that individuals granted limited recognition under § 11.9 may not use the designation ''registered.''

The USPTO proposes to amend § 11.804(b) to clarify that being convicted of a qualifying crime is a form of misconduct.

The USPTO proposes to amend § 11.804(h) to provide that it is misconduct to be publicly disciplined on ethical or professional misconduct grounds by a country having disciplinary jurisdiction over the practitioner.

Rulemaking Requirements

A. Administrative Procedure Act: The changes in this rulemaking involve rules of agency practice and procedure and/or interpretive rules (*see Perez* v. *Mortgage Bankers Ass'n,* 135 S. Ct. 1199, 1204 (2015) (Interpretive rules ''advise the public of the agency's construction of the statutes and rules which it administers.'') (citations and internal quotation marks omitted); *Nat'l Org. of Veterans' Advocates* v. *Sec'y of Veterans Affairs,* 260 F.3d 1365, 1375 (Fed. Cir. 2001) (Rule that clarifies interpretation of a statute is interpretive.); *Bachow Commc'ns Inc.* v. *FCC,* 237 F.3d 683, 690 (D.C. Cir. 2001) (Rules governing an application process are procedural under the Administrative Procedure Act.); *Inova Alexandria Hosp.* v. *Shalala,* 244 F.3d 342, 350 (4th Cir. 2001) (Rules for handling appeals are procedural where they do not change the substantive standard for reviewing claims.)).

Accordingly, prior notice and opportunity for public comment for the changes in this rulemaking are not required pursuant to 5 U.S.C. 553(b) or (c) or any other law (*see Perez,* 135 S. Ct. at 1206 (Notice-and-comment procedures are not required when an agency ''issue[s] an initial interpretive rule'' or when it amends or repeals that interpretive rule.); and *Cooper Techs. Co.* v. *Dudas,* 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice-and-comment rulemaking for ''interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice,'' quoting 5 U.S.C. 553(b)(A))). Nevertheless, the USPTO has chosen to seek public comment before implementing the rule to benefit from the public's input.

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

The changes in this notice of proposed rulemaking fall into one of three categories: (1) Harmonization of the USPTO Rules of Professional Conduct with the ABA Model Rules of Professional Conduct; (2) changes to the rules governing the recognition to practice before the Office to implement new requirements and simplify and otherwise improve consistency with existing requirements to facilitate the public's compliance with existing regulations, including revisions to timeframes, procedures concerning the registration exam, provisions related to the revocation of an individual's registration or limited recognition in limited circumstances, and provisions for reinstatement; and (3) non-substantive changes, such as increased structural parallelism between similar provisions; increased readability of provisions; corrections to spelling, grammar, and cross-references; harmonization of terminology; correction of syntax formats to comport with the **Federal Register** Document Drafting Handbook; and reorganization of paragraph structure within particular rules and other changes to improve clarity in the regulations.

This proposed rule would apply to the approximately 47,000 registered patent practitioners currently appearing before the Office, as well as licensed attorneys practicing in trademark and other non-patent matters before the Office. The USPTO does not collect or maintain statistics on the size status of impacted entities, which would be required to determine the number of small entities that would be affected by the proposed rule. However, a large number of the changes proposed in this rule are not expected to have any impact on affected entities. For example, correction of spelling and grammar, harmonization of terminology, correction of syntax formats, and reorganization of paragraph structures are administrative in nature and would have no impact on affected entities.

The USPTO also proposes to make changes to the rules governing the recognition to practice before the Office and to certain rules governing the process of investigations and conduct of disciplinary proceedings to clarify existing policy and practice and to update the USPTO Rules of Professional Conduct to reflect widely-adopted changes to the ABA Model Rules of Professional Conduct. These revisions impact rules of procedure and are not expected to substantively impact parties. The intent of these changes is to make the USPTO regulations more clear and to streamline procedural requirements. Where the proposed

rulemaking arguably increases regulatory burden, such burdens are minimal and outweighed by the benefits they would provide.

This proposed rule would also provide applicants for registration or limited recognition the ability to request extensions of time to schedule the registration exam for a fee. The proposed new fee of $115 would recover the estimated average cost to the Office of related processing, services, and materials. The USPTO expects that this increased scheduling flexibility will save those applicants who would have otherwise missed the window in which to sit for the registration examination the time and expense of having to reapply to take the examination. The cost of reapplying for the examination is currently $300, exclusive of any nonrefundable fees paid to the commercial testing service that administers the examination. The USPTO estimates that this new regulatory flexibility will save the public at least $92,500. The authorization for this fee is 35 U.S.C. 41(d)(2)(A).

In sum, any requirements resulting from these proposed changes are of minimal or no additional burden to those practicing before the Office. For these reasons, this rulemaking will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of E.O. 12866 (Sept. 30, 1993).

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

E. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs): This proposed rule is not an E.O. 13771 (Jan. 30, 2017) regulatory action because this proposed rule is not significant under E.O. 12866 (Sept. 30, 1993).

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

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

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

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

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

K. Executive Order 12630 (Taking of Private Property): This rulemaking will not effect a taking of private property or otherwise have taking implications under E.O. 12630 (Mar. 15, 1988).

L. Congressional Review Act: Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), prior to issuing any final rule, the United States Patent and Trademark Office will submit a report containing the final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this rulemaking are not expected to result in an annual effect on the economy of $100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this rulemaking is not expected to be considered ''major rule'' as defined in 5 U.S.C. 804(2).

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

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

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

P. Paperwork Reduction Act: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) requires that the Office consider the impact of paperwork and other information collection burdens imposed on the public. This rulemaking involves information collection requirements that are subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The collections of information involved in this rulemaking have been reviewed and previously approved by OMB under OMB control numbers 0651–0012 (Admission to Practice and Roster of Registered Patent Attorneys and Agents Admitted to Practice before the USPTO) and 0651–0017 (Practitioner Conduct and Discipline). In addition, modifications to 0651–0012 because of this rulemaking will be submitted to OMB for approval prior to this rule becoming effective. The proposed modifications include updating the process under 37 CFR 11.7 and 11.9 for the Form PTO–158 Application for

Registration to Practice before the USPTO, to include the option for applicants to extend their time window to schedule their registration examination, therefore reducing the number of applicants who would need to reapply because they did not take the examination in time. The USPTO estimates that the number of Applications for Registration to Practice before the USPTO would decrease by 500 responses due to applicants obtaining an extension rather than reapplying for their registration. Another proposed modification is the removal of USPTO-based testing services.

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

List of Subjects

37 CFR Part 1

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

37 CFR Part 11

Administrative practice and procedure, Inventions and patents, Lawyers, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the United States Patent and Trademark Office proposes to amend parts 1 and 11 of title 37 of the CFR as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

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

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

■ 2. Amend § 1.21 by removing and reserving paragraph (a)(1)(ii)(B), adding paragraph (a)(1)(iv), and adding introductory text to paragraph (a)(9) to read as follows:

§ 1.21 Miscellaneous fees and charges.

* * * * *

(a) * * *

(1) * * *

(ii) * * *

(B) [Reserved]

* * * * *

(iv) Request for extension of time in which to schedule examination for registration to practice (non-refundable): $115.00.

* * * * *

(9) Administrative reinstatement fees:

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PART 11—REPRESENTATION OF OTHERS BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

■ 3. The authority citation for part 11 continues to read as follows:

Authority: 5 U.S.C. 500; 15 U.S.C. 1123; 35 U.S.C. 2(b)(2), 32, 41; sec. 1, Pub. L. 113–227, 128 Stat. 2114.

■ 4. Amend § 11.1 by revising the definitions of ''conviction or convicted,'' ''practitioner,'' ''roster,'' ''serious crime,'' and ''state'' to read as follows:

§ 11.1 Definitions.

* * * * *

Conviction or *convicted* means any confession to a crime; a verdict or judgment finding a person guilty of a crime; any entered plea, including *nolo contendere* or Alford plea, to a crime; or receipt of deferred adjudication (whether judgment or sentence has been entered or not) for an accused or pled crime.

* * * * *

Practitioner means:

(1) An attorney or agent registered to practice before the Office in patent matters;

(2) An individual authorized under 5 U.S.C. 500(b), or otherwise as provided by § 11.14(a); (b), and (c), to practice before the Office in trademark matters or other non-patent matters;

(3) An individual authorized to practice before the Office in patent matters under § 11.9(a) or (b); or

(4) An individual authorized to practice before the Office under § 11.16(d).

* * * * *

Roster or *register* means a list of individuals who have been registered as either a patent attorney or patent agent.

* * * * *

Serious crime means:

(1) Any criminal offense classified as a felony under the laws of the United States, any state or any foreign country where the crime occurred, or any criminal offense punishable by death or imprisonment of more than one year; or

(2) Any crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the crime occurred, includes interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a ''serious crime.''

* * * * *

State means any of the 50 states of the United States of America, the District of Columbia, and any commonwealth or territory of the United States of America.

* * * * *

■ 5. Amend § 11.2 by revising paragraphs (b)(2) and (4) to read as follows:

§ 11.2 Director of the Office of Enrollment and Discipline.

* * * * *

(b) * * *

(2) Receive and act upon applications for registration, prepare and grade the registration examination, maintain the register provided for in § 11.5, and perform such other duties in connection with enrollment and recognition of attorneys and agents as may be necessary.

* * * * *

(4) Conduct investigations of matters involving possible grounds for discipline. Except in matters meriting summary dismissal, no disposition under § 11.22(h) shall be recommended or undertaken by the OED Director until the subject of the investigation has been afforded an opportunity to respond to a reasonable inquiry by the OED Director.

* * * * *

■ 6. Add § 11.4 to subpart A to read as follows:

§ 11.4 Computing time.

Computing time. The following rules apply in computing any time period specified in this part where the period is stated in days or a longer unit of time:

(a) Exclude the day of the event that triggers the period;

(b) Count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(c) Include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

■ 7. Amend § 11.5 by revising paragraphs (a), the introductory text to (b)(1), and (b)(2) to read as follows:

§ 11.5 Register of attorneys and agents in patent matters; practice before the Office.

(a) *Register of attorneys and agents.* A register of attorneys and agents is kept in the Office on which are entered the names of all individuals recognized as entitled to represent applicants having

prospective or immediate business before the Office in the preparation and prosecution of patent applications. Registration in the Office under the provisions of this part shall entitle the individuals so registered to practice before the Office only in patent matters.

(b) * * *

(1) *Practice before the Office in patent matters.* Practice before the Office in patent matters includes, but is not limited to, preparing or prosecuting any patent application; consulting with or giving advice to a client in contemplation of filing a patent application or other document with the Office; drafting the specification or claims of a patent application; drafting an amendment or reply to a communication from the Office that may require written argument to establish the patentability of a claimed invention; drafting a reply to a communication from the Office regarding a patent application; and drafting a communication for a public use, interference, reexamination proceeding, petition, appeal to or any other proceeding before the Patent Trial and Appeal Board, or other patent proceeding. Registration to practice before the Office in patent matters authorizes the performance of those services that are reasonably necessary and incident to the preparation and prosecution of patent applications or other proceeding before the Office involving a patent application or patent in which the practitioner is authorized to participate. The services include:

* * * * *

(2) *Practice before the Office in trademark matters.* Practice before the Office in trademark matters includes, but is not limited to, consulting with or giving advice to a client in contemplation of filing a trademark application or other document with the Office; preparing or prosecuting an application for trademark registration; preparing an amendment that may require written argument to establish the registrability of the mark; preparing or prosecuting a document for maintaining, correcting, amending, canceling, surrendering, or otherwise affecting a registration; and conducting an opposition, cancellation, or concurrent use proceeding; or conducting an appeal to the Trademark Trial and Appeal Board.

■ 8. Amend § 11.7 by revising paragraphs (b)(1)(i)(B) and (b)(2) and (3); adding paragraph (b)(4); revising paragraphs (d)(3), (e), (f), (g)(1), and (g)(2)(ii); and adding paragraph (l) to read as follows:

§ 11.7 Requirements for registration.

* * * * *

(b)(1) * * *

(i) * * *

(B) Payment of the fees required by § 1.21(a)(1) of this chapter;

* * * * *

(2) An individual failing the examination may, upon receipt of notice of failure from OED, reapply for admission to the examination. An individual failing the examination for the first or second time must wait 30 days after the date the individual last took the examination before retaking the examination. An individual failing the examination for the third or fourth time must wait 90 days after the date the individual last took the examination before retaking the examination. An individual may not take the examination more than five times. However, upon petition under § 11.2(c), the OED Director may, at his or her discretion, waive this limitation upon such conditions as the OED Director may prescribe. An individual reapplying shall:

(i) File a completed application for registration form including all requested information and supporting documents not previously provided to OED,

(ii) Pay the fees required by § 1.21(a)(1) of this chapter,

(iii) For aliens, provide proof that registration is not inconsistent with the terms of their visa or entry into the United States, and

(iv) Provide satisfactory proof of good moral character and reputation.

(3) An individual failing to file a complete application for registration will not be admitted to the examination and will be notified of the incompleteness. Applications for registration that are incomplete as originally submitted will be considered only when they have been completed and received by OED, provided that this occurs within 60 days of the mailing date of the notice of incompleteness. Thereafter, a new and complete application for registration must be filed. Only an individual approved as satisfying the requirements of paragraph (b)(1)(i) of this section may be admitted to the examination.

(4)(i) A notice of admission shall be sent to those individuals who have been admitted to the registration examination. This notice shall specify a certain period of time in which to schedule and take the examination.

(ii) An individual may request an extension of this period of time by written request to the OED Director. Such request must be received by the OED Director prior to the expiration of the period specified in the notice as extended by any previously granted extension and must include the fee specified in § 1.21(a)(1)(iv). Upon the granting of the request, the period of time in which the individual may schedule and take the registration examination shall be extended by 90 days.

(iii) An individual who does not take the registration examination within the period of time specified in the notice may not take the examination without filing a new application for registration, as set forth in paragraph (b)(1)(i) of this section.

* * * * *

(d) * * *

* * * * *

(3) *Certain former Office employees who were not serving in the patent examining corps upon their separation from the Office.* The OED Director may waive the taking of a registration examination in the case of a former Office employee meeting the requirements of paragraph (b)(1)(i)(C) of this section who, by petition, demonstrates the necessary legal qualifications to render to patent applicants and others valuable service and assistance in the preparation and prosecution of their applications or other business before the Office by showing that he or she has:

(i) Exhibited comprehensive knowledge of patent law equivalent to that shown by passing the registration examination as a result of having been in a position of responsibility in the Office in which he or she:

(A) Provided substantial guidance on patent examination policy, including the development of rule or procedure changes, patent examination guidelines, changes to the Manual of Patent Examining Procedure, training or testing materials for the patent examining corps, or materials for the registration examination or continuing legal education; or

(B) Represented the Office in patent matters before Federal courts; and

(ii) Was rated at least fully successful in each quality performance element of his or her performance plan for said position for the last two complete rating periods in the Office and was not under an oral or written warning regarding such performance elements at the time of separation from the Office.

* * * * *

(e) *Examination results.* Notification of the examination results is final. Within 60 days of the mailing date of a notice of failure, the individual is entitled to inspect, but not copy, the questions and answers he or she

incorrectly answered. Review will be under supervision. No notes may be taken during such review. Substantive review of the answers or questions may not be pursued by petition for regrade.

(f) *Application for reciprocal recognition.* An individual seeking reciprocal recognition under § 11.6(c), in addition to satisfying the provisions of paragraphs (a) and (b) of this section, and the provisions of § 11.8(b), shall pay the application fee required by § 1.21(a)(1)(i) of this chapter upon filing an application for registration.

(g) * * * (1) Every individual seeking recognition shall answer all questions in the application for registration and request(s) for information and evidence issued by OED; disclose all relevant facts, dates, and information; and provide verified copies of documents relevant to his or her good moral character and reputation. An individual who is an attorney shall submit a certified copy of each of his or her State bar applications and determinations of character and reputation, if available.

(2) * * *

* * * * *

(ii) The OED Director, in considering an application for registration by an attorney, may accept a State bar's determination of character and reputation as meeting the requirements set forth in paragraph (a)(2)(i) of this section if, after review, the Office finds no substantial discrepancy between the information provided with his or her application for registration and the State bar application and determination of character and reputation, provided that acceptance is not inconsistent with other rules and the requirements of 35 U.S.C. 2(b)(2)(D).

* * * * *

(l) *Transfer of status from agent to attorney.* An agent registered under § 11.6(b) may request registration as an attorney under § 11.6(a). The agent shall demonstrate his or her good standing as an attorney and pay the fee required by § 1.21(a)(2)(iii) of this chapter.

■ 9. Amend § 11.9 by revising paragraphs (a) and (b) and adding paragraphs (d), (e), and (f), to read as follows:

§ 11.9 Limited recognition in patent matters.

(a) Any individual not registered under § 11.6 may, upon a showing of circumstances that render it necessary or justifiable and that the individual is of good moral character and reputation, be given limited recognition by the OED Director to prosecute as attorney or agent a specified patent application or specified patent applications. Limited recognition under this paragraph shall not extend further than the application or applications specified. Limited recognition shall not be granted to individuals who have passed the examination or to those for whom the examination has been waived while such individual's application for registration to practice before the Office in patent matters is pending.

(b) A nonimmigrant alien residing in the United States and fulfilling the provisions of paragraphs (d) and (e) of this section may be granted limited recognition if the nonimmigrant alien is authorized by the United States Government to be employed or trained in the United States in the capacity of representing a patent applicant by presenting or prosecuting a patent application. Limited recognition shall be granted for a period consistent with the terms of authorized employment or training. Limited recognition shall not be granted or extended to a non-United States citizen residing abroad. If granted, limited recognition shall automatically expire upon the nonimmigrant alien's departure from the United States.

* * * * *

(d) No individual will be granted limited recognition to practice before the Office under paragraph (b) of this section unless he or she has:

(1) Applied to the USPTO Director in writing by completing an application form supplied by the OED Director and furnishing all requested information and material; and

(2) Established to the satisfaction of the OED Director that he or she:

(i) Possesses good moral character and reputation;

(ii) Possesses the legal, scientific, and technical qualifications necessary for him or her to render applicants valuable service; and

(iii) Is competent to advise and assist patent applicants in the presentation and prosecution of their applications before the Office.

(e)(1) To enable the OED Director to determine whether an individual has the qualifications specified in paragraph (d)(2) of this section, the individual shall:

(i) File a complete application for limited recognition each time admission to the registration examination is requested. A complete application for limited recognition includes:

(A) An application for limited recognition form supplied by the OED Director wherein all requested information and supporting documents are furnished;

(B) Payment of the fees required by § 1.21(a)(1) of this chapter;

(C) Satisfactory proof of scientific and technical qualifications; and

(D) Satisfactory proof that the terms of the individual's immigration status or entry into the United States authorize employment or training in the preparation and prosecution of patents for others; and

(ii) Pass the registration examination. Each individual seeking limited recognition under this section must take and pass the registration examination to enable the OED Director to determine whether the individual possesses the legal and competence qualifications specified in paragraphs (d)(2)(ii) and (d)(2)(iii) of this section.

(2) An individual failing the examination may, upon receipt of notice of failure from OED, reapply for admission to the examination. An individual failing the examination for the first or second time must wait 30 days after the date the individual last took the examination before retaking the examination. An individual failing the examination for the third or fourth time must wait 90 days after the date the individual last took the examination before retaking the examination. An individual may not take the examination more than five times. However, upon petition under § 11.2(c), the OED Director may, at his or her discretion, waive this limitation upon such conditions as the OED Director may prescribe. An individual reapplying shall:

(i) File a complete application for limited recognition form, including all requested information and supporting documents not previously provided to OED;

(ii) Pay the application fee required by § 1.21(a)(1) of this chapter;

(iii) Provide satisfactory proof that the terms of the individual's immigration status or entry into the United States authorize employment or training in the preparation and prosecution of patents for others; and

(iv) Provide satisfactory proof of good moral character and reputation.

(3) An individual failing to file a complete application will not be admitted to the examination and will be notified of such deficiency. Applications for limited recognition that are incomplete will be considered only when the deficiency has been cured, provided that this occurs within 60 days of the mailing date of the notice of deficiency. Thereafter, a new and complete application for limited recognition must be filed. An individual seeking limited recognition under paragraph (b) of this section must satisfy the requirements of paragraph (e)(1)(i) of

this section to be admitted to the examination.

(4)(i) A notice of admission shall be sent to those individuals who have been admitted to the registration examination. This notice shall specify a certain period of time in which to schedule and take the examination.

(ii) An individual may request an extension of this period of time by written request to the OED Director. Such request must be received by the OED Director prior to the expiration of the period specified in the notice, as extended by any previously granted extension, and must include the fee specified in § 1.21(a)(1)(iv). Upon the granting of the request, the period of time in which the individual may schedule and take the examination shall be extended by 90 days.

(iii) An individual who does not take the examination within the period of time specified in the notice may not take the examination without filing a new application for limited recognition as set forth in paragraph (e)(1)(i) of this section.

(f) Applications for reinstatement of limited recognition.

(1) A person whose grant of limited recognition expired less than five years before the application for reinstatement may be reinstated provided the person:

(i) Files a complete application that includes:

(A) A request for reinstatement with the fee required by § 1.21(a)(9)(ii); and

(B) Satisfactory proof that the terms of the individual's immigration status or entry into the United States authorize employment or training in the preparation and prosecution of patents for others; and

(ii) Provides satisfactory proof of good moral character and reputation.

(2) Persons whose grant of limited recognition expired five years or more before filing a complete application for reinstatement must comply with paragraph (f)(1) of this section and provide objective evidence that they continue to possess the necessary legal qualifications to render applicants valuable service to patent applicants.

■ 10. Revise § 11.10 to read as follows:

§ 11.10 Restrictions on practice in patent matters; former and current Office employees; government employees.

(a) Only practitioners registered under § 11.6; individuals given limited recognition under § 11.9(a) or (b) or § 11.16; or individuals admitted *pro hac vice* as provided in § 41.5(a) or § 42.10(c) are permitted to represent others before the Office in patent matters.

(b) *Post employment agreement of former Office employee.* No individual who has served in the patent examining corps or elsewhere in the Office may practice before the Office after termination of his or her service, unless he or she signs a written undertaking agreeing:

(1) To not knowingly act as agent or attorney for or otherwise represent or assist in any manner the representation of any other person:

(i) Before the Office,

(ii) In connection with any particular patent or patent application,

(iii) In which said employee participated personally and substantially as an employee of the Office; and

(2) To not knowingly act within two years after terminating employment by the Office as agent or attorney for, or otherwise represent or assist in any manner, the representation of any other person:

(i) Before the Office,

(ii) In connection with any particular patent or patent application,

(iii) If such patent or patent application was pending under the employee's official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility.

■ 11. Amend § 11.11 by:

■ a. Revising paragraphs (b)(2), (3), (5), and (6);

■ b. Adding paragraph (b)(7);

■ c. Revising paragraphs (c)(1) and (2);

■ d. Adding paragraph (c)(3);

■ e. Revising paragraph (e)(1);

■ f. Revising paragraph (f)(2); and

■ g. Adding paragraph (g).

The revisions read as follows:

§ 11.11 Administrative suspension, inactivation, resignation, reinstatement, and revocation.

* * * * *

(b) * * *

(2) In the event a practitioner fails to comply with the requirements specified in a notice provided pursuant to paragraph (b)(1) of this section within the time allowed, the OED Director shall publish and send to the practitioner a notice to show cause why the practitioner should not be administratively suspended. Such notice shall be sent in the same manner as set forth in paragraph (b)(1) of this section. The OED Director shall file a copy of the notice to show cause with the USPTO Director.

(3) A practitioner to whom a notice to show cause under this section has been issued shall be allowed 30 days from the date of the notice to show cause to file a response with the USPTO Director. The response should address any factual and legal bases why the practitioner should not be administratively suspended. The practitioner shall serve the OED Director with a copy of the response at the time it is filed with the USPTO Director. Within 10 days of receiving a copy of the response, the OED Director may file a reply with the USPTO Director. A copy of the reply by the OED Director shall be sent to the practitioner at the practitioner's address of record. If the USPTO Director determines that there are no genuine issues of material fact regarding the Office's compliance with the notice requirements under this section or the failure of the practitioner to pay the requisite fees, the USPTO Director shall enter an order administratively suspending the practitioner. Otherwise, the USPTO Director shall enter an appropriate order dismissing the notice to show cause. Any request for reconsideration of the USPTO Director's decision must be filed within 20 days after the date such decision is rendered by the USPTO Director. Nothing herein shall permit an administratively suspended practitioner to seek a stay of the suspension during the pendency of any review of the USPTO Director's final decision. If, prior to the USPTO Director entering an order under this section, the OED Director determines that a practitioner has complied with requirements specified in the notice to show cause, the OED Director may withdraw the notice to show cause, and the practitioner will not be administratively suspended.

* * * * *

(5) A practitioner is subject to investigation and discipline for his or her conduct prior to, during, or after the period he or she was administratively suspended.

(6) A practitioner is prohibited from practicing before the Office in patent matters while administratively suspended. A practitioner who knows he or she has been administratively suspended is subject to discipline for failing to comply with the provisions of this paragraph and shall comply with the provisions of § 11.116.

(7) An administratively suspended practitioner may request reinstatement by complying with paragraph (f)(1) of this section.

(c) * * * (1) Any registered practitioner who shall become employed by the Office shall comply with § 11.116 for withdrawal from all patent, trademark, and other non-patent matters wherein he or she represents an applicant or other person, and notify the OED Director in writing of said employment on the first day of said employment. The name of any

registered practitioner employed by the Office shall be endorsed on the register as administratively inactive. Upon separation from the Office, an administratively inactive practitioner may request reactivation by complying with paragraph (f)(2) of this section.

(2) Any registered practitioner who is a judge of a court of record, full-time court commissioner, U.S. bankruptcy judge, U.S. magistrate judge, or a retired judge who is eligible for temporary judicial assignment and is not engaged in the practice of law may request, in writing, that his or her name be endorsed on the register as administratively inactive. Upon acceptance of the request, the OED Director shall endorse the name of the practitioner as administratively inactive. Following separation from the bench, the practitioner may request reactivation by complying with paragraph (f)(2) of this section.

(3) An administratively inactive practitioner remains subject to the provisions of the USPTO Rules of Professional Conduct and to proceedings and sanctions under §§ 11.19 through 11.58 for conduct that violates a provision of the USPTO Rules of Professional Conduct prior to or during such administrative inactivity.

* * * * *

(e) * * * (1) A registered practitioner or a practitioner recognized under § 11.14(c) may request to resign by notifying the OED Director in writing of such intent, unless such practitioner is under investigation under § 11.22 for a possible violation of the USPTO Rules of Professional Conduct, is a practitioner against whom probable cause has been found by a panel of the Committee on Discipline under § 11.23(b), or is a respondent in a pending proceeding instituted under § 11.24, § 11.25, or § 11.29. Upon acceptance in writing by the OED Director of such request, that practitioner shall no longer be eligible to practice before the Office in patent matters but shall continue to file a change of address for five years thereafter in order that he or she may be located in the event information regarding the practitioner's conduct comes to the attention of the OED Director or any grievance is made about his or her conduct while he or she engaged in practice before the Office. The name of any practitioner whose resignation is accepted shall be endorsed as resigned, and notice thereof published in the Official Gazette. Upon acceptance of the resignation by the OED Director, the practitioner must comply with the provisions of § 11.116. A practitioner is subject to investigation and discipline for his or her conduct that occurred prior to, during, or after the period of his or her resignation.

* * * * *

(f) * * *

(2) A practitioner who has been administratively inactivated pursuant to paragraph (c) of this section may be reactivated after his or her employment with the Office ceases or his or her employment in a judicial capacity ceases, provided the following is filed with the OED Director: (i) A completed application for reactivation on a form supplied by the OED Director; (ii) a data sheet; (iii) a signed written undertaking required by § 11.10(b); and (iv) the fee set forth in § 1.21(a)(9)(ii) of this chapter. A practitioner is subject to investigation and discipline for his or her conduct before, during, or after the period of his or her inactivation. Administratively inactive practitioners who have been separated from the Office or have ceased to be employed in a judicial capacity for five or more years prior to filing a complete application for reactivation shall be required to provide objective evidence that they continue to possess the necessary legal qualifications to render valuable service to patent applicants.

* * * * *

(g) *Administrative revocation.* (1) The USPTO Director may revoke an individual's registration or limited recognition if:

(i) the registration or limited recognition was issued through mistake or inadvertence, or

(ii) the individual's application for registration or limited recognition contains materially false information or omits material information.

(2) Whenever it appears that grounds for administrative revocation exist, the OED Director shall issue to the individual a notice to show cause why the individual's registration or limited recognition should not be revoked.

(i) The notice to show cause shall be served on the individual in the same manner as described in § 11.35.

(ii) The notice to show cause shall state the grounds for the proposed revocation.

(iii) The OED Director shall file a copy of the notice to show cause with the USPTO Director.

(3) Within 30 days after service of the notice to show cause, the individual may file a response to the notice to show cause with the USPTO Director. The response should address any factual or legal bases why the individual's registration or limited recognition should not be revoked. The individual shall serve the OED Director with a copy of the response at the time it is filed with the USPTO Director. Within 10 days of receiving a copy of the response, the OED Director may file a reply with the USPTO Director. A copy of the reply by the OED Director shall be sent to the individual at the individual's address of record.

(4) If the USPTO Director determines that there are no genuine issues of material fact regarding the Office's compliance with the notice requirements under this section or the grounds for the notice to show cause, the USPTO Director shall enter an order revoking the individual's registration or limited recognition. Otherwise, the USPTO Director shall enter an appropriate order dismissing the notice to show cause. An oral hearing will not be granted unless so ordered by the USPTO Director, upon a finding that such hearing is necessary. Any request for reconsideration of the USPTO Director's decision must be filed within 20 days after the date such decision is rendered by the USPTO Director. Nothing herein shall permit an individual to seek a stay of the revocation during the pendency of any review of the USPTO Director's final decision.

■ 12. Amend § 11.18 by revising paragraph (c)(2) to read as follows:

§ 11.18 Signature and certificate for correspondence filed in the Office.

* * * * *

(c) * * *

(2) Referring a practitioner's conduct to the Director of the Office of Enrollment and Discipline for appropriate action;

* * * * *

■ 13. Amend § 11.19 by revising the section heading and paragraphs (a), (b)(1)(ii), and (c), and by adding paragraph (e), to read as follows:

§ 11.19 Disciplinary jurisdiction; grounds for discipline and for transfer to disability inactive status.

(a) *Disciplinary jurisdiction.* All practitioners engaged in practice before the Office; all practitioners administratively suspended under § 11.11; all practitioners registered or recognized to practice before the Office in patent matters; all practitioners resigned, inactivated, or in emeritus status under § 11.11; all practitioners authorized under §§ 41.5(a) or 42.10(c); and all practitioners transferred to disability inactive status or publicly disciplined by a duly constituted authority are subject to the disciplinary jurisdiction of the Office and subject to being transferred to disability inactive

status. A non-practitioner is also subject to the disciplinary authority of the Office if the person engages in or offers to engage in practice before the Office without proper authority.

(b) * * *

(1) * * *

(ii) Discipline on ethical or professional misconduct grounds imposed in another jurisdiction or disciplinary disqualification from participating in or appearing before any Federal program or agency;

* * * * *

(c) Petitions to disqualify a practitioner in *ex parte* or *inter partes* matters in the Office are not governed by this subpart and will be handled on a case-by-case basis under such conditions as the USPTO Director deems appropriate.

* * * * *

(e) The OED Director has the discretion to choose any of the independent grounds of discipline under paragraph (b) of this section and to pursue any of the procedures set forth in this subpart in every disciplinary proceeding.

■ 14. Amend § 11.20 by revising paragraphs (a)(4) and (c) to read as follows:

§ 11.20 Disciplinary sanctions; Transfer to disability inactive status.

(a) * * *

(4) *Probation.* Probation may be imposed in lieu of or in addition to any other disciplinary sanction. The conditions of probation shall be stated in the order imposing probation. Violation of any condition of probation shall be cause for imposition of the disciplinary sanction. Imposition of the disciplinary sanction predicated upon violation of probation shall occur only after a notice to show cause why the disciplinary sanction should not be imposed is resolved adversely to the practitioner.

* * * * *

(c) *Transfer to disability inactive status.* As set forth in § 11.29, the USPTO Director, after notice and opportunity for a hearing, may transfer a practitioner to disability inactive status where grounds exist to believe the practitioner has been transferred to disability inactive status in another jurisdiction, has been judicially declared incompetent, has been judicially ordered to be involuntarily committed after a hearing on the grounds of incompetency or disability, or has been placed by court order under guardianship or conservatorship.

■ 15. Revise § 11.21 to read as follows:

§ 11.21 Warnings.

A warning is neither public nor a disciplinary sanction. The OED Director may conclude an investigation with the issuance of a warning. The warning shall contain a statement of facts and identify the USPTO Rules of Professional Conduct relevant to the facts.

■ 16. Amend § 11.22 by adding paragraph (c) and by revising paragraphs (g) and (h) to read as follows:

§ 11.22 Disciplinary investigations.

* * * * *

(c) *Notice to the OED Director.* Within 30 days of being (1) publicly disciplined as specified in § 11.24; (2) disciplinarily disqualified from participating in or appearing before any Federal program or agency as specified in § 11.24; (3) convicted of a crime in a court of the United States, any State, or a foreign country as specified in § 11.25; or (4) transferred to disability inactive status in another jurisdiction as specified in § 11.29, a practitioner subject to the disciplinary jurisdiction of the Office shall notify the OED Director in writing of the same. Upon receiving such notification, the OED Director shall obtain a certified copy of the record or order regarding such discipline, disqualification, conviction, or transfer. A certified copy of the record or order regarding the discipline, disqualification, conviction, or transfer shall be clear and convincing evidence that the practitioner has been disciplined, disqualified, convicted of a crime, or transferred to disability status by another jurisdiction.

* * * * *

(g) Where the OED Director makes a request under paragraph (f)(2) of this section to a Contact Member of the Committee on Discipline, such Contact Member shall not, with respect to the practitioner connected to the OED Director's request, participate in the Committee on Discipline panel that renders a probable cause determination under § 11.23(b) concerning such practitioner.

(h) *Disposition of investigation.* Upon the conclusion of an investigation, the OED Director may take appropriate action, including but not limited to:

(1) Closing the investigation without issuing a warning or taking disciplinary action;

(2) Issuing a warning to the practitioner;

(3) Instituting formal charges upon the approval of the Committee on Discipline; or

(4) Entering into a settlement agreement with the practitioner and submitting the same for approval of the USPTO Director.

* * * * *

■ 17. Amend § 11.24 by revising paragraph (a), the introductory text to paragraph (b), the introductory text to paragraph (d)(1), and paragraph (e) to read as follows:

§ 11.24 Reciprocal discipline.

(a) *Notice to the OED Director.* Within 30 days of being publicly censured, publicly reprimanded, subjected to probation, disbarred or suspended by another jurisdiction, or disciplinarily disqualified from participating in or appearing before any Federal program or agency, a practitioner subject to the disciplinary jurisdiction of the Office shall notify the OED Director in writing of the same. A practitioner is deemed to be disbarred if he or she is disbarred, excluded on consent, or has resigned in lieu of discipline or a disciplinary proceeding. Upon receiving notification from any source or otherwise learning that a practitioner subject to the disciplinary jurisdiction of the Office has been publicly censured, publicly reprimanded, subjected to probation, disbarred, suspended, or disciplinarily disqualified, the OED Director shall obtain a certified copy of the record or order regarding the public censure, public reprimand, probation, disbarment, suspension, or disciplinary disqualification. A certified copy of the record or order regarding the discipline shall establish a prima facie case by clear and convincing evidence that the practitioner has been publicly censured, publicly reprimanded, subjected to probation, disbarred, suspended, or disciplinarily disqualified by another jurisdiction. In addition to the actions identified in § 11.22(h) and (i), the OED Director may, without Committee on Discipline authorization, file with the USPTO Director a complaint complying with § 11.34 against the practitioner predicated upon the public censure, public reprimand, probation, disbarment, suspension, or disciplinary disqualification. The OED Director may request the USPTO Director to issue a notice and order as set forth in paragraph (b) of this section.

(b) *Notification served on practitioner.* Upon receipt of the complaint and request for notice and order, the USPTO Director shall issue a notice directed to the practitioner in accordance with § 11.35 and to the OED Director containing:

* * * * *

(d) * * *

(1) The USPTO Director shall hear the matter on the documentary record

unless the USPTO Director determines that an oral hearing is necessary. The USPTO Director may order the OED Director or the practitioner to supplement the record with further information or argument. After expiration of the period specified in paragraph (b)(3) of this section, the USPTO Director shall consider the record and shall impose the identical public censure, public reprimand, probation, disbarment, suspension, or disciplinary disqualification unless the practitioner demonstrates by clear and convincing evidence, and the USPTO Director finds there is a genuine issue of material fact that:

* * * * *

(e) *Adjudication in another jurisdiction or Federal agency or program.* In all other respects, a final adjudication, regardless of the evidentiary standard, in another jurisdiction or Federal agency or program that a practitioner, whether or not admitted in that jurisdiction, has committed misconduct shall establish a prima facie case by clear and convincing evidence that the practitioner has engaged in misconduct under § 11.804(h).

* * * * *

■ 18. Amend § 11.25 by:
■ a. Revising paragraph (a),
■ b. Revising the introductory text of paragraph (b)(2), and
■ c. Revising paragraphs (b)(3) and (e)(2).

The revisions read as follows:

§ 11.25 Interim suspension and discipline based upon conviction of committing a serious crime.

(a) *Notice to the OED Director.* Upon being convicted of a crime in a court of the United States, any State, or a foreign country, a practitioner subject to the disciplinary jurisdiction of the Office shall notify the OED Director in writing of the same within 30 days from the date of such conviction. Notwithstanding the preceding sentence, a practitioner is not required to notify the OED Director of a traffic offense that did not involve the use of alcohol or a controlled substance, did not result in a fine in excess of $300, and did not result in the imposition of any other punishment. Upon being advised or learning that a practitioner subject to the disciplinary jurisdiction of the Office has been convicted of a crime, the OED Director shall make a preliminary determination whether the crime constitutes a serious crime warranting interim suspension. If the crime is a serious crime, the OED Director may file with the USPTO Director proof of the conviction and request the USPTO Director to issue a notice and order set forth in paragraph (b)(2) of this section. The OED Director may, in addition, without Committee on Discipline authorization, file with the USPTO Director a complaint complying with § 11.34 against the practitioner predicated upon the conviction of a serious crime. If the crime is not a serious crime, the OED Director may process the matter in the same manner as any other information or evidence of a possible violation of any USPTO Rule of Professional Conduct coming to the attention of the OED Director.

(b) * * *

(2) *Notification served on practitioner.* Upon receipt of a certified copy of the court record, docket entry, or judgment demonstrating that the practitioner has been so convicted, together with the complaint, the USPTO Director shall issue a notice directed to the practitioner in accordance with § 11.35, and to the OED Director, containing:

* * * * *

(3) *Hearing and final order on request for interim suspension.* The request for interim suspension shall be heard by the USPTO Director on the documentary record unless the USPTO Director determines that the practitioner's response establishes by clear and convincing evidence a genuine issue of material fact that: The crime did not constitute a serious crime, the practitioner is not the person who committed the crime, or that the conviction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process. The USPTO Director may order the OED Director or the practitioner to supplement the record with further information or argument. If the USPTO Director determines that there is no genuine issue of material fact, the USPTO Director shall enter an appropriate final order regarding the OED Director's request for interim suspension regardless of the pendency of any criminal appeal. If the USPTO Director is unable to make such determination because there is a genuine issue of material fact, the USPTO Director shall enter a final order dismissing the request and enter a further order referring the complaint to a hearing officer for a hearing and entry of an initial decision in accordance with the other rules in this part and directing the practitioner to file an answer to the complaint in accordance with § 11.36.

* * * * *

(e) * * *

(2) *Following conviction of a serious crime.* Any practitioner convicted of a serious crime and disciplined in whole or in part in regard to that conviction, may petition for reinstatement under the conditions set forth in § 11.60 no earlier than after completion of service of his or her sentence, or after completion of service under probation or parole, whichever is later.

* * * * *

■ 19. Revise § 11.26 to read as follows:

§ 11.26 Settlement.

A settlement conference may occur between the OED Director and a practitioner at any time after the initiation of an investigation. Evidence shall not be excludable on the grounds that such evidence was presented or discussed in a settlement conference. However, any offers of compromise and any statements about settlement made during the course of the settlement conference shall not be admissible in a disciplinary proceeding. The OED Director may recommend to the USPTO Director any settlement terms deemed appropriate, including steps taken to correct or mitigate the matter forming the basis of the action, or to prevent recurrence of the same or similar conduct. A settlement agreement shall be effective only upon entry of a final decision by the USPTO Director.

■ 20. Amend § 11.27 by revising paragraph (b) and by removing and reserving paragraph (c) to read as follows:

§ 11.27 Exclusion on consent.

* * * * *

(b) *Action by the USPTO Director.* Upon receipt of the required affidavit, the OED Director shall file the affidavit and any related papers with the USPTO Director for review and approval. The USPTO Director may order the OED Director or the practitioner to supplement the record with further information or argument. The OED Director may also file comments in response to the affidavit. If the affidavit is approved, the USPTO Director will enter an order excluding the practitioner on consent and providing other appropriate actions. Upon entry of the order, the excluded practitioner shall comply with the requirements set forth in § 11.58.

(c) [Reserved]

* * * * *

■ 21. Amend § 11.28 by revising paragraphs (a)(1), (a)(1)(i)(D) and (E), and (a)(2) to read as follows:

§ 11.28 Incapacitated practitioners in a disciplinary proceeding.

(a) * * *

(1) *Practitioner's motion.* In the course of a disciplinary proceeding under § 11.32, the practitioner may file a

motion requesting the hearing officer to enter an order holding such proceeding in abeyance based on the contention that the practitioner is suffering from a disability or addiction that makes it impossible for the practitioner to adequately defend the charges in the disciplinary proceeding.

(i) * * *

(D) Written consent by the practitioner to be transferred to disability inactive status if the motion is granted; and

(E) Written agreement by the practitioner not to practice before the Office in patent, trademark, or other non-patent matters while in disability inactive status.

* * * * *

(2) *Disposition of practitioner's motion.* The hearing officer shall decide the motion and any response thereto. The motion shall be granted upon a showing of good cause to believe the practitioner to be incapacitated as alleged. If the required showing is made, the hearing officer shall enter an order holding the disciplinary proceeding in abeyance. In the case of addiction to drugs or intoxicants, the order may provide that the practitioner will not be returned to active status absent satisfaction of specified conditions. Upon receipt of the order, the OED Director shall transfer the practitioner to disability inactive status, give notice to the practitioner, cause notice to be published, and give notice to appropriate authorities in the Office that the practitioner has been placed in disability inactive status. The practitioner shall comply with the provisions of § 11.58 and shall not engage in practice before the Office in patent, trademark, and other non-patent law until a determination is made of the practitioner's capability to resume practice before the Office in a proceeding under paragraph (c) or (d) of this section. A practitioner in disability inactive status must obtain permission from the OED Director to engage in paralegal activity permitted under § 11.58(h). Permission will be granted only if the practitioner has complied with all the conditions of § 11.58 applicable to disability inactive status. In the event that permission is granted, the practitioner shall fully comply with the provisions of § 11.58(h).

* * * * *

■ 22. Amend § 11.29 by revising paragraphs (a), (b), (d), (g), and (i) to read as follows:

§ 11.29 Reciprocal transfer or initial transfer to disability inactive status.

(a) *Notice to the OED Director.* (1) *Transfer to disability inactive status in another jurisdiction as grounds for reciprocal transfer by the Office.* Within 30 days of being transferred to disability inactive status in another jurisdiction, a practitioner subject to the disciplinary jurisdiction of the Office shall notify the OED Director in writing of the transfer. Upon notification from any source that a practitioner subject to the disciplinary jurisdiction of the Office has been transferred to disability inactive status in another jurisdiction, the OED Director shall obtain a certified copy of the order. If the OED Director finds that transfer to disability inactive status is appropriate, the OED Director shall file with the USPTO Director:

(i) The order;

(ii) A request that the practitioner be transferred to disability inactive status, including the specific grounds therefor; and

(iii) A request that the USPTO Director issue a notice and order as set forth in paragraph (b) of this section.

(2) *Involuntary commitment, adjudication of incompetency, or court ordered placement under guardianship or conservatorship as grounds for initial transfer to disability inactive status.* Within 30 days of being judicially declared incompetent, judicially ordered to be involuntarily committed after a hearing on the grounds of incompetency or disability, or placed by court order under guardianship or conservatorship in another jurisdiction, a practitioner subject to the disciplinary jurisdiction of the Office shall notify the OED Director in writing of such judicial action. Upon notification from any source that a practitioner subject to the disciplinary jurisdiction of the Office has been subject to such judicial action, the OED Director shall obtain a certified copy of the order. If the OED Director finds that transfer to disability inactive status is appropriate, the OED Director shall file with the USPTO Director:

(i) The order;

(ii) A request that the practitioner be transferred to disability inactive status, including the specific grounds therefor; and

(iii) A request that the USPTO Director issue a notice and order as set forth in paragraph (b) of this section.

(b) *Notice served on practitioner.* Upon receipt of a certified copy of an order or declaration issued by another jurisdiction demonstrating that a practitioner subject to the disciplinary jurisdiction of the Office has been transferred to disability inactive status, judicially declared incompetent, judicially ordered to be involuntarily committed after a judicial hearing on the grounds of incompetency or disability, or placed by court order under guardianship or conservatorship, together with the OED Director's request, the USPTO Director shall issue a notice, comporting with § 11.35, directed to the practitioner containing:

(1) A copy of the order or declaration from the other jurisdiction;

(2) A copy of the OED Director's request; and

(3) An order directing the practitioner to file a response with the USPTO Director and the OED Director, within 40 days from the date of the notice, establishing by clear and convincing evidence a genuine issue of material fact supported by an affidavit and predicated upon the grounds set forth in paragraphs (d)(1)(i) through (d)(1)(iv) of this section that a transfer to disability inactive status would be unwarranted and the reasons therefor.

* * * * *

(d) *Transfer to disability inactive status.* (1) The request for transfer to disability inactive status shall be heard by the USPTO Director on the documentary record unless the USPTO Director determines that there is a genuine issue of material fact, in which case the USPTO Director may deny the request. The USPTO Director may order the OED Director or the practitioner to supplement the record with further information or argument. After expiration of the period specified in paragraph (b)(3) of this section, and after completion of any supplemental hearings, the USPTO Director shall consider any timely filed response and impose the identical transfer to disability inactive status based on the practitioner's transfer to disability status in another jurisdiction or shall transfer the practitioner to disability inactive status based on judicially declared incompetence, judicially ordered involuntary commitment on the grounds of incompetency or disability, or court-ordered placement under guardianship or conservatorship, unless the practitioner demonstrates by clear and convincing evidence, and the USPTO Director finds there is a genuine issue of material fact that:

(i) The procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

(ii) There was such infirmity of proof establishing the transfer to disability status, judicial declaration of incompetence, judicial order for involuntary commitment on the grounds of incompetency or disability, or placement by court order under guardianship or conservatorship that the USPTO Director could not, consistent with Office's duty, accept as final the conclusion on that subject;

(iii) The imposition of the same disability status or transfer to disability status by the USPTO Director would result in grave injustice; or

(iv) The practitioner is not the individual transferred to disability status, judicially declared incompetent, judicially ordered for involuntary commitment on the grounds of incompetency or disability, or placed by court order under guardianship or conservatorship.

(2) If the USPTO Director determines that there is no genuine issue of material fact with regard to any of the elements of paragraphs (d)(1)(i) through (d)(1)(iv) of this section, the USPTO Director shall enter an appropriate final order. If the USPTO Director is unable to make that determination because there is a genuine issue of material fact, the USPTO Director shall enter an appropriate order dismissing the OED Director's request for such reason.

* * * * *

(g) *Order imposing reciprocal transfer to disability inactive status or order imposing initial transfer to disability inactive status.* An order by the USPTO Director imposing reciprocal transfer to disability inactive status or transferring a practitioner to disability inactive status shall be effective immediately and shall be for an indefinite period until further order of the USPTO Director. A copy of the order transferring a practitioner to disability inactive status shall be served upon the practitioner, the practitioner's guardian, and/or the director of the institution to which the practitioner has been committed in the manner the USPTO Director may direct. A practitioner reciprocally transferred or transferred to disability inactive status shall comply with the provisions of this section and § 11.58 and shall not engage in practice before the Office in patent, trademark, and other non-patent law unless and until reinstated to active status.

* * * * *

(i) *Employment of practitioners on disability inactive status.* A practitioner in disability inactive status must obtain permission from the OED Director to engage in paralegal activity permitted under § 11.58(h). Permission will be granted only if the practitioner has complied with all the conditions of § 11.58 applicable to disability inactive status. In the event that permission is granted, the practitioner shall fully comply with the provisions of § 11.58(h).

* * * * *

■ 23. Amend § 11.34 by revising paragraph (c) to read as follows:

§ 11.34 Complaint.

* * * * *

(c) The complaint shall be filed in the manner prescribed by the USPTO Director. The term ''filed'' means the delivery, mailing, or electronic transmission of a document to a hearing officer or designee in connection with a disciplinary complaint or related matter.

* * * * *

■ 24. Revise § 11.35 to read as follows:

§ 11.35 Service of complaint.

(a) A complaint may be served on a respondent by any of the following methods:

(1) By delivering a copy of the complaint personally to the respondent, in which case the individual who delivers the complaint to the respondent shall file an affidavit with the OED Director indicating the time and place the complaint was delivered to the respondent.

(2) By mailing a copy of the complaint by Priority Mail Express®, first-class mail, or any delivery service that provides confirmation of delivery or attempted delivery to:

(i) A respondent who is a registered practitioner at the address provided to OED pursuant to § 11.11, or

(ii) A respondent who is not registered at the last address for the respondent known to the OED Director.

(3) By any method mutually agreeable to the OED Director and the respondent.

(4) In the case of a respondent who resides outside the United States, by sending a copy of the complaint by any delivery service that provides the ability to confirm delivery or attempted delivery, to:

(i) A respondent who is a registered practitioner at the address provided to OED pursuant to § 11.11; or

(ii) A respondent who is not registered at the last address for the respondent known to the OED Director.

(b) If a copy of the complaint cannot be delivered to the respondent through any one of the procedures in paragraph (a) of this section, the OED Director shall serve the respondent by causing an appropriate notice to be published in the Official Gazette for two consecutive weeks, in which case the time for filing an answer shall be 30 days from the second publication of the notice. Failure to timely file an answer will constitute an admission of the allegations in the complaint in accordance with § 11.36(d), and the hearing officer may enter an initial decision on default.

(c) If the respondent is known to the OED Director to be represented by an attorney under § 11.40(a), a copy of the complaint may be served on the attorney in lieu of service on the respondent in the manner provided for in paragraph (a) or (b) of this section.

■ 25. Amend § 11.39 by revising the section heading and paragraphs (a), (b), and (f) to read as follows:

§ 11.39 Hearing officer; responsibilities; review of interlocutory orders; stays.

(a) *Designation.* A hearing officer designated by the USPTO Director shall conduct disciplinary proceedings as provided by this part.

(b) *Independence of the hearing officer.* (1) A hearing officer designated in accordance with paragraph (a) of this section shall not be subject to first-level or second-level supervision by either the USPTO Director or OED Director or his or her designee.

(2) A hearing officer designated in accordance with paragraph (a) of this section shall not be subject to supervision of the person(s) investigating or prosecuting the case.

(3) A hearing officer designated in accordance with paragraph (a) of this section shall be impartial, shall not be an individual who has participated in any manner in the decision to initiate the proceedings, and shall not have been employed under the immediate supervision of the practitioner.

(4) A hearing officer designated in accordance with paragraph (a) of this section shall be either an administrative law judge appointed under 5 U.S.C. 3105 or an attorney designated under 35 U.S.C. 32. The hearing officer shall possess suitable experience and training in conducting hearings, reaching a determination, and rendering an initial decision in an equitable manner.

* * * * *

(f) *Stays pending review of interlocutory order.* If the OED Director or a respondent seeks review of an interlocutory order of a hearing officer under paragraph (e)(2) of this section, any time period set by the hearing officer for taking action shall not be stayed unless ordered by the USPTO Director or the hearing officer.

* * * * *

■ 26. Amend § 11.40 by revising paragraph (b) and by adding paragraph (c) to read as follows:

§ 11.40 Representative for OED Director or respondent.

* * * * *

(b) The Deputy General Counsel for Intellectual Property and Solicitor and attorneys in the Office of the Solicitor shall represent the OED Director. The attorneys representing the OED Director in disciplinary proceedings shall not consult with the USPTO Director, the General Counsel, the Deputy General Counsel for General Law, or an

individual designated by the USPTO Director to decide disciplinary matters regarding the proceeding.

(c) The General Counsel and the Deputy General Counsel for General Law shall remain screened from the investigation and prosecution of all disciplinary proceedings in order that they shall be available as counsel to the USPTO Director in deciding disciplinary proceedings unless access is appropriate to perform their duties. After a final decision is entered in a disciplinary proceeding, the OED Director and attorneys representing the OED Director shall be available to counsel the USPTO Director, the General Counsel, and the Deputy General Counsel for General Law in any further proceedings.

■ 27. Amend § 11.41 by revising paragraph (a) to read as follows:

§ 11.41 Filing of papers.

(a) The provisions of §§ 1.8 and 2.197 of this chapter do not apply to disciplinary proceedings. All papers filed after the complaint and prior to entry of an initial decision by the hearing officer shall be filed with the hearing officer at an address or place designated by the hearing officer. The term ''filed'' means the delivery, mailing, or electronic transmission of a document to a hearing officer or designee in connection with a disciplinary complaint or related matter.

* * * * *

■ 28. Revise § 11.43 to read as follows:

§ 11.43 Motions before a hearing officer.

Motions, including all prehearing motions commonly filed under the Federal Rules of Civil Procedure, shall be served on the opposing party and filed with the hearing officer. Each motion shall be accompanied by a written memorandum setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the movant relies. Unless extended by the tribunal for good cause, an opposing party shall serve and file a memorandum in response to the motion within 21 days of the date of service of the motion, and the moving party may file a reply memorandum within 14 days after service of the opposing party's responsive memorandum. All memoranda shall be double-spaced and written in 12-point font unless otherwise ordered by the hearing officer. Every motion must include a statement that the moving party or attorney for the moving party has conferred with the opposing party or attorney for the opposing party in a good-faith effort to resolve the issues raised by the motion and whether the motion is opposed. If, prior to a decision on the motion, the parties resolve issues raised by a motion presented to the hearing officer, the parties shall promptly notify the hearing officer.

■ 29. Amend § 11.44 by revising paragraphs (a) and (b) to read as follows:

§ 11.44 Hearings.

(a) The hearing officer shall preside over hearings in disciplinary proceedings. After the time for filing an answer has elapsed, the hearing officer shall set the time and place for the hearing. In cases involving an incarcerated respondent, any necessary oral hearing may be held at the location of incarceration. Oral hearings will be stenographically recorded and transcribed, and the testimony of witnesses will be received under oath or affirmation. The hearing officer shall conduct the hearing as if the proceeding were subject to 5 U.S.C. 556. A copy of the transcript of the hearing shall become part of the record. A copy of the transcript shall be provided to the OED Director and the respondent at the expense of the Office.

(b) If the respondent to a disciplinary proceeding fails to appear at the hearing after a notice of hearing has been issued by the hearing officer, the hearing officer may deem the respondent to have waived the opportunity for a hearing and may proceed with the hearing in the absence of the respondent. Where the respondent does not appear, the hearing officer may strike the answer or any other pleading, deem the respondent to have admitted the facts as alleged in the complaint, receive evidence in aggravation or mitigation, enter a default judgment, and/or enter an initial decision imposing discipline on the respondent.

* * * * *

■ 30. Amend § 11.50 by revising paragraph (a) to read as follows:

§ 11.50 Evidence.

(a) *Rules of evidence.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings in disciplinary proceedings. However, the hearing officer shall exclude evidence that is irrelevant, immaterial, speculative, or unduly repetitious.

* * * * *

■ 31. Revise § 11.51 to read as follows:

§ 11.51 Depositions.

(a) Depositions for use at the hearing in lieu of the personal appearance of a witness before the hearing officer may be taken by the respondent or the OED Director (i) by agreement or (ii) upon a showing of good cause and with the approval of, and under such conditions as may be deemed appropriate by, the hearing officer. If a motion to take a deposition is granted, the hearing officer shall authorize a subpoena to be issued pursuant to 35 U.S.C. 24. If the deponent is a USPTO employee, the respondent shall comply with the requirements of part 104 of this chapter.

(b) A party seeking a deposition shall give reasonable notice of not less than 14 days unless a shorter period is agreed upon by the parties or authorized by the hearing officer. The notice shall state the date, time, and place of the deposition.

(c) Depositions may be taken upon oral or written questions before any officer authorized to administer an oath or affirmation in the place where the deposition is to be taken. Deposition expenses shall be borne by the party at whose instance the deposition is taken.

(d) When a deposition is taken upon written questions, copies of the written questions will be served upon the other party with the notice, and copies of any written cross-questions will be served by hand or Priority Mail Express® not less than five days before the date of the taking of the deposition unless the parties mutually agree otherwise.

(e) Testimony by deposition may be recorded by audiovisual means provided that:

(1) the notice of deposition states that the method of recording is audiovisual, and

(2) a written transcript of the deposition is prepared by a court reporter who was present at the deposition and recorded the testimony.

(f) A party on whose behalf a deposition is taken shall file with the hearing officer a copy of a transcript of the deposition signed by a court reporter and a copy of any audiovisual recording and shall serve one copy of the transcript and any audiovisual recording upon the opposing party.

(g) Depositions may not be taken to obtain discovery, except as provided for in paragraph (h) of this section.

(h) When the OED Director and the respondent agree in writing, a discovery deposition of any witness who will appear voluntarily may be taken under such terms and conditions as may be mutually agreeable to the OED Director and the respondent. The deposition shall not be filed with the hearing officer and may not be admitted into evidence before the hearing officer unless he or she orders the deposition admitted into evidence. The admissibility of the deposition shall lie within the discretion of the hearing officer, who may reject the deposition on any reasonable basis, including the

fact that demeanor is involved and that the witness should have been called to appear personally before the hearing officer.

■ 32. Revise § 11.52 to read as follows:

§ 11.52 Written discovery.

(a) After an answer is filed under § 11.36, a party may seek written discovery of only relevant evidence. The party seeking written discovery shall file a motion under § 11.43 explaining in detail, for each request made, how the discovery sought is reasonable and relevant to an issue actually raised in the complaint or the answer. The motion shall include a copy of the proposed written discovery requests. Any response shall include specific objections to each request, if any. Any objection not raised in the response will be deemed to have been waived.

(b) If the hearing officer concludes that the proposed written discovery is reasonable and relevant, the hearing officer, under such conditions as he or she deems appropriate, may order an opposing party, within 30 days, or longer if so ordered by the hearing officer, to:

(1) Answer a reasonable number of requests for admission, including requests for admission as to the genuineness of documents;

(2) Answer a reasonable number of interrogatories;

(3) Produce for inspection and copying a reasonable number of documents; and

(4) Produce for inspection a reasonable number of things other than documents.

(c) Discovery shall not be authorized under paragraph (a) of this section of any matter that:

(1) Will be used by another party solely for impeachment;

(2) Is not available to the party under 35 U.S.C. 122;

(3) Relates to any other disciplinary proceeding before the Office;

(4) Relates to experts;

(5) Is privileged; or

(6) Relates to mental impressions, conclusions, opinions, or legal theories of any attorney or other representative of a party.

(d) The hearing officer may deny discovery requested under paragraph (a) of this section if the discovery sought:

(1) Will unduly delay the disciplinary proceeding;

(2) Will place an undue burden on the party required to produce the discovery sought; or

(3) Consists of information that is available:

(i) Generally to the public,

(ii) Equally to the parties, or

(iii) To the party seeking the discovery through another source.

(e) A request for admission will be deemed admitted if the party to whom the request is directed fails to respond or object to the request within the time allowed.

(f) The hearing officer may require parties to file and serve, prior to any hearing, a pre-hearing statement that contains:

(1) A list (together with a copy) of all proposed exhibits to be used in connection with a party's case-in-chief;

(2) A list of proposed witnesses;

(3) As to each proposed expert witness:

(i) An identification of the field in which the individual will be qualified as an expert,

(ii) A statement as to the subject matter on which the expert is expected to testify,

(iii) A complete statement of all opinions to which the expert is expected to testify and the basis and reasons for them, and

(iv) A description of all facts or data considered by the expert in forming the opinions; and

(4) Copies of memoranda reflecting the respondent's own statements to administrative representatives.

■ 33. Revise § 11.53 to read as follows:

§ 11.53 Proposed findings and conclusions; post-hearing memorandum.

(a) Except in cases in which the respondent has failed to answer the complaint or the amended complaint, or appear at a hearing, the hearing officer, prior to making an initial decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusions and a post-hearing memorandum in support of the proposed findings and conclusions.

(b) The OED Director shall serve and file a post-hearing memorandum within 30 days after the hearing transcript has been filed with the hearing officer. The respondent shall have 30 days after service of the OED Director's post-hearing memorandum to file a responsive post-hearing memorandum. The OED Director may file a reply memorandum within 21 days after service of any responsive post-hearing memorandum.

(c) The respondent shall serve and file a post-hearing memorandum with respect to any asserted affirmative defenses, or other matters for which the respondent bears the burden of proof, within 30 days after the hearing transcript has been filed with the hearing officer. The OED Director shall have 30 days after service of the respondent's post-hearing memorandum to file a responsive post-hearing memorandum. The respondent may file a reply memorandum within 21 days after service of any responsive post-hearing memorandum.

(d) The OED Director's and the respondent's responsive post-hearing memoranda shall be limited to 50 pages, 12-point font, double-spacing, and one-inch margins, and the reply memoranda shall be limited to 25 pages, 12-point font, double-spacing, and one-inch margins, unless otherwise ordered by the hearing officer.

(e) The hearing officer may extend the time for filing a post-hearing memorandum and may also increase the page limits, for good cause shown.

■ 34. Revise § 11.54 to read as follows:

§ 11.54 Initial decision of hearing officer.

(a) The hearing officer shall make an initial decision in the case. The decision will include:

(1) A statement of findings of fact and conclusions of law, as well as the reasons or bases for those findings and conclusions with specific references to the record, upon all the material issues of fact, law, or discretion presented on the record; and

(2) An order of default judgment, of suspension or exclusion from practice, of reprimand, of probation, or an order dismissing the complaint. The order also may impose any conditions deemed appropriate under the circumstances.

(b) The initial decision of the hearing officer shall explain the reason for any default judgment, reprimand, suspension, exclusion, or probation and shall explain any conditions imposed with discipline. In determining any sanction, the following four factors shall be considered if they are applicable:

(1) Whether the practitioner has violated a duty owed to a client, the public, the legal system, or the profession;

(2) Whether the practitioner acted intentionally, knowingly, or negligently;

(3) The amount of the actual or potential injury caused by the practitioner's misconduct; and

(4) The existence of any aggravating or mitigating factors.

(c) The hearing officer shall transmit a copy of the initial decision to the OED Director and to the respondent and shall transmit the record of the proceeding to the OED Director within 14 days, or as soon as practicable if thereafter, of the date of the initial decision.

(d) In the absence of an appeal to the USPTO Director, the decision of the hearing officer will, without further proceedings, become the final decision of the USPTO Director 30 days from the date of the decision of the hearing officer.

■ 35. Revise § 11.55 to read as follows:

§ 11.55 Appeal to the USPTO Director.

(a) Within 14 days after the date of the initial decision of the hearing officer under §§ 11.25 or 11.54, either party may appeal to the USPTO Director by filing a notice of appeal. The notice shall be filed with the General Counsel for the USPTO Director at the address set forth in § 1.1(a)(3)(iv) of this chapter and served on the opposing party. If both parties file notices of appeal, the first to file is deemed the appellant for purposes of this rule. If both file on the same day, the respondent is deemed the appellant.

(b) Any notice of cross-appeal shall be filed within 14 days after the date of service of the notice of appeal.

(c) After a notice of appeal is filed, the OED Director shall transmit the entire record to the USPTO Director and provide a copy to the respondent.

(d) The appellant's brief shall be filed within 30 days after the date of service of the record.

(e) Any appellee's brief shall be filed within 30 days after the date of service of the appellant's brief.

(f) The appellant's and appellee's briefs shall comply with the Federal Rules of Appellate Procedure 28(a)(2), (3), (5), (10), and 32(a)(4)–(7) unless otherwise ordered by the USPTO Director.

(g) Any reply brief shall be filed within 14 days after the date of service of the appellee's brief and, unless otherwise ordered by the USPTO Director, shall comply with Rules 28(c) and 32(a)(4)–(7) of the Federal Rules of Appellate Procedure.

(h) If a cross-appeal has been filed, the parties shall comply with Rules 28.1(c), (e), and (f) of the Federal Rules of Appellate Procedure unless otherwise ordered by the USPTO Director.

(i) References to the record in the briefs must be to the pages of the certified record.

(j) An appeal or cross-appeal must include exceptions to the decisions of the hearing officer and supporting reasons for those exceptions. Any exception not raised will be deemed to have been waived and will be disregarded by the USPTO Director in reviewing the initial decision.

(k) The USPTO Director may refuse entry of a nonconforming brief.

(l) The USPTO Director will decide the appeal on the record made before the hearing officer.

(m) Unless the USPTO Director permits, no further briefs or motions shall be filed. The USPTO Director may extend the time for filing a brief upon the granting of a motion accompanied by a supporting affidavit setting forth good cause warranting the extension.

(n) The USPTO Director may order reopening of a disciplinary proceeding in accordance with the principles that govern the granting of new trials. Any request to reopen a disciplinary proceeding on the basis of newly discovered evidence must demonstrate that the newly discovered evidence could not have been discovered any earlier by due diligence.

(o) Motions shall be served on the opposing party and filed with the USPTO Director. Each motion shall be accompanied by a written memorandum setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the movant relies. Unless extended by the USPTO Director for good cause, within 21 days of the date of service of the motion, an opposing party shall serve and file a response to the motion, and the moving party may file a reply within 14 days after service of the opposing party's responsive memorandum. All memoranda shall comply with Rules 32(a)(4)–(6) of the Federal Rules of Appellate Procedure unless otherwise ordered by the USPTO Director. Every motion must include a statement that the moving party or attorney for the moving party has conferred with the opposing party or attorney for the opposing party in a good faith effort to resolve the issues raised by the motion and whether the motion is opposed. If, prior to a decision on the motion, the parties resolve issues raised by a motion presented to the USPTO Director, the parties shall promptly notify the USPTO Director.

■ 36. Amend § 11.56 by revising paragraph (c) to read as follows:

§ 11.56 Decision of the USPTO Director.

* * * * *

(c) The respondent or the OED Director may make a single request for reconsideration or modification of the decision by the USPTO Director if filed within 20 days from the date of entry of the decision. The other party may file a response to the request for reconsideration within 14 days of the filing of the request. No request for reconsideration or modification shall be granted unless the request is based on newly discovered evidence or clear error of law or fact, and the requestor must demonstrate that any newly discovered evidence could not have been discovered any earlier by due diligence. Such a request shall have the effect of staying the effective date of the order of discipline in the final decision. The decision by the USPTO Director is effective on its date of entry.

■ 37. Revise § 11.57 to read as follows:

§ 11.57 Review of final decision of the USPTO Director.

(a) Review of the final decision by the USPTO Director in a disciplinary case may be had by a petition filed in accordance with 35 U.S.C. 32. Any such petition shall be filed within 30 days after the date of the final decision.

(b) The respondent must serve the USPTO Director with the petition. The respondent must serve the petition in accordance with Rule 4 of the Federal Rules of Civil Procedure and § 104.2 of this chapter.

(c) Except as provided for in § 11.56(c), an order for discipline in a final decision will not be stayed except on proof of exceptional circumstances.

■ 38. Revise § 11.58 to read as follows:

§ 11.58 Duties of disciplined practitioner or practitioner in disability inactive status.

(a) *Compliance requirements.* An excluded or suspended practitioner will not be automatically reinstated at the end of his or her period of exclusion or suspension. Unless otherwise ordered by the USPTO Director, an excluded or suspended practitioner must comply with the provisions of this section and § 11.60 to be reinstated. A practitioner transferred to disability inactive status must comply with the provisions of this section and § 11.29 to be reinstated unless otherwise ordered by the USPTO Director. Failure to comply with the provisions of this section may constitute grounds for denying reinstatement and cause for further action.

(b) *Practice prohibitions.* Any excluded or suspended practitioner, or practitioner transferred to disability inactive status, shall:

(1) Not engage in practice before the Office in patent, trademark, or other non-patent matters;

(2) Not advertise or otherwise hold himself or herself out as authorized or able to practice before the Office; and

(3) Take all necessary steps to remove any advertisements or other representations that would reasonably suggest that the practitioner is authorized or able to practice before the Office.

(c) *Thirty-day requirements.* Within 30 days after the date of the order of exclusion, suspension, or transfer to disability inactive status, an excluded or suspended practitioner, or practitioner transferred to disability inactive status, shall:

(1) Withdraw from representation in all matters pending before the Office;

(2) Provide written notice of the order of exclusion, suspension, or transfer to disability inactive status to all State and

Federal jurisdictions and administrative agencies to which the practitioner is admitted to practice;

(3) Provide to all clients having immediate or prospective business before the Office in patent, trademark, or other non-patent matters:

(i) Written notice of the order of exclusion, suspension, or transfer to disability inactive status, that calls attention to the practitioner's lack of authority to act as a practitioner after the effective date of the order; specifies any urgent dates for the client's matters; and advises the client to act promptly to seek legal advice elsewhere if the client is not already represented by another practitioner;

(ii) Any papers or other property to which the clients are entitled, or schedule a suitable time and place where the papers and other property may be obtained, and call attention to any urgency for obtaining the papers or other property; and

(iii) Any unearned fees for practice before the Office and any advanced costs not expended;

(4) Provide written notice of the order of exclusion, suspension, or transfer to disability inactive status to all opposing parties in matters pending before the Office and provide in the notice a mailing address for each client of the practitioner who is a party in the pending matter; and

(5) Serve all notices required by paragraphs (c)(2), (c)(3), and (c)(4) of this section by certified mail, return receipt requested, unless the intended recipient is located outside the United States. Where the intended recipient is located outside the United States, all notices shall be sent by a delivery service that provides the ability to confirm delivery or attempted delivery.

(d) *Forty-five-day requirements.* Within 45 days after the date of the order of exclusion, suspension, or transfer to disability inactive status, an excluded or suspended practitioner, or practitioner transferred to disability inactive status, shall file with the OED Director an affidavit of compliance certifying that the practitioner has fully complied with the provisions of the order, this section, and with § 11.116 for withdrawal from representation. Appended to the affidavit of compliance shall be:

(1) A copy of each form of notice; the names and addresses of the clients, practitioners, courts, and agencies to which notices were sent; and all return receipts or returned mail received up to the date of the affidavit. Supplemental affidavits shall be filed covering subsequent return receipts and returned mail. Such names and addresses of clients shall remain confidential unless otherwise ordered by the USPTO Director;

(2) A schedule showing the location, title, and account number of every account in which the practitioner holds, or held as of the entry date of the order, any client, trust, or fiduciary funds for practice before the Office;

(3) A schedule describing, and evidence showing, the practitioner's disposition of all client and fiduciary funds for practice before the Office in the practitioner's possession, custody, or control as of the date of the order or thereafter;

(4) A list of all State, Federal, and administrative jurisdictions to which the practitioner is admitted to practice; and

(5) A description of the steps taken to remove any advertisements or other representations that would reasonably suggest that the practitioner is authorized to practice patent, trademark, or other non-patent law before the Office.

(e) *Requirement to update correspondence address.* An excluded or suspended practitioner, or a practitioner transferred to disability inactive status, shall continue to file a statement in accordance with § 11.11 regarding any change of residence or other address to which communications may thereafter be directed.

(f) *Limited recognition for winding up practice.* Unless otherwise provided by an order of the USPTO Director, an excluded or suspended practitioner, or practitioner transferred to disability inactive status, shall not engage in any practice before the Office. The USPTO Director may grant such a practitioner limited recognition for a period of no more than 30 days to conclude work on behalf of a client on any matters pending before the Office. If such work cannot be concluded, the practitioner shall so advise the client so that the client may make other arrangements.

(g) *Required records.* An excluded or suspended practitioner, or practitioner transferred to disability inactive status, shall retain copies of all notices sent and maintain records of the various steps taken under this section. The practitioner shall provide proof of compliance as a condition precedent to the granting of any petition for reinstatement.

(h) *Aiding another practitioner while suspended or excluded; acting as a paralegal.* An excluded or suspended practitioner, or practitioner in disability inactive status, may act as a paralegal for a supervising practitioner or perform other services for the supervising practitioner that are normally performed by laypersons, provided:

(1) The practitioner is under the direct supervision of the supervising practitioner;

(2) The practitioner is a salaried employee of:

(i) The supervising practitioner,

(ii) The supervising practitioner's law firm, or

(iii) A client-employer who employs the supervising practitioner as a salaried employee;

(3) The supervising practitioner assumes full professional responsibility to any client and the Office for any work performed by the practitioner for the supervising practitioner; and

(4) The practitioner does not:

(i) Communicate directly in writing, orally, or otherwise with a client, or prospective client, of the supervising practitioner in regard to any immediate or prospective business before the Office;

(ii) Render any legal advice or any legal services in regard to any immediate or prospective business before the Office; or

(iii) Meet in person with, regardless of the presence of the supervising practitioner:

(A) Any Office employee in connection with the prosecution of any patent, trademark, or other matter before the Office;

(B) Any client, or prospective client, of the supervising practitioner, the supervising practitioner's law firm, or the client-employer of the supervising practitioner regarding immediate or prospective business before the Office; or

(C) Any witness or potential witness whom the supervising practitioner, the supervising practitioner's law firm, or the supervising practitioner's client-employer may, or intends to, call as a witness in any proceeding before the Office. The term ''witness'' includes individuals who will testify orally in a proceeding before, or sign an affidavit or any other document to be filed in, the Office.

(i) *Reinstatement after aiding another practitioner while suspended or excluded.* When an excluded or suspended practitioner, or practitioner transferred to disability inactive status, acts as a paralegal or performs services under paragraph (h) of this section, the practitioner shall not thereafter be reinstated to practice before the Office unless:

(1) The practitioner has filed with the OED Director an affidavit that:

(i) Explains in detail the precise nature of all paralegal or other services performed by the practitioner, and

(ii) Shows by clear and convincing evidence that the practitioner has complied with the provisions of this section and all USPTO Rules of Professional Conduct; and

(2) The supervising practitioner has filed with the OED Director a written statement that:

(i) States that the supervising practitioner has read the affidavit required by paragraph (i)(1) of this section and that the supervising practitioner believes every statement in the affidavit to be true, and

(ii) States that the supervising practitioner believes that the excluded or suspended practitioner, or practitioner transferred to disability inactive status, has complied with paragraph (h) of this section.

■ 39. Revise § 11.60 to read as follows:

§ 11.60 Petition for reinstatement of disciplined practitioner.

(a) *Restrictions on practice.* An excluded or suspended practitioner shall not resume the practice of patent, trademark, or other non-patent matters before the Office until reinstated.

(b) *Petition for reinstatement for excluded or suspended practitioners.* An excluded or suspended practitioner shall be eligible to petition for reinstatement only upon expiration of the period of suspension or exclusion and the practitioner's full compliance with § 11.58. An excluded practitioner shall be eligible to petition for reinstatement no earlier than five years from the effective date of the exclusion.

(c) *Review of reinstatement petition.* An excluded or suspended practitioner shall file a petition for reinstatement accompanied by the fee required by § 1.21(a)(10) of this chapter. The petition for reinstatement shall be filed with the OED Director. A practitioner who has violated any provision of § 11.58 shall not be eligible for reinstatement until a continuous period of the time in compliance with § 11.58 that is equal to the period of suspension or exclusion has elapsed. If the excluded or suspended practitioner is not eligible for reinstatement, or if the OED Director determines that the petition is insufficient or defective on its face, the OED Director may dismiss the petition. Otherwise, the OED Director shall consider the petition for reinstatement. The excluded or suspended practitioner seeking reinstatement shall have the burden of proving, by clear and convincing evidence, that:

(1) The excluded or suspended practitioner has the good moral character and reputation, competency, and learning in law required under § 11.7 for admission;

(2) The resumption of practice before the Office will not be detrimental to the administration of justice or subversive to the public interest; and

(3) The practitioner, if suspended, has complied with the provisions of § 11.58 for the full period of suspension or, if excluded, has complied with the provisions of § 11.58 for at least five continuous years.

(d) *Petitions for reinstatement—Action by the OED Director granting reinstatement.* (1) If the excluded or suspended practitioner is found to have complied with paragraphs (c)(1) through (c)(3) of this section, the OED Director shall enter an order of reinstatement that shall be conditioned on payment of the costs of the disciplinary proceeding to the extent set forth in paragraphs (d)(2) and (d)(3) of this section.

(2) *Payment of costs of disciplinary proceedings.* Prior to reinstatement to practice under this section, the excluded or suspended practitioner shall pay the costs of the disciplinary proceeding. The costs imposed pursuant to this section include all of the following:

(i) The actual expense incurred by the OED Director or the Office for the original and copies of any reporter's transcripts of the disciplinary proceeding and any fee paid for the services of the reporter;

(ii) All expenses paid by the OED Director or the Office that would qualify as taxable costs recoverable in civil proceedings; and

(iii) The charges determined by the OED Director to be ''reasonable costs'' of investigation, hearing, and review. These amounts shall serve to defray the costs, other than fees for services of attorneys and experts, of the Office of Enrollment and Discipline in the preparation or hearing of the disciplinary proceeding and costs incurred in the administrative processing of the disciplinary proceeding.

(3) A practitioner may only be granted relief from an order assessing costs under this section, whether in whole or in part or by grant of an extension of time to pay these costs, upon grounds of hardship, special circumstances, or other good cause at the discretion of the OED Director.

(e) *Petitions for reinstatement—Action by the OED Director denying reinstatement.* If the excluded or suspended practitioner is found unfit to resume practice before the Office, the OED Director shall first provide the excluded or suspended practitioner with an opportunity to show cause in writing why the petition should not be denied. If unpersuaded by the showing, the OED Director shall deny the petition. In addition to the reinstatement provisions set forth in this section, the OED Director may require the excluded or suspended practitioner, in meeting the requirements of paragraph (c)(1) of this section, to take and pass the registration examination; attend ethics, substance abuse, or law practice management courses; and/or take and pass the Multistate Professional Responsibility Examination.

(f) *Right to review.* An excluded or suspended practitioner dissatisfied with a final decision of the OED Director regarding his or her reinstatement may seek review by the USPTO Director pursuant to § 11.2(d).

(g) *Resubmission of petitions for reinstatement.* If a petition for reinstatement is denied, no further petition for reinstatement may be filed until the expiration of at least one year following the denial unless the order of denial provides otherwise.

(h) *Reinstatement proceedings open to public.* (1) Proceedings on any petition for reinstatement shall be open to the public. Before reinstating any excluded or suspended practitioner, the OED Director shall publish a notice that such practitioner seeks reinstatement and shall permit the public a reasonable opportunity to comment or submit evidence regarding such matter.

(2) Up to 90 days prior to the expiration of the period of suspension or exclusion, a practitioner may file a written notice of his or her intent to seek reinstatement with the OED Director and may request that such notice be published. In the absence of such a request, notice of a petition for reinstatement will be published upon receipt of such petition.

■ 40. Revise § 11.106 to read as follows:

§ 11.106 Confidentiality of information.

(a) A practitioner shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, the disclosure is permitted by paragraph (b) of this section, or the disclosure is required by paragraph (c) of this section.

(b) A practitioner may reveal information relating to the representation of a client to the extent the practitioner reasonably believes necessary:

(1) To prevent reasonably certain death or substantial bodily harm;

(2) To prevent the client from engaging in inequitable conduct before

the Office or from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the practitioner's services;

(3) To prevent, mitigate, or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime, fraud, or inequitable conduct before the Office in furtherance of which the client has used the practitioner's services;

(4) To secure legal advice about the practitioner's compliance with the USPTO Rules of Professional Conduct;

(5) To establish a claim or defense on behalf of the practitioner in a controversy between the practitioner and the client, to establish a defense to a criminal charge or civil claim against the practitioner based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the practitioner's representation of the client;

(6) To comply with other law or a court order; or

(7) To detect and resolve conflicts of interest arising from the practitioner's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the practitioner-client privilege or otherwise prejudice the client.

(c) A practitioner shall disclose to the Office information necessary to comply with applicable duty of disclosure provisions.

(d) A practitioner shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

■ 41. Amend § 11.118 by revising paragraphs (a) and (b) to read as follows:

§ 11.118 Duties to prospective client.

(a) A person who consults with a practitioner about the possibility of forming a client-practitioner relationship with respect to a matter is a prospective client.

(b) Even when no client-practitioner relationship ensues, a practitioner who has learned information from a prospective client shall not use or reveal that information, except as § 11.109 would permit with respect to information of a former client.

* * * * *

■ 42. Revise § 11.702 to read as follows:

§ 11.702 Communications concerning a practitioner's services: specific rules.

(a) A practitioner may communicate information regarding the practitioner's services through any medium.

(b) A practitioner shall not compensate, give, or promise anything of value to a person for recommending the practitioner's services, except that a practitioner may:

(1) Pay the reasonable costs of advertisements or communications permitted by this section;

(2) Pay the usual charges of a legal service plan or a not-for-profit or qualified practitioner referral service;

(3) Pay for a law practice in accordance with § 11.117;

(4) Refer clients to another practitioner or a non-practitioner professional pursuant to an agreement not otherwise prohibited under the USPTO Rules of Professional Conduct that provides for the other person to refer clients or customers to the practitioner, if:

(i) The reciprocal referral agreement is not exclusive, and

(ii) The client is informed of the existence and nature of the agreement; and

(5) Give nominal gifts as an expression of appreciation that are neither intended nor reasonably expected to be a form of compensation for recommending a practitioner's services.

(c) A practitioner shall not state or imply that he or she is certified as a specialist in a particular field of law, unless:

(1) The practitioner has been certified as a specialist by an organization that has been approved by an appropriate authority of a State or that has been accredited by the American Bar Association, and

(2) The name of the certifying organization is clearly identified in the communication.

(d) Any communication made under this section must include the name and contact information of at least one practitioner or law firm responsible for its content.

■ 43. Revise § 11.703 to read as follows:

§ 11.703 Solicitation of clients.

(a) ''Solicitation'' or ''solicit'' denotes a communication initiated by or on behalf of a practitioner or law firm that is directed to a specific person the practitioner knows or reasonably should know needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter.

(b) A practitioner shall not solicit professional employment by live person-to-person contact when a significant motive for the practitioner's doing so is the practitioner's or law firm's pecuniary gain, unless the contact is with a:

(1) Practitioner;

(2) Person who has a family, close personal, or prior business or professional relationship with the practitioner or law firm; or

(3) Person who routinely uses for business purposes the type of legal services offered by the practitioner.

(c) A practitioner shall not solicit professional employment even when not otherwise prohibited by paragraph (b) of this section, if:

(1) The target of solicitation has made known to the practitioner a desire not to be solicited by the practitioner, or

(2) The solicitation involves coercion, duress, or harassment.

(d) This section does not prohibit communications authorized by law or ordered by a court or other tribunal.

(e) Notwithstanding the prohibitions in this section, a practitioner may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the practitioner that uses live person-to-person contact to enroll members or sell subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.

■ 44. Amend § 11.704 by revising paragraph (e) to read as follows:

§ 11.704 Communication of fields of practice and specialization.

* * * * *

(e) Individuals granted limited recognition may use the designation ''Limited Recognition'' but may not hold themselves out as being registered.

■ 45. Amend § 11.804 by revising paragraphs (b) and (h) to read as follows:

§ 11.804 Misconduct.

* * * * *

(b) Commit a criminal act that reflects adversely on the practitioner's honesty, trustworthiness, or fitness as a practitioner in other respects, or be convicted of a crime that reflects adversely on the practitioner's honesty, trustworthiness, or fitness as a practitioner in other respects;

* * * * *

(h) Be publicly disciplined on ethical or professional misconduct grounds by any duly constituted authority of:

(1) A State,

(2) The United States, or

(3) A country having disciplinary jurisdiction over the practitioner; or

* * * * *

Dated: May 29, 2020.

Andrei Iancu,

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

[FR Doc. 2020–12210 Filed 7–29–20; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R05–RCRA–2020–0275; FRL–10011–96–Region 5]

Illinois: Proposed Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Illinois has applied to the Environmental Protection Agency (EPA) for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. EPA has reviewed Illinois' application and has determined that these changes satisfy all requirements needed to qualify for final authorization. Therefore, we are proposing to authorize the State's changes. EPA seeks public comment prior to taking final action.

DATES: Comments on this proposed rule must be received by September 14, 2020.

ADDRESSES: Submit your comments by one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Email: greenberg.judith@epa.gov.*

EPA must receive your comments by September 14, 2020. Direct your comments to Docket ID Number EPA–R05–RCRA–2020–0275. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov,* or email. The federal *www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional submission methods, the full EPA public comment policy, information about CBI or multi-media submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: All documents in the docket are listed in the *www.regulations.gov,* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in *www.regulations.gov.* For alternative access to docket materials, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Judith Greenberg, RCRA C and D Section, Land, Chemicals and Redevelopment Division, LL–17J, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; telephone number: (312) 886–4179, email address: *greenberg.judith@epa.gov.* The EPA Region 5 office is open from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding federal holidays and facility closures due to COVID–19.

SUPPLEMENTARY INFORMATION:

A. Why are revisions to state programs necessary?

States that have received final authorization from EPA under RCRA Section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal program. As the federal program changes, states must change their programs and request EPA to authorize the changes. Changes to state programs may be necessary when federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, states must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

New federal requirements and prohibitions imposed by federal regulations that EPA promulgated pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) take effect in authorized states at the same time they take effect in unauthorized states. Thus, EPA will implement those requirements and prohibitions in Illinois, including the issuance of new permits implementing those requirements, until the State is granted authorization to do so.

B. What decisions have we made in this rule?

On August 7, 2019, Illinois submitted a complete program revision application seeking authorization of changes to its hazardous waste program that correspond to certain federal rules promulgated between July 20, 1993 and January 13, 2015. EPA concludes that Illinois' application to revise its authorized program meets all the statutory and regulatory requirements established under RCRA, as set forth in RCRA section 3006(b), 42 U.S.C. 6926(b), and 40 CFR part 271. Therefore, EPA proposes to grant Illinois final authorization to operate its hazardous waste program with the changes described in the authorization application, and as outlined below in Section G of this document.

Illinois has responsibility for permitting treatment, storage, and disposal facilities within its borders and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of HSWA, as discussed above.

C. What will be the effect if Illinois is authorized for these changes?

If Illinois is authorized for the changes described in Illinois' authorization application, these changes will become a part of the authorized state hazardous waste program and will therefore be federally enforceable. Illinois will continue to have primary enforcement authority and responsibility for its state hazardous waste program. EPA would maintain its authorities under RCRA sections 3007, 3008, 3013, and 7003, including its authority to:

• Conduct inspections, and require monitoring, tests, analyses, and reports;

• Enforce RCRA requirements, including authorized state program requirements, and suspend or revoke permits; and

• Take enforcement actions regardless of whether the State has taken its own actions.

This action will not impose additional requirements on the regulated community because the regulations for which EPA is proposing to authorize Illinois are already effective under state law and are not changed by today's proposed action.

D. What happens if EPA receives adverse comments on this action?

If EPA receives comments on this proposed action, we will address all such comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you should do so at this time.

E. What has Illinois previously been authorized for?

Illinois initially received Final Authorization on October 16, 1986, effective October 30, 1986 (51 FR 36804), to implement the RCRA hazardous waste management program. EPA granted authorization for changes to Illinois' program on the following dates: March 5, 1988 (53 FR 126, January 5, 1988); April 30, 1990 (55 FR 7320, March 1, 1990); June 3, 1991 (56 FR 13595, April 3, 1991); August 15, 1994 (59 FR 30525, June 14, 1994); May 14, 1996, (61 FR 10684, March 15, 1996); October 4, 1996 (61 FR 40520, August 5, 1996); and on March 10, 2017 (82 FR 13256, March 10, 2017).

F. What changes are we proposing with today's action?

On August 22, 2019, Illinois submitted a final complete program revision application, seeking authorization of changes to its hazardous waste management program in accordance with 40 CFR 271.21. EPA proposes to determine, subject to receipt of written comments that oppose this action, that Illinois' hazardous waste program revisions are equivalent to, consistent with, and no less stringent than the federal program, and therefore satisfy all the requirements necessary to qualify for final authorization. Therefore, EPA is proposing to authorize Illinois for the following program changes:

TABLE 1—ILLINOIS' ANALOGS TO THE FEDERAL REQUIREMENTS

Rule checklist	Description of federal requirement	**Federal Register** and date	Analogous state authority: Subtitle G: Waste Disposal, 35 Ill. Adm. Code (IAC)
125	Requirements for Preparation, Adoption, and Submittal of Implementation Plans.	58 FR 38816, July 20, 1993	720.111, 726.204, 726.206, 726 Appendix J (repealed).
126, 126.1	Testing and Monitoring Activities	58 FR 46040, August 31, 1993, as amended September 19, 1994 at 59 FR 47980.	702.104, 703.205, 703.223, 703.232, 720.111, 721.122, 721.124, 721 Appendices B and C, 721 Appendix J (repealed), 724.290, 724.414, 728.107, 728.140, 728 Appendices A and I.
127	Burning of Hazardous Waste in Boilers and Industrial Furnaces.	58 FR 59598, November 9, 1993	726.212, 726 Appendix L.
128	Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Wastes from Wood Surface Protection.	59 FR 00458, January 4, 1994	720.111, 721 Appendix H.
129	Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Treatability Studies Sample Exclusion.	59 FR 08362, February 18, 1994	721.104.
130	Hazardous Waste Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards.	59 FR 10550, March 4, 1994	739.100, 739.110, 739.120, 739.141, 739.144, 739.146, 739.153, 739.163.
131	Recordkeeping Instructions	59 FR 13891, March 24, 1994	724 Appendix A, 725 Appendix A.
132	Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Wastes from Wood Surface Protection; Correction.	59 FR 28484, June 2, 1994	720.111.
133	Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Underground Storage Tanks, and Underground Injection Control Systems; Financial Assurance; Letter of Credit.	59 FR 29958, June 10, 1994	724.251.
134	Hazardous Waste Management System; Correction of Listing of P015—Beryllium Powder.	59 FR 31551, June 20, 1994	721.133, 721 Appendix G, 728.142.
135	Identification and Listing of Hazardous Waste; Amendments to Definition of Solid Waste.	59 FR 38536, July 28, 1994	721.103, 721.104, 721.106, 726.200.
136	Standards for the Management of Specific Hazardous Wastes; Amendment to Subpart C—Recyclable Materials Used in a Manner Constituting Disposal; Final Rule.	59 FR 43496, August 24, 1994	726.120, 728.141.
137, 137.1	Land Disposal Restrictions Phase II—Universal Treatment Standards, and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Waste.	59 FR 47982. September 19, 1994, as amended January 3, 1995, at 60 FR 242.	720.130, 720.131, 720.132, 720.133, 721.102, 724.101, 725.101, 726.123, 726.200, 726 Appendix M, 728.101, 728.102, 728.107, 728.109, 728.138, 728.140, 728.141, 728.142, 728.143, 728.145, 728.146, 728.148, 728 Appendix D.
139	Hazardous Waste Management System; Testing and Monitoring Activities—Amendment 1.	60 FR 03089, January 3, 1995	720.111.
140, 140.1, 140.2	Hazardous Waste Management System; Carbamate Production Identification and Listing of Hazardous Waste; and CERCLA Hazardous Substance Designation and Reportable Quantities.	60 FR 07824, February 9, 1995, as amended April 17, 1995 at 60 FR 19165; and May 12, 1995, at 60 FR 25619.	721.103, 721.132, 721.133, 721 Appendices G and H.
141	Hazardous Waste Management System; Testing and Monitoring Activities—Amendment 2.	60 FR 17001, April 4, 1995	721.111.
144	Solid Waste, Hazardous Waste, Oil Discharge, and Superfund Programs; Removal of Legally Obsolete Rules.	60 FR 33912, June 29, 1995	702.110, 702.120, 721.131, 726.203, 726.204.
145	Hazardous Waste Management: Liquids in Landfills	60 FR 35703, July 11, 1995	724.414, 725.414.
151, 151.1, 151.2, 151.3, 151.4, 151.5, 151.6.	Land Disposal Restrictions Phase III—Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners.	61 FR 15566, April 8, 1996; as amended April 8, 1996, at 61 FR 15660; April 30, 1996 at 61 FR 19117; June 28, 1996, at 61 FR 33680; July 10, 1996, at 61 FR 36419; August 26, 1996, at 61 FR 43924; and February 19, 1997, at 62 FR 7502.	728.101, 728.102, 728.103, 728.107, 728.108 (repealed). 728.109, 728.139, 728.140, 728.142, 728.144, 728.148, 728 Appendix K.
153	Criteria for Classification of Solid Waste Disposal Facilities and Practices; Identification and Listing of Hazardous Waste; Requirements for Authorization of State Hazardous Waste Programs.	61 FR 34252, July 1, 1996	722.114.

TABLE 1—ILLINOIS' ANALOGS TO THE FEDERAL REQUIREMENTS—Continued

Rule checklist	Description of federal requirement	**Federal Register** and date	Analogous state authority: Subtitle G: Waste Disposal, 35 Ill. Adm. Code (IAC)
156	Military Munitions Rule: Hazardous Waste Identification and Management; Explosives Emergencies; Manifest Exemption for Transport of Hazardous Waste on Right-of-Ways on Contiguous Properties.	62 FR 06622, February 12, 1997	703.121, 703.280, 720.110, 721.102, 722,110, 722.120, 723.110, 724.101, 724.170, 724.1200, 724.1201, 724.1202, 725.101, 725.170, 725.1200, 725.1202, 726.300, 726.301, 726.302, 726.303, 726.304, 726.305, 726.306.
159	Hazardous Waste Management System; Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions.	62 FR 32974, June 17, 1997	721.132, 721.133, 721 Appendices G and H, 728.139, 728.140.
161	Second Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production.	62 FR 45568, August 28, 1998	728.140, 728.148.
166, 166.1	Recycled Used Oil Management Standards; Technical Correction and Clarification.	63 FR 24963, May 6, 1998, as amended July 14, 1998, at 63 FR 37780.	721.106, 722.113, 739.110, 739.122, 739.145, 739.154, 739.164, 739.174.
167A	Land Disposal Restrictions Phase IV—Treatment Standards for Metal Wastes and Mineral Processing Wastes.	63 FR 28556, May 26, 1998	728.102, 728.103, 728.134, 728.140, 728.148.
167B	Land Disposal Restrictions Phase IV—Hazardous Soils Treatment Standards and Exclusions.	63 FR 28556, May 26, 1998	728.102, 728.107, 728.144, 728.149.
167C, 167C.1	Land Disposal Restrictions Phase IV—Corrections	63 FR 28556, May 26, 1998	728.104, 728.107, 728.140, 728.142, 728.145, 728.148, 728 Appendices G and H.
167D	Mineral Processing Secondary Materials Exclusion	63 FR 28556, May 26, 1998	721.102, 721.104.
167E	Bevill Exclusion Revisions and Clarification	63 FR 28556, May 26, 1998	721.103, 721.104.
167F	Exclusion of Recycled Wood Preserving Wastewaters.	63 FR 28556, May 26, 1998	721.104.
169	Petroleum Refining Process	63 FR 42110, August 6, 1998	721.103, 721.104, 721.106, 721.131, 721.132, 721 Appendix G, 726.200, 728.135, 728.140.
170	Land Disposal Restrictions—Phase IV	63 FR 46332, August 31, 1998	728.140.
171	Emergency Provisions of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production.	63 FR 47409, September 4, 1998	728.140, 728.148.
174	Standards Applicable to Owners and Operators of Closed/Closing Facilities.	63 FR 56710, October 22, 1998	703.121, 703.161, 703.182, 703.214, 724.190, 724.210, 724.212, 724.218, 724.240, 725.190, 725.210, 725.212, 725.218, 725.221, 725.240.
175	Hazardous Remediation Waste Management Requirements (HWIR-Media).	63 FR 65874, November 30, 1998	702.110, 702.126, 703.157, 703.234, 703.300, 703.301, 703.302, 703.303, 703.304, 703.305, 703.306, 703 Appendix A, 720.110, 721.104, 724.101, 724.173, 724.201, 724.652, 724.653, 724.654, 725.101, 728.102, 728.150.
178	Petroleum Refining Process Wastes	64 FR 06806, February 11, 1999	721.104.
179	Land Disposal Restrictions Phase IV—Technical Corrections and Clarifications to Treatment Standards.	64 FR 25408, May 11, 1999	721.102, 721.104, 722.134, 728.102, 728.107, 728.109, 728.140, 728.148, 728.149.
183	Land Disposal Restrictions Phase IV—Technical Corrections.	64 FR 56469, October 20, 1999	721.132, 722.134. 728.107, 728.140, 728.149.
187	Organobromine Production Waste and Petroleum Refining Process Waste: Technical Correction.	65 FR 36365, June 8, 2000	721.131, 728 Appendix G.
192A	Mixture and Derived-From Rules Revisions	66 FR 27266, May 16, 2001	721.103.
192B	Land Disposal Restrictions Correction	66 FR 27266, May 16, 2001	728 Appendix G.
194	Correction to the Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-From Rules.	66 FR 50332, October 3, 2001	721.103.
195, 195.1	Inorganic Chemical Manufacturing Wastes Identification and Listing.	66 FR 58258, November 20, 2001, as amended April 9, 2002, at 67 FR 17119.	721.104, 721.132, 721 Appendix G, 728.136, 728.140.
196	CAMU Amendments	67 FR 02962, January 22, 2002	720.110, 724.650, 724.651, 724.652.
199	Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Wastes and TCLP Use with MGP Waste.	67 FR 11251, March 13, 2002	721.102, 721.104, 721.124.
206, 206.1	Non-wastewaters from Dyes and Pigments	70 FR 09138, February 24, 2005, as amended June 13, 2005, at 70 FR 35032.	721.104, 721.132, 721 Appendices G and H, 728.120, 728.140, 728.148.

TABLE 1—ILLINOIS' ANALOGS TO THE FEDERAL REQUIREMENTS—Continued

Rule checklist	Description of federal requirement	**Federal Register** and date	Analogous state authority: Subtitle G: Waste Disposal, 35 Ill. Adm. Code (IAC)
214	CFR Corrections Rule I	71 FR 40254, July 14, 2006	702.101, 702.110, 702.122, 702.123, 702.124, 702.126, 702.163, 703.153, 703.180, 703.181, 703.184, 703.186, 703.203, 703.204, 703.206, 703.212, 703.273, 703 Appendix A, 720.110, 720.122, 720.140, 720.141, 721.102, 721.103, 721.104, 721.106, 721.121, 721.124, 721.131, 721.132, 721.133, 721.138, 721 Appendices G and H, 722.134, 722.153, 722.156, 722.170, 722.181, 722.182, 722.183, 722.184, 722.187, 724.101, 724.113, 724.117, 724.118, 724.197, 724.198, 724.199, 724.201, 724.211, 724.212, 724.215, 724.216, 724.218, 724.219, 724.240, 724.242, 724.243, 724.245, 724.247, 724.251, 724.275, 724.293, 724.321, 724.323, 724.326, 724.351, 724.352, 724.359, 724.380, 724.383, 724.401, 724.402, 724.404, 724.414, 724.417, 724.444, 724.652, 724.653, 724.654, 724.655, 724.673, 724.700, 724.701, 724.930, 724.933, 724.934, 724.935, 724.950, 724.958, 724.964, 724.980, 724.990, 724.1101, 724.1102, 724 Appendix A, 725.101, 725.112, 725.114, 725.116, 725.119, 725.156, 725.190, 725.211, 725.212, 725.213, 725.217, 725.219, 725.240, 724.242, 725.245, 725.247, 725.274, 725.293, 725.294, 725.297, 725.301, 725.321, 725.324, 725.328, 725.329, 725.355, 725.359, 725.380, 725.381, 725.401, 725.402, 725.403, 725.412, 725.414, 725.416, 725.505, 725.541, 725.543, 725.545, 725.933, 725.935, 725.963, 725.980, 725.985, 725.987, 725.990, 725.1100, 725.1101, 725 Appendices A, E, and F, 726.106, 726.170, 726.180, 726.200, 726.202, 726.203, 726.209, 726 Appendices C, D, E, F, H, I, and M, 727.240, 728.102, 728.104, 728.106, 728.107, 728.114, 728.140, 728.142, 728.144, 728.145, 728.149, 728.150, 728 Appendix H, 733.109, 733.113, 733.114, 733.134, 739.101, 739.110, 739.111, 739.143, 739.144, 739.145, 739.152, 739.155, 739.156, 739.157, 739.159, 739.163, 739.164, 739.170.
220	Academic Laboratories Generator Standards, Alternative for Hazardous Determination and Accumulation.	73 FR 72912, December 1, 2008	722.110, 722.113, 722.300, 722.301, 722.302, 722.303, 722.304, 722.305, 722.306, 722.307, 722.308, 722.309, 722.310, 722.311, 722.312, 722.313, 722.314, 722.315, 722.316.
226	Technical Corrections to the Generator Standards for Academic Laboratories.	75 FR 79304, December 20, 2010	722.300, 722.306, 722.314, 726.312.
233A	Revisions to the Definition of Solid Waste	80 FR 1694, January 13, 2015	720.131, 720.133, 720.142.
233B	Revisions to the Definition of Solid Waste	80 FR 1694, January 13, 2015	720.110, 720.143, 721.102.
233C	Revisions to the Definition of Solid Waste	80 FR 1694, January 13, 2015	721.101.
233D1	Revisions to the Definition of Solid Waste	80 FR 1694, January 13, 2015	720.110, 720.130, 720.131, 720.134, 721.101, 721.102, 721.104, 721.500, 721.510, 721.511, 721.520.
233E	Revisions to the Definition of Solid Waste	80 FR 1694, January 13, 2015	720.110, 721.102, 721.104, 721.270, 721.271, 721.272, 721.273, 721.275, 721.276, 721.277, 721.279, 721.290, 721.291, 721.293, 721.294, 721.296, 721.297, 721.298, 721.299, 721.300, 721.930, 721.931, 721.933, 721.950, 721.951, 721.980, 721.981, 721.982, 721.983, 721.986, 721.989.

Illinois' application included a statement signed by the Attorney General's office on February 15, 2019, that certified, among other things, that the provisions for which the State is seeking authorization are contained in statutes and regulations lawfully adopted and which were in effect at the time the statement was signed.

G. Where are the revised state rules different from the federal rules?

When revised state rules differ from the federal rules in the RCRA state authorization process, EPA determines whether the state rules are equivalent to, more stringent than, or broader in scope than the federal program. Pursuant to Section 3009 of RCRA, 42 U.S.C. 6929, state programs may contain requirements that are more stringent than the federal regulations. Such more stringent requirements can be federally authorized and, once authorized, become federally enforceable. Although the statute does not prevent states from adopting regulations that are broader in scope than the federal program, states cannot receive federal authorization for such regulations, and they are not federally enforceable.

More Stringent Rules

EPA considers the following state requirements to be more stringent than the federal requirements:

- 35 IAC 722.122 and 722.123(a)(4), because Illinois requires more manifest copies than the federal rules. In 35 IAC 724.213(d)(3), Illinois adds requirements to the contingent corrective measures plan found in 40 CFR 264.113(e)(4)(i).
- 35 IAC 722.141, 724.175, and 725.175, because Illinois requires an annual report instead of the biennial report required in 40 CFR 262.22, 264.75, and 265.75.
- 35 IAC 724.156(i), because Illinois has added this provision to facilitate state notification.
- 35 IAC 725.245, because Illinois does not allow the extension of time to submit the financial test and corporate guarantee documents to the agency as federally allowed in 40 CFR 265.145(e)(4).
- 35 IAC 725.414, because Illinois prohibits all liquids in landfills; whereas the federal rules allow for exceptions in 40 CFR 265.314(f)(1) and (2).
- 35 IAC Part 729, because Illinois prohibits disposal of certain hazardous wastes in landfills. This part has no

directly equivalent federal part, but it is a counterpart of the land ban regulations at 40 CFR part 268 and the landfill requirements at 40 CFR parts 264 and 265.

- 35 IAC 728.106(e), because Illinois requires at least a 90-day notice when a facility wants to make changes to unit design; whereas EPA in 40 CFR 268.6(e) only requires a 30-day notice.
- 35 IAC 703.271(e), because Illinois adds some additional cases where a permit must be modified.

These requirements would become part of Illinois' authorized program and would be federally enforceable.

Broader in Scope Rules

EPA also considers the following state requirements to go beyond the scope of the federal program:

- 35 IAC 721.103(g), because Illinois does not allow the exemption allowed in the federal rules at 40 CFR 261.3(g)(4), for certain mixtures.
- 35 IAC 739.146, because Illinois adds subsection (a)(6) which covers special waste (35 IAC Part 808) not regulated in the RCRA subtitle C program.
- 35 IAC 739.146(a)(6), 739.156(a)(7), 739.165(a)(7), and 739.174(a)(7), because Illinois has added information requirements for special wastes.

Broader-in-scope requirements do not become part of the authorized program and EPA cannot enforce them. Although regulated entities must comply with these requirements in accordance with state law, they are not RCRA requirements.

Nondelegable Rules

EPA cannot authorize the federal requirements at 40 CFR 260.21, 268.5, 268.6, 268.42(b), and 268.44. Although Illinois has adopted these requirements verbatim from the federal regulations at 35 IAC 720.121, 728.105, 728.106, 728.142(b), and 728.144, EPA would continue to implement the federal requirements.

Universal Waste Lamps Rules Not Authorized

Illinois allows Lamp Crushing under its current version of the Universal Waste Rule (35 IAC 733.105, 733.113(d), 733.133(d), and 733.134(e)), and has not applied for authorization of the Universal Waste Lamps Rule. In the future, EPA will determine whether to prohibit crushing of lamps, or decide under what conditions lamp crushing may be permitted. Until the issue is resolved, no state that allows crushing may be authorized for the Universal Waste Lamps rule, and the Illinois version of the Universal Waste Lamps Rule is not part of the Illinois authorized program.

H. Who handles permits after the final authorization takes effect?

When the final authorization takes effect, Illinois will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which EPA issues prior to the effective date of the proposed authorization until they expire or are terminated. EPA will not issue any new permits or new portions of permits for the provisions listed in the Table above after the effective date of the authorization. EPA will continue to implement and issue permits for HSWA requirements for which Illinois is not yet authorized. EPA has the authority to enforce state-issued permits after the State is authorized.

I. How does proportionate share liability affect Illinois' RCRA program?

Illinois' RCRA authorities are not impacted by the proportionate share liability (PSL) provision of the Illinois Environmental Protection Act, 415 ILCS 5/58.9(a)(1). Section 58.9(a)(1) provides, in pertinent part:

Notwithstanding any other provisions of this Act to the contrary, . . . in no event may the Agency, the State of Illinois, or any person bring an action pursuant to this Act or the Groundwater Protection Act to require any person to conduct remedial action or to seek recovery of costs for remedial activity conducted by the State of Illinois or any person beyond the remediation of releases of regulated substances that may be attributed to being proximately caused by such person's act of omission or beyond such person's proportionate degree of responsibility for costs of the remedial action of releases of regulated substances that were proximately caused or contributed to by 2 or more persons.

Section 58.9 is part of Title XVII (Site Remediation Program) of the Illinois Environmental Protection Act. Title XVII does not apply to a particular site if ''. . . (ii) the site is a treatment, storage, or disposal site for which a permit has been issued, or that is subject to closure requirements under federal or state solid or hazardous waste laws'' (415 ILCS 5/58.1(a)(2)(ii)). Hazardous waste treatment, storage, and disposal facilities under Subtitle C of RCRA fall within the exclusion at Section 58.1(a)(2)(ii). These facilities are subject to closure and post-closure care requirements under the Act (415 ILCS 5/22.17) and Illinois program rules that are identical in substance to federal rules at 40 CFR part 264 (35 IAC 724). The Illinois Appellate Court has held that the PSL does not apply to sites that are outside the scope of Title XVII. *People of the State of Illinois* v. *State Oil,* 822 NE. 2d 876 (Ill. App. 2004). Therefore, the exclusion at Section 58.1(a)(2)(ii) renders Title XVII, including Section 58.9, inapplicable to sites upon which RCRA regulated facilities are located. Based on this exclusion, and as indicated by the Illinois Attorney General in the Attorney General Statement included in the State's October 19, 2015 final program revision application, the PSL provision does not impact the adequacy of Illinois' RCRA authorities.

J. What is codification and is EPA codifying Illinois' hazardous waste program as authorized in this rule?

Codification is the process of placing citations and references to the state's statutes and regulations that comprise the state's authorized hazardous waste program into the Code of Federal Regulations. EPA does this by adding those citations and references to the authorized state rules in 40 CFR part 272. EPA previously codified Illinois' authorized program in effect as of June 3, 1991, at 40 CFR part 272, subpart O (See 57 FR 3722, January 31, 1992). EPA is not proposing to amend the codification of the authorization of Illinois' changes at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart O for the authorization of Illinois' program at a later date.

K. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action proposes to authorize state requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by state law. Therefore, this action is not subject to review by OMB. This action is not an Executive Order 13771 (82 FR 9339, February 3, 2017) regulatory action because actions such as today's proposed authorization of Illinois' revised hazardous waste program under RCRA are exempted under Executive Order 12866. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action proposes to authorize pre-

existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to authorize state requirements as part of the state RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant, and it does not make decisions based on environmental health or safety risks. This action is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), EPA grants a state's application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in proposing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of this action in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). ''Burden'' is defined at 5 CFR 1320.3(b). Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this action proposes authorization of pre-existing state rules which are at least equivalent to, and no less stringent than existing federal requirements, and imposes no additional requirements beyond those imposed by state law, and there are no anticipated significant adverse human health or environmental effects, this proposed rule is not subject to Executive Order 12898.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirement.

Authority: This action is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 9, 2020.

Kurt Thiede,

Regional Administrator, Region 5.

[FR Doc. 2020–15219 Filed 7–29–20; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2018–0092; FF09E21000 FXES11110900000 201]

RIN 1018–BC28

Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Neuse River Waterdog and Endangered Status for Carolina Madtom and Designations of Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; revisions and reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the comment period on our May 22, 2019, proposed rule to list the Carolina madtom (*Noturus furiosus*) as an endangered species and the Neuse River waterdog (*Necturus lewisi*) as a threatened species with a section 4(d) rule, and to designate critical habitat for both species under the Endangered Species Act of 1973, as amended (Act). In this document, we present revisions to the section 4(d) rule language and to the critical habitat designation we proposed for the Neuse River waterdog on May 22, 2019. We now propose to designate a total of 779 miles (1,254 kilometers) as critical habitat for the Neuse River waterdog across 18 units within portions of 18 counties in North Carolina. This amounts to an increase of 41 miles (66 kilometers) in the proposed critical habitat designation for that species. We are reopening the comment period to allow all interested parties the opportunity to comment on the May 22, 2019, proposed rule, as well as the revisions described in this document. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final rule.

DATES: The comment period for the proposed rule published May 22, 2019, at 84 FR 23644, is reopened. So that we can fully consider your comments in our final determination, submit them on or before August 31, 2020. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES: *Document availability:* You may obtain copies of the May 22, 2019, proposed rule and associated documents on the internet at *http://*

www.regulations.gov under Docket No. FWS–R4–ES–2018–0092 or by mail from the Raleigh Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Written comments: You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R4–ES–2018–0092, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rule box to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit your comments by U.S. mail to: Public Comments Processing, Attn: FWS–R4–ES–2018–0092, U.S. Fish and Wildlife Service, MS: JAO/1N, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

FOR FURTHER INFORMATION CONTACT: Pete Benjamin, Field Supervisor, U.S. Fish and Wildlife Service, Raleigh Ecological Services Field Office, 551F Pylon Drive, Raleigh, NC 27606; telephone 919–856–4520. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Information Requested

We will accept written comments and information during this reopened comment period on our May 22, 2019, proposed listing determination and designation of critical habitat for the Carolina madtom and proposed listing determination with section 4(d) rule and designation of critical habitat for the Neuse River waterdog (84 FR 23644), the revisions to the section 4(d) rule and proposed critical habitat designation for the Neuse River waterdog that are described in this document, and our draft economic analysis (DEA) of the proposed critical habitat designations for both species. We will consider information and recommendations from all interested parties. We are particularly interested in comments concerning:

(1) The Carolina madtom's and Neuse River waterdog's biology, range, and population trends, including:

(a) Biological or ecological requirements of the species, including habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, their habitats, or both.

(2) Factors that may affect the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors.

(3) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to the species and existing regulations that may be addressing those threats.

(4) Additional information concerning the historical and current status, range, distribution, and population size of the species, including the locations of any additional populations of the species.

(5) Information on activities that are necessary and advisable to provide for the conservation of the Neuse River waterdog to include in a 4(d) rule for the species. In particular, information concerning the extent to which we should include any of the section 9 prohibitions in the 4(d) rule or whether any other forms of take should be excepted from the prohibitions in the 4(d) rule.

(6) The reasons why we should or should not designate habitat as ''critical habitat'' under section 4 of the Act, including whether there are threats to the species from human activity, the degree of which can be expected to increase due to the designation, and whether that increase in threat outweighs the benefit of designation such that the designation of critical habitat may not be prudent.

(7) Specific information on:

(a) The amount and distribution of Carolina madtom or Neuse River waterdog habitat;

(b) What areas, that were occupied at the time of listing and that contain the physical or biological features essential to the conservation of the relevant species, should be included in the designation and why;

(c) Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of climate change; and

(d) What areas not occupied at the time of listing are essential for the conservation of the species and why.

(8) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.

(9) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation, and the related benefits of including or excluding areas that may be impacted.

(10) Information on the extent to which the description of probable economic impacts in the DEA is a reasonable estimate of the likely economic impacts.

(11) Whether any specific areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the Act.

(12) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments. Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or a threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

If you submitted comments or information on the May 22, 2019, proposed rule or DEA during the comment period that was open from May 22, 2019, to July 22, 2019, please do not resubmit them. Any such comments are already part of the public record of this rulemaking proceeding, and we will fully consider them in the preparation of our final determination. Our final determination will take into consideration all written comments and any additional information we receive during both comment periods. The final decision may differ from the May 22, 2019, proposed rule, as revised by the proposals described in this document, based on our review of all information

we receive during this rulemaking proceeding.

You may submit your comments and materials concerning the May 22, 2019, proposed rule, this document, or the DEA by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**. If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information—will be posted on the website. We will post all hardcopy comments on *http://www.regulations.gov* as well. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing the May 22, 2019, proposed rule, this document, and the DEA, will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R4–ES–2018–0092, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Raleigh Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of the May 22, 2019, proposed rule, this document, and the DEA on the internet at *http://www.regulations.gov* at Docket No. FWS–R4–ES–2018–0092, or by mail from the Raleigh Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received within 15 days after the date of publication of this proposed rule in the **Federal Register** (see **DATES**, above). Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing. For the immediate future, we will provide these public hearings using webinars that will be announced on the Service's website, in addition to the **Federal Register**. The use of these virtual public hearings is consistent with our regulation at 50 CFR 424.16(c)(3).

Because we will consider all comments and information we receive during the comment period, our final determinations may differ from this proposal. Based on the new information we receive (and any comments on that new information), we may conclude that a species is threatened instead of endangered (or vice versa), or we may conclude that a species does not warrant listing as either an endangered species or a threatened species. Such final decisions would: (1) Be based on the best scientific and commercial data available after considering all of the relevant factors; (2) rely only on factors authorized by statute; and (3) articulate a rational connection between the facts found and the conclusions made, including why we changed our conclusion.

Background

The purpose of this document is to discuss only those topics directly relevant to the revised proposed section 4(d) rule language and the designation of critical habitat for the Neuse River waterdog. For more information on the Carolina madtom and the Neuse River waterdog, their habitats, and previous Federal actions concerning either species, refer to the proposed rule published in the **Federal Register** on May 22, 2019 (84 FR 23644).

In our May 22, 2019, proposed rule, we proposed to list the Neuse River waterdog as a threatened species with a section 4(d) rule, including exceptions for species restoration efforts by State wildlife agencies, channel restoration projects, bank stabilization projects, and silvicultural practices and forest management activities. That rule also proposed to designate critical habitat in 16 units encompassing approximately 738 stream miles (1,188 kilometers) in the Tar and Neuse river basins in North Carolina. In addition, we announced the availability of a DEA of the proposed critical habitat designation. We accepted comments on the proposal and DEA for 60 days, ending July 22, 2019.

Based on information we received during the public comment period, we propose to revise the section 4(d) rule and critical habitat designation for Neuse River waterdog, and we are therefore reopening the comment period for 30 days to allow the public additional time to submit comments on both the May 22, 2019, proposed rule, as well as the revisions described in this document.

New Information and Revisions to Previously Proposed Section 4(d) Rule

Section 4(d) of the Act contains two sentences. The first sentence states that the ''Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation'' of species listed as threatened. The U.S. Supreme Court has noted that statutory language like ''necessary and advisable'' demonstrates a large degree of deference to the agency (see *Webster* v. *Doe,* 486 U.S. 592 (1988)). Conservation is defined in the Act to mean ''the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to [the Act] are no longer necessary.'' The second sentence of section 4(d) of the Act states that the Secretary ''may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a)(1), in the case of fish or wildlife, or section 9(a)(2), in the case of plants.'' Thus, section 4(d) provides the Secretary with wide latitude of discretion to select and promulgate appropriate regulations tailored to the specific conservation needs of the threatened species. The second sentence grants particularly broad discretion to the Service when adopting the prohibitions under section 9.

The courts have recognized the extent of the Secretary's discretion under this standard to develop rules that are appropriate for the conservation of a species. For example, courts have upheld rules developed under section 4(d) as a valid exercise of agency authority where they prohibited take of threatened wildlife, or included a limited taking prohibition (see *Alsea Valley Alliance* v. *Lautenbacher,* 2007 U.S. Dist. Lexis 60203 (D. Or. 2007); *Washington Environmental Council* v. *National Marine Fisheries Service,* 2002 U.S. Dist. Lexis 5432 (W.D. Wash. 2002)). Courts have also upheld 4(d) rules that do not address all of the threats a species faces (see *State of Louisiana* v. *Verity,* 853 F.2d 322 (5th Cir. 1988)). As noted in the legislative history when the Act was enacted, ''once an animal is on the threatened list, the Secretary has an almost infinite number of options available to him with regard to the permitted activities for those species. He may, for example, permit taking, but not importation of such species, or he may choose to forbid both taking and importation but allow the transportation of such species'' (H.R. Rep. No. 412, 93rd Cong., 1st Sess. 1973).

Exercising its authority under section 4(d), the Service has developed a species-specific proposed rule that is designed to address the Neuse River waterdog's specific threats and conservation needs. Although the

statute does not require the Service to make a ''necessary and advisable'' finding with respect to the adoption of specific prohibitions under section 9, we find that this rule as a whole satisfies the requirement in section 4(d) of the Act to issue regulations deemed necessary and advisable to provide for the conservation of the Neuse River waterdog. The proposed 4(d) rule would promote conservation of the Neuse River waterdog by encouraging management of the landscape in ways that meet both land management considerations and the conservation needs of the Neuse River waterdog. It would be one of the tools that the Service would use to promote the conservation of the Neuse River waterdog. It would apply only if and when the Service makes final the listing of the Neuse River waterdog as a threatened species.

As discussed under the May 22, 2019, proposed rule's Summary of Biological Status and Threats (84 FR 23644, pp. 84 FR 23646–23652), declines in water quality, loss of stream flow, riparian and instream fragmentation, and deterioration of instream habitats are affecting the status of the Neuse River waterdog. These threats, which are expected to be exacerbated by continued urbanization and the effects of climate change, were central to our assessment of the future viability of the Neuse River waterdog. Therefore, we propose to prohibit actions that result in the incidental take of Neuse River waterdog by altering or degrading the habitat. Regulating incidental take resulting from these activities would help preserve the species' remaining populations, slow its rate of decline, and decrease synergistic, negative effects from other stressors.

This 4(d) rule would provide for the conservation of the Neuse River waterdog by prohibiting the following activities, except as otherwise authorized or permitted: Importing or exporting; take; possession and other acts with unlawfully taken specimens; delivering, receiving, transporting, or shipping in interstate or foreign commerce in the course of commercial activity; or selling or offering for sale in interstate or foreign commerce.

Under the Act, ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Some of these provisions have been further defined in regulation at 50 CFR 17.3. Take can result knowingly or otherwise, by direct and indirect impacts, intentionally or incidentally. Regulating incidental and/or intentional take would help preserve the species' remaining populations, slow their rate of decline, and decrease synergistic, negative effects from other stressors. Therefore, we proposed to prohibit intentional take of the Neuse River waterdog, including, but not limited to, capturing, handling, trapping, collecting, or other activities. In this document, we propose to change the way in which the provisions of the 4(d) rule for the Neuse River waterdog would appear in 50 CFR 17.43, and we would no longer refer to the prohibitions set forth at 50 CFR 17.31(a). Instead, we detail the prohibitions set forth at 50 CFR 17.21, which apply to endangered species. However, the substance of the prohibitions, and exceptions to those prohibitions, in the proposed 4(d) rule for the Neuse River waterdog have not changed. As we stated in the May 22, 2019, proposed rule, the species needs active conservation to improve the quality of its habitat. By excepting some of the general prohibitions of 50 CFR 17.21, these excepted actions can encourage cooperation by landowners and other affected parties in implementing conservation measures. This would allow use of the land while at the same time ensuring the protection of suitable habitat and minimizing impact on the species.

During the comment period on the May 22, 2019, proposed rule, we received numerous comments from the public on several of the exceptions to the prohibitions in the proposed 4(d) rule. As a result of these comments, we retain the four exceptions, and propose to revise three of them. Below, we describe the four exceptions, the comments we received, and their proposed revisions, if any.

The first exception, for incidental take resulting from species restoration efforts by State wildlife agencies, including collection of broodstock, tissue collection for genetic analysis, captive propagation, and subsequent stocking into currently occupied and unoccupied areas within the historical range of the species, remains unchanged from what we proposed on May 22, 2019 (84 FR 23644, see pp. 84 FR 23655, 23670).

The second exception, for incidental take resulting from channel restoration projects, retains all of the language from the May 22, 2019, proposed rule for creation of natural, physically stable, ecologically functioning streams that are reconnected with their groundwater aquifer (84 FR 23644, see pp. 84 FR 23655, 23670). However, we propose to add language that would require surveys for and relocation of Neuse River waterdogs observed prior to commencement of restoration action.

The third exception, for incidental take resulting from bank stabilization projects, remains largely unchanged from what we proposed on May 22, 2019 (84 FR 23644, see pp. 84 FR 23655, 23671), except that we propose to add a requirement that appropriate ''native'' vegetation, including woody species appropriate for the region and habitat, be used for stabilization.

During the public comment period, the Service received several comments on the fourth exception for incidental take resulting from silvicultural practices and forest management activities (84 FR 23644, see pp. 84 FR 23655–23656, 23671), including seeking further clarification of the meaning of ''highest standard'' best management practices (BMPs). Therefore, to address any uncertainty regarding which silvicultural and forest management BMPs will satisfy this exception for incidental take resulting from silvicultural practices and forest management activities, we propose to revise our section 4(d) language to clarify that the BMPs must result in protection of the habitat features that provide for the breeding, feeding, sheltering, and dispersal needs of the Neuse River waterdog. Specifically concerning streamside management zones (SMZs), we propose to revise the proposed 4(d) rule to provide details about SMZ widths that would be protective of the habitat for the species, similar to those more substantial BMPs considered for ''special/sensitive'' streams that are designated ''trout waters'' and already implemented by the North Carolina forestry program in the Neuse and Tar River basins (North Carolina Forest Service (NCFS) 2006, p. 42). SMZs for waterbodies that are occupied by the Neuse River waterdog are intended to be similar to trout water buffers, as described by the North Carolina Department of Environmental Quality's Environmental Management Commission (North Carolina General Statutes 113A–57), and to protect the species' life-history requirements, as documented in the species status assessment (SSA) for the Neuse River waterdog (USFWS 2019, pp. 5–11). In waterbodies that support listed aquatic species, a wider SMZ is more effective at reducing sedimentation, maintaining lower water temperatures through shading, and introducing food (such as leaves and insects) into the food chain (VADF 2011, p. 37). Ninety percent of the food in forested streams comes from bordering vegetation (NCWRC 2002, p. 6; USFWS 2006, p. 6; Stewart et al. 2000, p. 210; USFWS 2018, p. 10). Neuse River waterdogs require cool,

well-oxygenated water, and a clean stream bottom (USFWS 2018, p. 10). A lack of these features limits the number of waterdogs a stream can support. Aquatic habitat and suitable water temperature can be maintained even during logging operations when streamside vegetation is left intact (VADF 2011, p. 37).

In addition, we propose to revise the 4(d) rule to provide details on how access roads, skid trails, and crossings can be used in a way that would be most protective of the habitat by reducing sedimentation (NCFS 2018, entire). Highly turbid, silted stream water can clog the external gills of waterdogs, and can also decrease the stream's insect population, an important source of food (USFWS 2018, p. 8). Accordingly, we have clarified the intent of the fourth exception, for incidental take resulting from silviculture practices and forest management activities, to those practices and activities that implement State-approved best management practices (BMPs), which include the following specifications for streamside management zones (SMZs), stream crossings, and access roads:

1. A two-zoned SMZ is established and maintained along each side of the margins of intermittent streams, perennial streams, and perennial waterbodies (see table for example of current specifications based on slope similar to trout waters (VADF 2011, p. 15)). The SMZ is measured from bankfull (*i.e.,* the top of the stream bank on both sides), and is expected to confine visible sediment resulting from accelerated erosion.

TABLE 1—STREAMSIDE MANAGEMENT ZONE (SMZ) FOR WATERBODIES OCCUPIED BY NEUSE RIVER WATERDOG

Percent slope of adjacent lands (%)	Zone 1 (no touch/no harvest; measured in feet)	Zone 2 (selective harvest allowed; measured in feet)	Total SMZ width (measured in feet)
0–10	50	16	66
11–20	50	25	75
21–45	50	50	100
46+	50	70	120

2. Access roads and skid trails that cross an intermittent stream, a perennial stream, or a perennial waterbody are installed using properly designed and constructed structures installed at right angles to the stream. Structures do not impede fish passage or stream flow, and minimize the amount of visible sediment that enters that stream or waterbody. Number of crossings is minimized, and stable sites for crossings are chosen. These crossings are installed so that:

a. Stream flow is not obstructed or impeded;

b. No intermittent stream channel, perennial stream channel, or perennial waterbody is used as an access road or skid trail;

c. Crossings are provided with effective structures or native ground cover to protect the stream banks and stream channel from accelerated erosion;

d. Crossings have sufficient water control devices to collect and divert surface flow from the access road or skid trail into undisturbed areas or other control structures to restrain accelerated erosion and prevent visible sediment from entering intermittent streams, perennial streams, and perennial waterbodies; and

e. Native ground cover, or best management practices, that prevents visible sediment from entering intermittent streams, perennial streams, and perennial waterbodies is provided within 10 working days of initial disturbance and is maintained until the site is permanently stabilized.

3. All access roads and skid trails are located outside of SMZs unless no other alternative exists.

These State-approved forestry BMPs are upheld by North Carolina's Forest Practice Guidelines (FPGs) related to water quality standards and the Sustainable Forestry Initiative/Forest Stewardship Council/American Tree Farm System certification standards for both forest management and responsible fiber sourcing, and are publicly available on the websites for these organizations, as follows:

- *https://www.stateforesters.org/bmps/*
- *https://www.ncforestservice.gov/publications/Forestry%20Leaflets/WQ01.pdf*
- *https://www.sfiprogram.org/wp-content/uploads/2015_2019StandardsandRules Section2Oct2015.pdf*
- *https://us.fsc.org/download.fsc-us-forest-management-standard-v1-0.95.htm*
- *https://www.treefarmsystem.org/certification-american-tree-farm-standards*

We reiterate that these actions and activities may have some minimal level of take of the Neuse River waterdog, but are unlikely to negatively impact the species' conservation and recovery efforts. To the contrary, we expect they would have a net beneficial effect on the species. Across the species' range, instream habitats have been degraded physically by sedimentation and by direct channel disturbance. The activities in the proposed 4(d) rule would correct some of these problems, creating more favorable habitat conditions for the species.

As we already stated in the May 22, 2019, proposed rule, the proposed 4(d) rule would allow the issuance of permits to carry out otherwise prohibited activities, including those described above, involving threatened wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.32. With regard to threatened wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance the propagation or survival of the species, for economic hardship, for zoological exhibition, for educational purposes, for incidental taking, or for special purposes consistent with the purposes of the Act. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

The Service recognizes State natural resource agencies as essential partners in the conservation of listed species. State agencies often possess scientific data and valuable expertise on the status and distribution of endangered, threatened, and candidate species of wildlife and plants. State agencies, because of their authorities and their close working relationships with local governments and landowners, are in a unique position to assist the Services in implementing all aspects of the Act. In this regard, section 6 of the Act provides

that the Services shall cooperate to the maximum extent practicable with the States in carrying out programs authorized by the Act. Therefore, any qualified employee or agent of a State conservation agency that is a party to a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by his or her agency for such purposes, would be able to conduct activities designed to conserve the Neuse River waterdog that may result in otherwise prohibited take without additional authorization.

Finally, the proposed 4(d) rule would allow take of the Neuse River waterdog without a permit by any employee or agent of the Service or a State conservation agency who is designated by his/her agency for such purposes and when acting in the course of his official duties if such action is necessary to aid a sick, injured, or orphaned specimen; to dispose of a dead specimen; or to salvage a dead specimen which may be useful for scientific study. In addition, Federal and State law enforcement officers may possess, deliver, carry, transport, or ship a Neuse River waterdog taken in violation of the Act as necessary.

Nothing in this proposed 4(d) rule would change in any way the recovery planning provisions of section 4(f) of the Act, the consultation requirements under section 7 of the Act, or the ability of the Service to enter into partnerships for the management and protection of the Neuse River waterdog. However, interagency cooperation may be further streamlined through planned programmatic consultations for the species between Federal agencies and the Service, where appropriate. We ask the public, particularly State agencies and other interested stakeholders that may be affected by the proposed 4(d) rule, to provide comments and suggestions regarding additional guidance and methods that the Service could provide or use, respectively, to streamline the implementation of this proposed 4(d) rule (see Information Requested, above).

New Information and Revisions to Proposed Critical Habitat for Neuse River Waterdog

During the public comment period, we received 83 letters containing 26 comments on the proposed critical habitat designation, with 7 substantive comments specific to the proposed designation for Neuse River waterdog. The comments from the North Carolina Wildlife Resources Commission (NCWRC) and one private consultant provided new observation data collected since the November 2018 version of the SSA report, including updated 2018 and 2019 survey records in Middle Creek (Neuse River Basin, Johnston County, North Carolina), Tuckahoe Swamp (Trent River Basin, Jones County, North Carolina), Tar River (Tar River Basin, Franklin and Granville Counties, North Carolina), Fishing Creek (Tar River Basin, Nash County, North Carolina), and Bens Creek (Fishing Creek Subbasin, Warren County, North Carolina).

Based on the new data, we propose certain revisions to the critical habitat designation we proposed on May 22, 2019, for the Neuse River waterdog. Specifically, we propose to add two units based on new observation data of the species provided by NCWRC in locations within the historical range; new Unit 3 is 2 miles (3.2 km) of Bens Creek in the Tar River Basin in Warren County, North Carolina, and new Unit 18 is 2 miles (3.2 km) of Tuckahoe Swamp in the Trent River Basin in Jones County, North Carolina. We also propose to revise Unit 1 to add 3.7 river miles (6 km) of the Upper Tar River based on a 2018 observation provided by NCWRC of Neuse River waterdog. We propose to revise Unit 4 (previously Unit 3) to add 20 miles (32.3 km) of Fishing Creek based on a 2019 observation provided by NCWRC of Neuse River waterdog. We propose to revise Unit 6 (previously Unit 5) to add 11 miles (17.8 km) of the upper reach of the Tar River based on a 2019 observation by a permitted private consultant of Neuse River waterdog. We propose to revise Unit 10 (previously Unit 9) to add 23.2 miles (37.4 km) of Middle Creek based on two 2018 observations provided by NCWRC of Neuse River waterdog. We propose to revise the downstream portion of Unit 17 (previously Unit 16) to remove 1.1 miles (2 km) of the Trent River that borders the U.S. Department of Defense's Marine Corps Air Station Cherry Point Oak Grove Outlying Landing Field (OLF) based on the Neuse River waterdog being included in the Station's integrated natural resources management plan.

All of the additional stream miles are currently occupied, contain most or all of the physical or biological features to support life-history functions essential to the conservation of the Neuse River waterdog, and may require special management considerations or protection from threats as described in the May 22, 2019, proposed rule (84 FR 23644). Because of these revisions, the numbering for most of the critical habitat units has changed from the May 22, 2019, proposed rule, although the names and descriptions remain the same.

We also used a higher resolution National Hydrography Dataset GIS data layer, which resulted in minor changes to the stream mileage numbers. Most of the changes result in an increase or decrease of less than 3 mi (4.8 km) to proposed critical habitat in any unit, with the greatest change being an addition of 4.2 mi (6.8 km) to Unit 5 (previously Unit 4). The exception is Unit 17 (previously Unit 16), which had an error in the proposed stream mileage; to correct that error, in this document, we reduce the proposed critical habitat in that unit by approximately 28.5 mi (45.6 km).

The DEA for the proposed critical habitat designation remains the same; the counties containing the new units are included in the DEA's analysis that uses the consultation efforts occurring in counties, which overlap with the May 22, 2019, proposed designation for Neuse River waterdog critical habitat, as the basis of determining incremental costs.

Revised Proposed Critical Habitat Designation

In total, we now propose to designate approximately 779 miles (1,254 kilometers) in 18 units in North Carolina as critical habitat for the Neuse River waterdog. The proposed critical habitat areas described below constitute our best assessment, at this time, of areas that meet the definition of critical habitat, and all units are considered currently occupied by the species. Those 18 units are: (1) Upper Tar River, (2) Upper Fishing Creek, (3) Bens Creek, (4) Fishing Creek Subbasin, (5) Sandy/Swift Creek, (6) Middle Tar River Subbasin, (7) Lower Tar River Subbasin, (8) Eno River, (9) Flat River, (10) Middle Creek, (11) Swift Creek, (12) Little River, (13) Mill Creek, (14) Middle Neuse River, (15) Contentnea Creek/Lower Neuse River Subbasin, (16) Swift Creek (Lower Neuse), (17) Trent River, and (18) Tuckahoe Swamp. Table 2 shows the name, land ownership of the riparian areas surrounding the units, and approximate river miles of the proposed designated units for the Neuse River waterdog. Where appropriate, Table 2 also notes the previous number for units for which the numbering has changed.

TABLE 2—REVISED PROPOSED CRITICAL HABITAT UNITS FOR THE NEUSE RIVER WATERDOG

Critical habitat unit	Riparian ownership	River miles (kilometers)	Proposed changes	Previous unit numbering
Unit 1. TAR1—Upper Tar River	Private; Easements	12.3 (19.8)	+3.7 mi (6 km)	Unit 1: TAR1.
Unit 2. TAR2—Upper Fishing Creek	Private; Easements	10.5 (17)	none	Unit 2: TAR2.
Unit 3. TAR3—Bens Creek	Private	2 (3.2)	New	New Unit.
Unit 4. TAR4a—Fishing Creek Subbasin	Private; Easements; State.	82.8 (133.3)	+20 mi (32.3 km)	Unit 3: TAR3a.
Unit 5. TAR4b—Sandy/Swift Creek	Private; Easements; State.	72.5 (116.8)	none	Unit 4: TAR3b.
Unit 6. TAR4c—Middle Tar River Subbasin	Private; Easements; State.	111 (179)	+11 mi (17.8 km)	Unit 5: TAR3c.
Unit 7. TAR4d—Lower Tar River Subbasin	Private; Easements; State.	59.9 (96.3)	none	Unit 6: TAR3d.
Unit 8. NR1—Eno River	Private; Easements; State.	43.9 (70.6)	none	Unit 7: NR1.
Unit 9. NR2—Flat River	Private; Easements	15.2 (24.5)	none	Unit 8: NR2.
Unit 10. NR3—Middle Creek	Private; Easements; Local.	30.8 (49.6)	+23.2 mi (37.4 km)	Unit 9: NR3.
Unit 11. NR4—Swift Creek	Private	24 (38.6)	none	Unit 10: NR4.
Unit 12. NR5a—Little River	Private; Easements	90.8 (146.1)	none	Unit 11: NR5a.
Unit 13. NR5b—Mill Creek	Private; Easements	20.8 (33.5)	none	Unit 12: NR5b.
Unit 14. NR5c—Middle Neuse River	Private; State; Easements.	43.2 (69.5)	none	Unit 13: NR5c.
Unit 15. NR6—Contentnea Creek/Lower Neuse River Subbasin.	Private; Easements	114.8 (184.8)	none	Unit 14: NR6.
Unit 16. NR7—Swift Creek (Lower Neuse)	Private; Easements	10.3 (16.5)	none	Unit 15: NR7.
Unit 17. TR1—Trent River	Private	32.5 (52.4)	−1.1 mi (2 km)	Unit 16: TR1.
Unit 18. TR2—Tuckahoe Swamp	Private	2 (3.2)	New	New Unit.
Total		779 (1,254)	+41 mi (66 km).	

Note: Distances may not sum due to rounding.

The revised proposed critical habitat designation is defined by the map or maps, as modified by any accompanying regulatory text, presented at the end of this document under Proposed Regulation Promulgation. For units that are unchanged from the May 22, 2019, proposed rule, please refer to information at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2018–0092. We include more detailed information on the boundaries of the revised proposed critical habitat designation in the discussion of new and revised proposed individual units below.

Unit 1: TAR1—Upper Tar River

Revised Unit 1 consists of 12.3 river miles (19.8 river km) of the Tar River in Granville County from approximately SR1004 (Old NC 75) downstream to SR1622 (Cannady's Mill Road). We propose to revise Unit 1 to add 3.7 river miles (6 km) of the Upper Tar River based on a 2018 observation of Neuse River waterdog provided by NCWRC. The riparian land adjacent to this unit is primarily privately owned (80 percent), with several conservation parcels or easements (20 percent). The unit currently supports all breeding, feeding, and sheltering needs for the species.

Special management considerations or protection may be required to address excess sediment and pollutants that enter the creek and serve as indicators of other forms of pollution such as bacteria and toxins, reducing water quality for the species. Sources of these types of pollution are likely agricultural and silvicultural runoff.

Unit 3: TAR3—Bens Creek

This is a new unit. Unit 3 consists of 2 river miles (3.2 river km) of Bens Creek in Warren County, North Carolina. The proposed designated area begins approximately one mile upstream and ends approximately one mile downstream of SR1509 (Odell-Littleton Road). We propose the addition of this unit based on a 2019 observation of Neuse River waterdog provided by NCWRC. The riparian areas on either side of the river are privately owned. The unit currently supports all breeding, feeding, and sheltering needs for the species.

Special management considerations or protection may be required to address excess sediment and pollutants that enter the creek and serve as indicators of other forms of pollution such as bacteria and toxins, reducing water quality for the species. Sources of these types of pollution are likely agricultural and silvicultural runoff.

Unit 4: TAR4a—Fishing Creek Subbasin

Revised Unit 4 (previously Unit 3) consists of 82.8 river miles (133.3 river km) of lower Little Fishing Creek approximately 1.6 miles (2.6 km) upstream of SR1214 (Silvertown Rd) downstream to the confluence with Fishing Creek, and including the mainstem of Fishing Creek from the Warren/Halifax County line to the confluence with the Tar River in Halifax, Nash, and Edgecombe Counties. We propose to revise Unit 4 (previously Unit 3) to add 20 miles (32.3 km) of Fishing Creek based on a 2019 observation of Neuse River waterdog provided by NCWRC. The riparian land adjacent to the unit includes private land (86 percent), several conservation parcels (6 percent), and State game lands (8 percent). The unit currently supports all breeding, feeding, and sheltering needs for the species.

Special management considerations or protection may be required to address excess sediment and pollutants that enter the creek and serve as indicators of other forms of pollution such as bacteria and toxins, reducing water quality for the species. Sources of these types of pollution are likely agricultural and silvicultural runoff.

Unit 6: TAR4c—Middle Tar River Subbasin

Revised Unit 6 (previously Unit 5) consists of 111 river miles (179 river km) of the Middle Tar River from upstream of Highway 401 downstream to the confluence with Fishing Creek, including Stony Creek below SR1300 (Boddies' Millpond Rd), downstream to the confluence with the Tar River. This unit is located in Franklin, Nash, and Edgecombe Counties. We propose to revise Unit 6 (previously Unit 5) to add 11 miles (17.8 km) of the upper reach of the Tar River based on a 2019 observation of Neuse River waterdog provided by a permitted private consultant. The riparian land adjacent to this unit is nearly all private lands (99 percent), with less than 1 percent conservation parcels, local parks, and a research station. The unit currently supports all breeding, feeding, and sheltering needs for the species.

Special management considerations or protection may be required within this unit to address a variety of threats. Excessive amounts of nitrogen and phosphorus run off the land or are discharged into the waters, causing too much growth of microscopic or macroscopic vegetation and leading to extremely low levels of dissolved oxygen. As a result, there are six ''impaired'' stream reaches (as identified on the State's Clean Water Act section 303d list) totaling approximately 32 miles in the unit. Expansion or addition of new wastewater discharges are also a threat to habitat in this unit. Special management focused on use of agricultural BMPs, implementation of highest levels of treatment of wastewater practicable, maintenance of forested buffers, and connection of protected riparian corridors will benefit habitat for the species in this unit.

Unit 10: NR3—Middle Creek

Revised Unit 10 (previously Unit 9) consists of 30.8 river miles (49.6 river km) of Middle Creek from Southeast Regional Park downstream to the confluence with Swift Creek in Johnston County, North Carolina. We propose to revise Unit 10 (previously Unit 9) to add 23.2 miles (37.4 km) of Middle Creek based on two 2018 observations of Neuse River waterdog provided by NCWRC. The riparian land adjacent to this unit is predominantly privately owned (91 percent) with a few conservation parcels (9 percent). The unit currently supports all breeding, feeding, and sheltering needs for the species. Special management considerations or protection may be required within this unit to address threats, particularly from encroaching urbanization and pollution from agricultural and silvicultural runoff.

Unit 17: TR1—Trent River

Revised Unit 17 (previously Unit 16) consists of 32.5 river miles (52.4 river km) of Beaver Creek from SR1316 (McDaniel Fork Rd) to the confluence with the Trent River, and Trent River from the confluence with Poplar Branch downstream to the SR1121 (Oak Grove Rd) crossing at the Marine Corps Cherry Point property, in Jones County. This unit was decreased to not include land owned by the Marine Corps at its Air Station (MCAS) Cherry Point Oak Grove Outlying Landing Field. The base's integrated natural resources management plan includes implementing ecosystem management practices that support the conservation and management of at-risk herpetofauna species, including Neuse River waterdog, known to occur at MCAS Cherry Point (Tetra Tech 2012, p.C–10). The riparian land adjacent to this unit is privately owned. The unit currently supports all breeding, feeding, and sheltering needs for the species.

Special management considerations or protection may be required to address excess sediment and pollutants that enter the creek and serve as indicators of other forms of pollution such as bacteria and toxins, reducing water quality for the species. Sources of these types of pollution are likely agricultural and silvicultural runoff.

Unit 18: TR2—Tuckahoe Swamp

This is a new unit. Unit 18 consists of 2 river miles (3.2 river km) of Tuckahoe Swamp in Jones County, North Carolina. The proposed designated area begins upstream of SR1142 (Weyerhaeuser Road) to the confluence with the Trent River. The riparian areas on either side of the river are privately owned. The unit currently supports all breeding, feeding, and sheltering needs for the species.

Special management considerations or protection may be required to address excess sediment and pollutants that enter the creek and serve as indicators of other forms of pollution such as bacteria and toxins, reducing water quality for the species. Sources of these types of pollution are likely agricultural and silvicultural runoff.

References Cited

A complete list of references cited in this document is available on the internet at *http://www.regulations.gov* and upon request from the Raleigh Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this document are the staff members of the U.S. Fish and Wildlife Service Species Assessment Team and Raleigh Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to further amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as proposed to be amended at 84 FR 23644 (May 22, 2019) as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.43 by adding a paragraph (f) to read as follows:

§ 17.43 Special rules—amphibians.

* * * * *

(f) Neuse River waterdog (*Necturus lewisi*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Neuse River waterdog. Except as provided in paragraph (a)(2) of this section and § 17.4, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.

(ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at § 17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under § 17.32.

(ii) Take, as set forth at § 17.21(c)(2) through (c)(4) for endangered wildlife.

(iii) Take, as set forth at § 17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set

forth at § 17.21(d)(2) for endangered wildlife.

(v) Take incidental to the following activities:

(A) Species restoration efforts by State wildlife agencies, including collection of broodstock, tissue collection for genetic analysis, captive propagation, and subsequent stocking into currently occupied and unoccupied areas within the historical range of the species.

(B) Channel restoration projects that create natural, physically stable, ecologically functioning streams (or stream and wetland systems) that are reconnected with their groundwater aquifers. These projects can be accomplished using a variety of methods, but the desired outcome is a natural channel with low shear stress (force of water moving against the channel); bank heights that enable reconnection to the floodplain; a reconnection of surface and groundwater systems, resulting in perennial flows in the channel; riffles and pools comprised of existing soil, rock, and wood instead of large imported materials; low compaction of soils within adjacent riparian areas; and inclusion of riparian wetlands. Second- to third-order, headwater streams reconstructed in this way would offer suitable habitats for the Neuse River waterdog and contain stable channel features, such as pools, glides, runs, and riffles, which could be used by the species for spawning, rearing, growth, feeding, migration, and other normal behaviors. Prior to restoration action, surveys to determine presence of Neuse River waterdog must be performed, and if located, waterdogs must be relocated prior to project implementation.

(C) Bank stabilization projects that use bioengineering methods to replace pre-existing, bare, eroding stream banks with vegetated, stable stream banks, thereby reducing bank erosion and instream sedimentation and improving habitat conditions for the species. Following these bioengineering methods, stream banks may be stabilized using native species live stakes (live, vegetative cuttings inserted or tamped into the ground in a manner that allows the stake to take root and grow), native species live fascines (live branch cuttings, usually willows, bound together into long, cigar shaped bundles), or native species brush layering (cuttings or branches of easily rooted tree species layered between successive lifts of soil fill). Native species vegetation includes woody species appropriate for the region and habitat conditions. These methods will not include the sole use of quarried rock (rip-rap) or the use of rock baskets or gabion structures.

(D) Silviculture practices and forest management activities that implement State-approved best management practices for sensitive areas, including a two-zoned streamside management zone (SMZ) (Zone 1 width is a 50-foot minimum with no harvest allowed; Zone 2 width is variable depending on slope and includes selective harvest) established and maintained along each side of the margins of intermittent streams, perennial streams, and perennial waterbodies. The SMZ is measured from bankfull (*i.e.,* the top of the stream bank), and will confine visible sediment resulting from accelerated erosion. Access roads and skid trails that cross an intermittent stream, a perennial stream, or a perennial waterbody will be installed using properly designed and constructed structures installed at right angles to the stream, will not impede fish passage or stream flow, and will minimize the amount of visible sediment that enters that stream or waterbody. The number of crossings will be minimized, stable sites for crossings will be chosen, and access roads and skid trails will be located outside of SMZs unless no other alternative exists.

■ 3. Amend § 17.95(d), in the entry proposed at 84 FR 23644 for ''Neuse River waterdog (*Necturus lewisi*),'' by revising paragraphs (5) through (16) and by adding paragraphs (17) and (18) to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(d) *Amphibians.*

* * * * *

Neuse River Waterdog (*Necurus lewisi*)

* * * * *

(5) *Note:* Index map follows:

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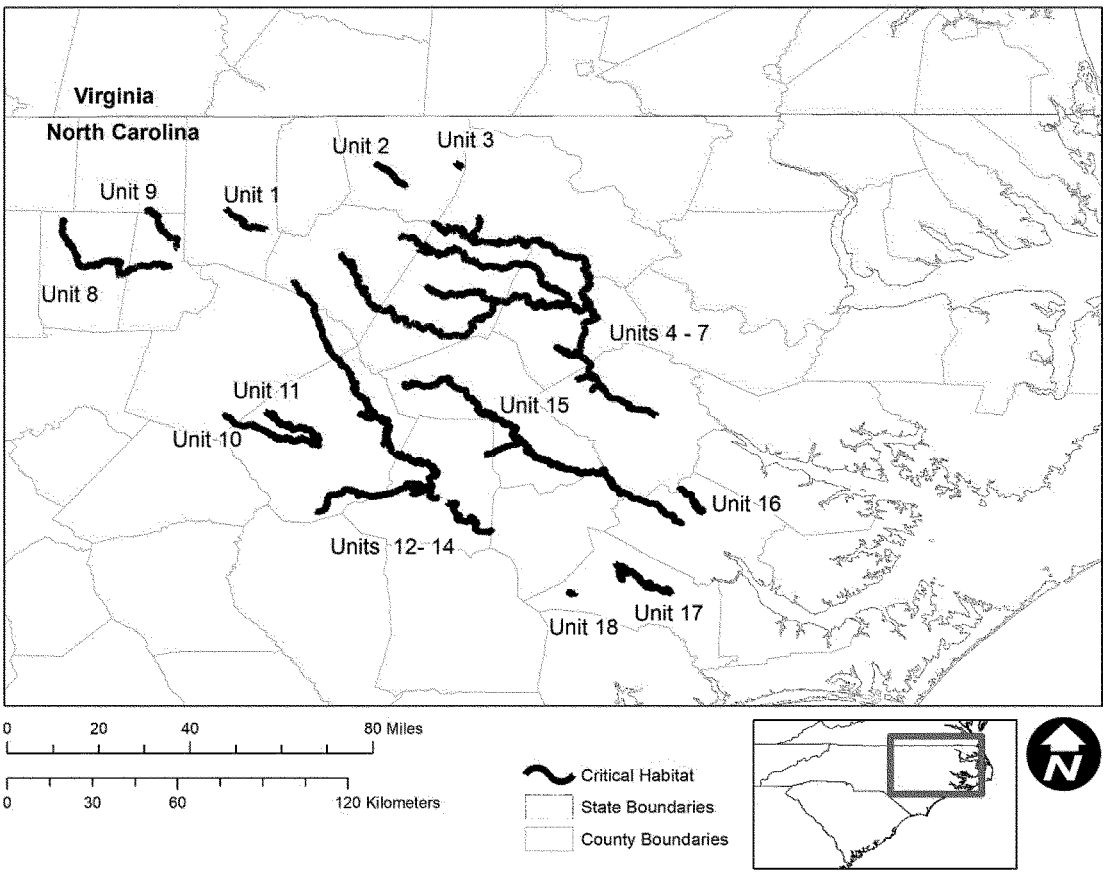
Index Map of Critical Habitat Units for Neuse River Waterdog

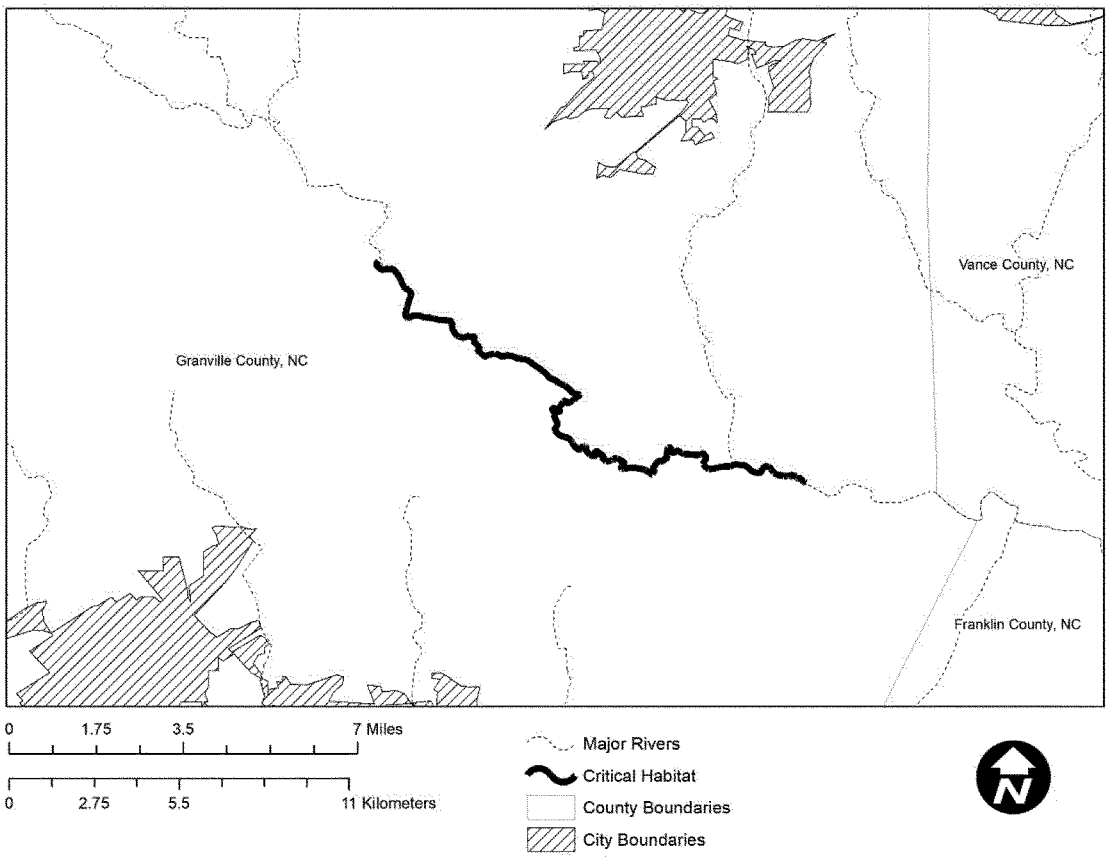


(6) Unit 1: TAR1—Upper Tar River, Granville County, North Carolina.

(i) This unit consists of 12.3 river miles (19.8 river kilometers) of occupied habitat in the Upper Tar River from approximately SR1004 (Old NC 75) downstream to SR1622 (Cannady's Mill Road). Unit 1 includes stream habitat up to bankfull height.

(ii) Map of Unit 1 follows:

Map of Unit 1: TAR1 - Upper Tar River Critical Habitat Unit for Neuse River Waterdog

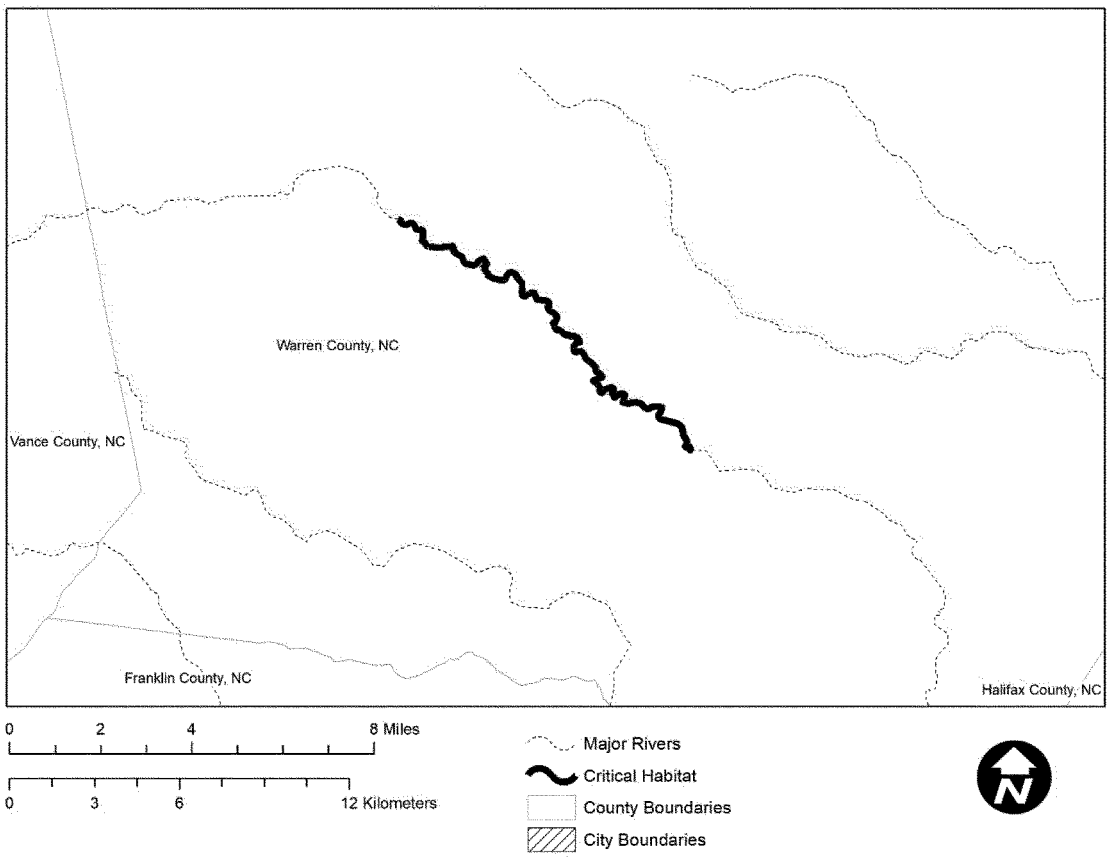


(7) Unit 2: TAR2—Upper Fishing Creek, Warren County, North Carolina.

(i) This unit consists of 10.5 river miles (17.0 river kilometers) of habitat in Upper Fishing Creek from SR1118 (No Bottom Drive) downstream to NC58. Unit 2 includes stream habitat up to bankfull height.

(ii) Map of Unit 2 follows:

Map of Unit 2: TAR2 - Upper Fishing Creek Critical Habitat Unit for Neuse River Waterdog

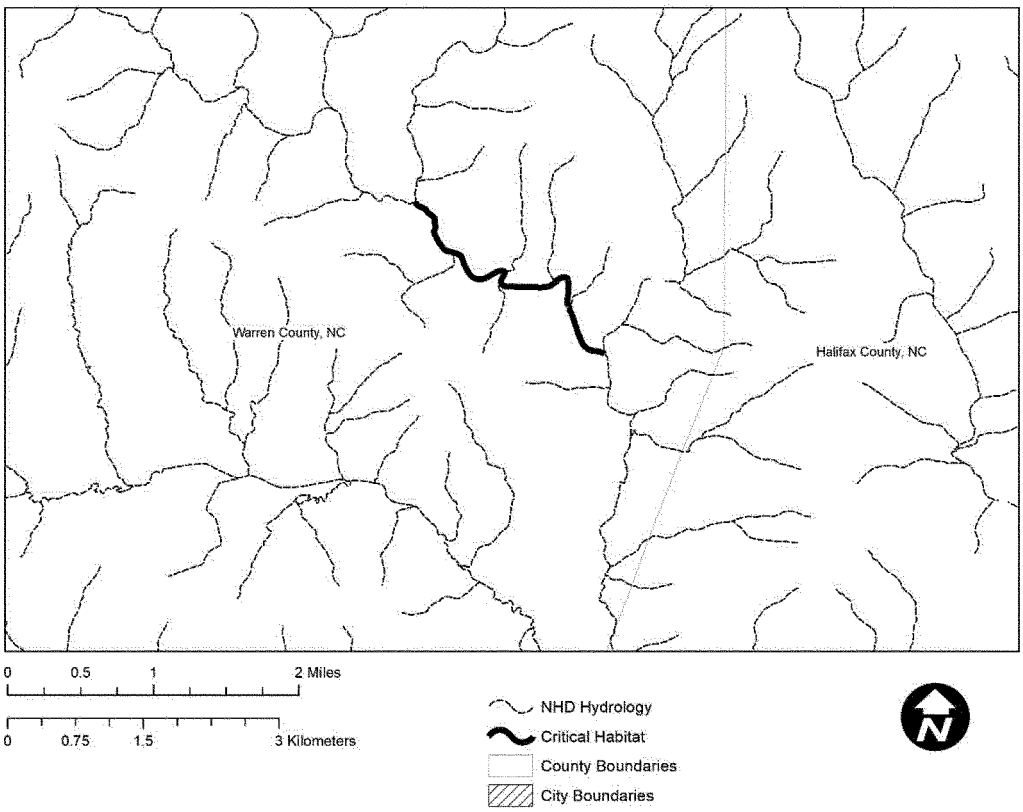


(8) Unit 3: TAR3—Bens Creek, Warren County, North Carolina.

(i) This unit consists of 2 river miles (3.2 river km) of Bens Creek beginning approximately one mile upstream and ending approximately one mile downstream of SR1509 (Odell-Littleton Road). Unit 3 includes stream habitat up to bankfull height.

(ii) Map of Unit 3 follows:

Map of Unit 3: TAR3 - Ben's Creek Critical Habitat Unit for Neuse River Waterdog



(9) Unit 4: TAR4a—Fishing Creek Subbasin, Edgecombe, Halifax, Nash, and Warren Counties, North Carolina; Unit 5: TAR4b—Sandy/Swift Creek, Edgecombe, Franklin, Nash, and Warren Counties, North Carolina; Unit 6: TAR4c—Middle Tar River Subbasin, Edgecombe, Franklin, and Nash Counties, North Carolina; and Unit 7: TAR4d—Lower Tar River Subbasin, Edgecombe and Pitt Counties, North Carolina.

(i) Units 4, 5, 6, and 7 include stream habitat up to bankfull height.

(ii) Unit 4 consists of 82.8 river miles (133.3 river km) of lower Little Fishing Creek approximately 1.6 miles (2.6 km) upstream of SR1214 (Silvertown Rd) downstream to the confluence with Fishing Creek, and including the mainstem of Fishing Creek from the Warren/Halifax County line to the confluence with the Tar River in Halifax, Nash, and Edgecombe Counties.

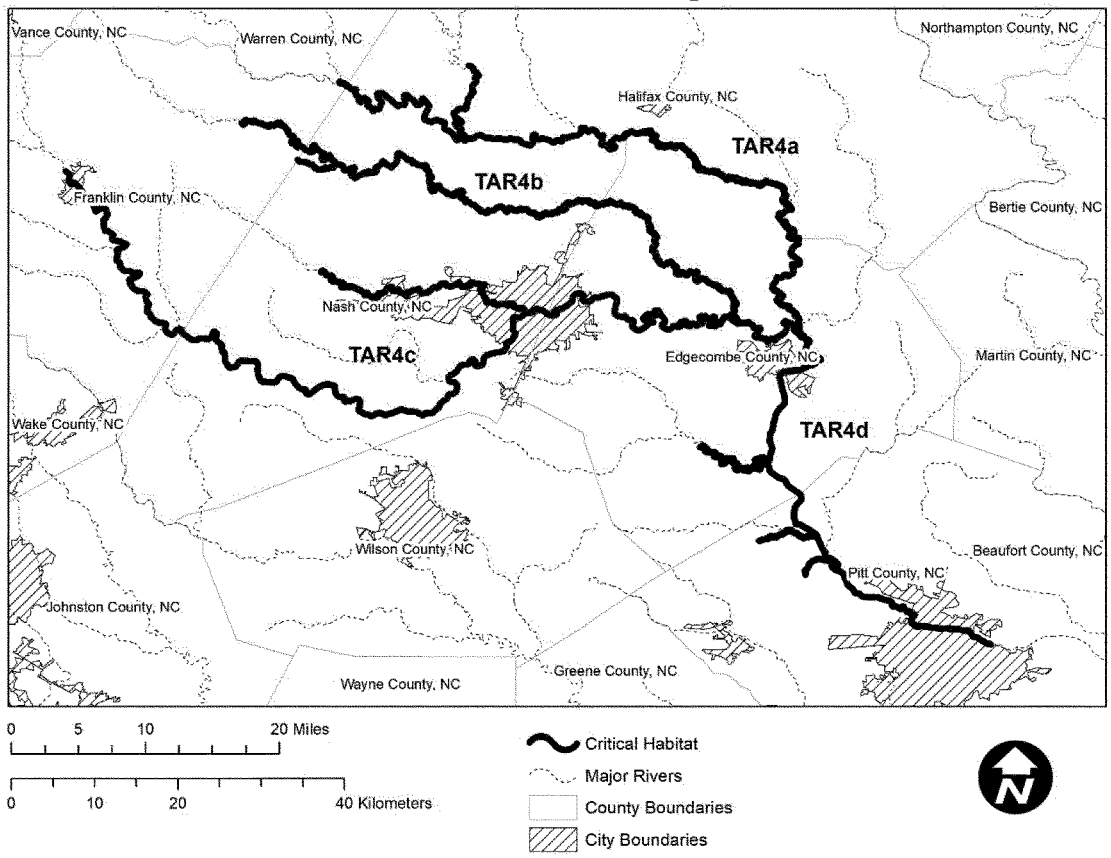
(iii) Unit 5 consists of 72.5 river miles (116.8 river kilometers) of habitat in Sandy Creek downstream of SR 1451 (Leonard Road) to the confluence with the Tar River, including Red Bud Creek downstream of the Franklin/Nash county line to the confluence with Swift Creek.

(iv) Unit 6 consists of 111 river miles (179 river kilometers) of the Middle Tar River from upstream of Highway 401 dowstream to the confluence with Fishing Creek, including Stony Creek below SR1300 (Boddies' Millpond Rd), downstream to the confluence with the Tar River.

(v) Unit 7 consists of 59.9 river miles (96.3 river kilometers) in the Lower Tar River Subbasin from the confluence with Fishing Creek downstream to the confluence with Barber Creek near SR1533 (Port Terminal Road). This unit includes portions of Town Creek below NC111 to the confluence with the Tar River, Otter Creek below SR1251 to the confluence with the Tar River, and Tyson Creek below SR1258 to the confluence with the Tar River.

(vi) Map of Units 4, 5, 6, and 7 follows:

Map of Units 4 - 7: TAR4 - Middle/Lower Tar River Subbasins Critical Habitat Units for Neuse River Waterdog

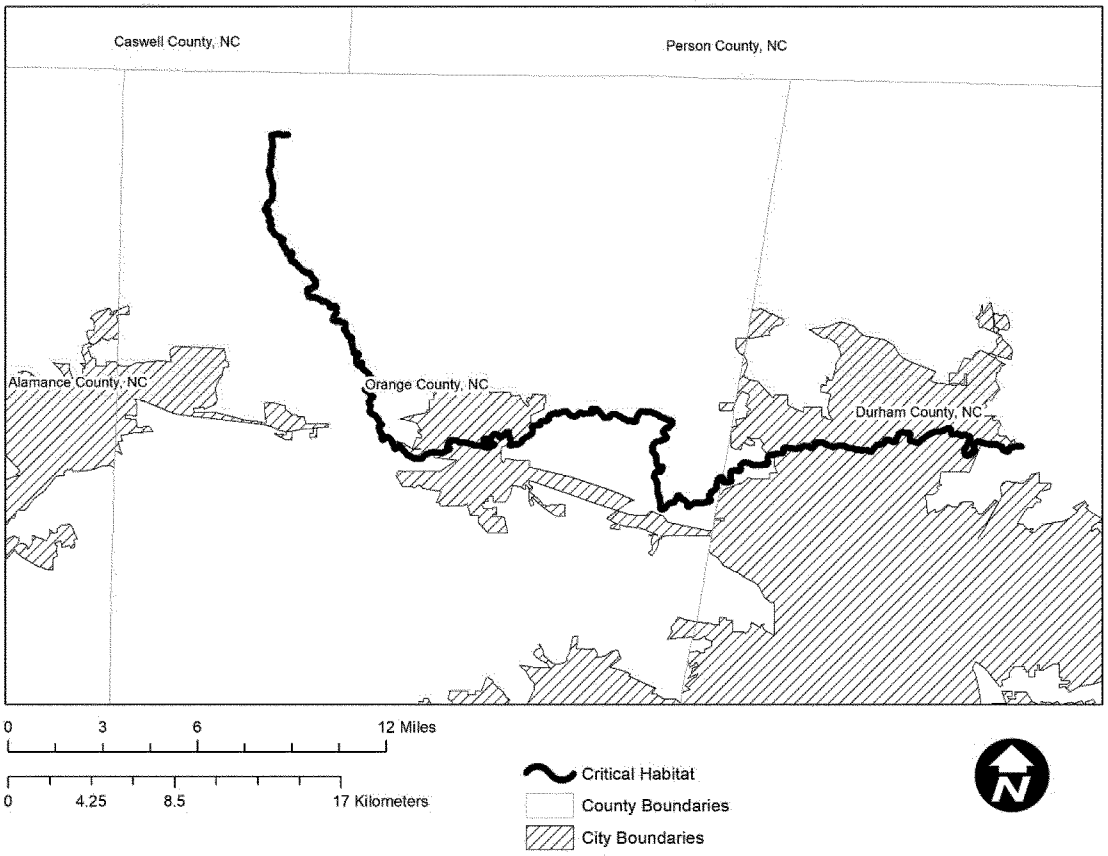


(10) Unit 8: NR1—Eno River, Durham and Orange Counties, North Carolina.

(i) This unit consists of 43.9 river miles (70.6 river kilometers) of habitat in the Eno River from NC86 downstream to the inundated portion of Falls Lake. Unit 7 includes stream habitat up to bankfull height.

(ii) Map of Unit 8 follows:

Map of Unit 8: NR1 - Eno River Subbasin Critical Habitat Unit for Neuse River Waterdog

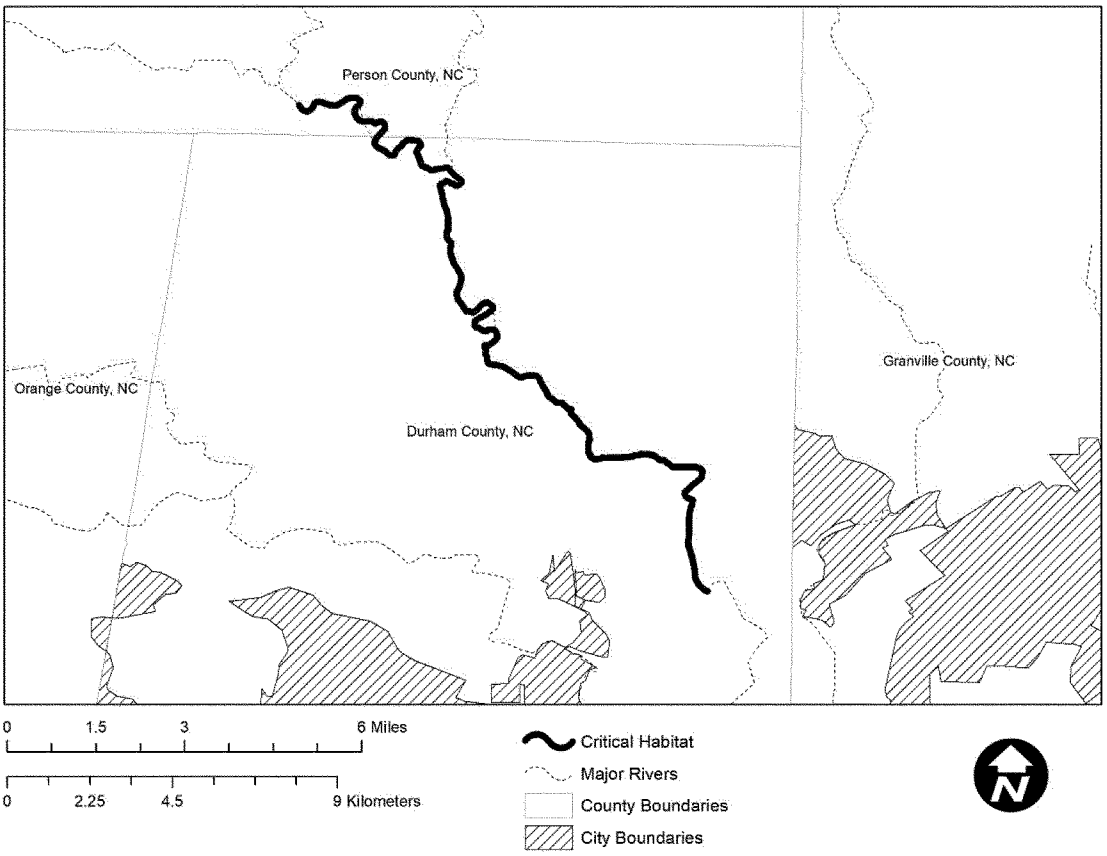


(11) Unit 9: NR2—Flat River, Durham and Person Counties, North Carolina.

(i) This unit consists of 15.2 river miles (24.5 river kilometers) of habitat in the Flat River from SR1739 (Harris Mill Road) downstream to the inundated portion of Falls Lake. Unit 8 includes stream habitat up to bankfull height.

(ii) Map of Unit 9 follows:

Map of Unit 9: NR2 - Flat River Subbasin Critical Habitat Unit for Neuse River Waterdog

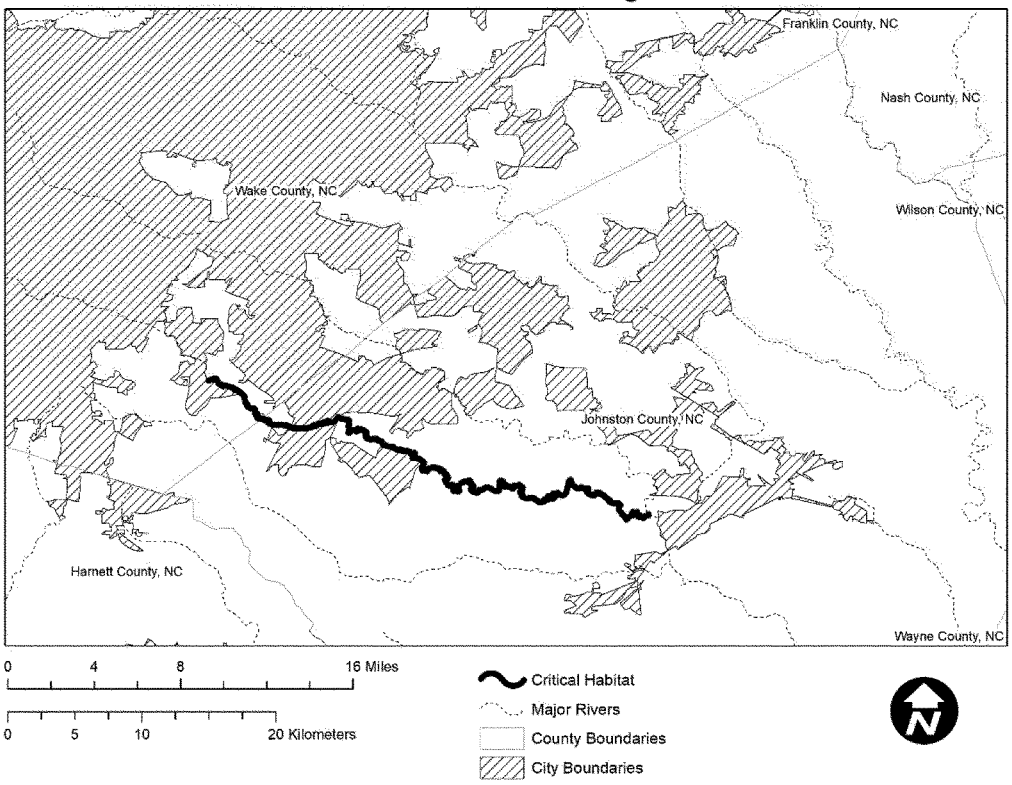


(12) Unit 10: NR3—Middle Creek, Johnston and Wake Counties, North Carolina.

(i) This unit consists of 30.8 river miles (49.6 river km) of Middle Creek from Southeast Regional Park downstream to the confluence with Swift Creek in Johnston County, North Carolina. Unit 10 includes stream habitat up to bankfull height.

(ii) Map of Unit 10 follows:

Map of Unit 10: NR3 - Middle Creek Subbasin Critical Habitat Unit for Neuse River Waterdog

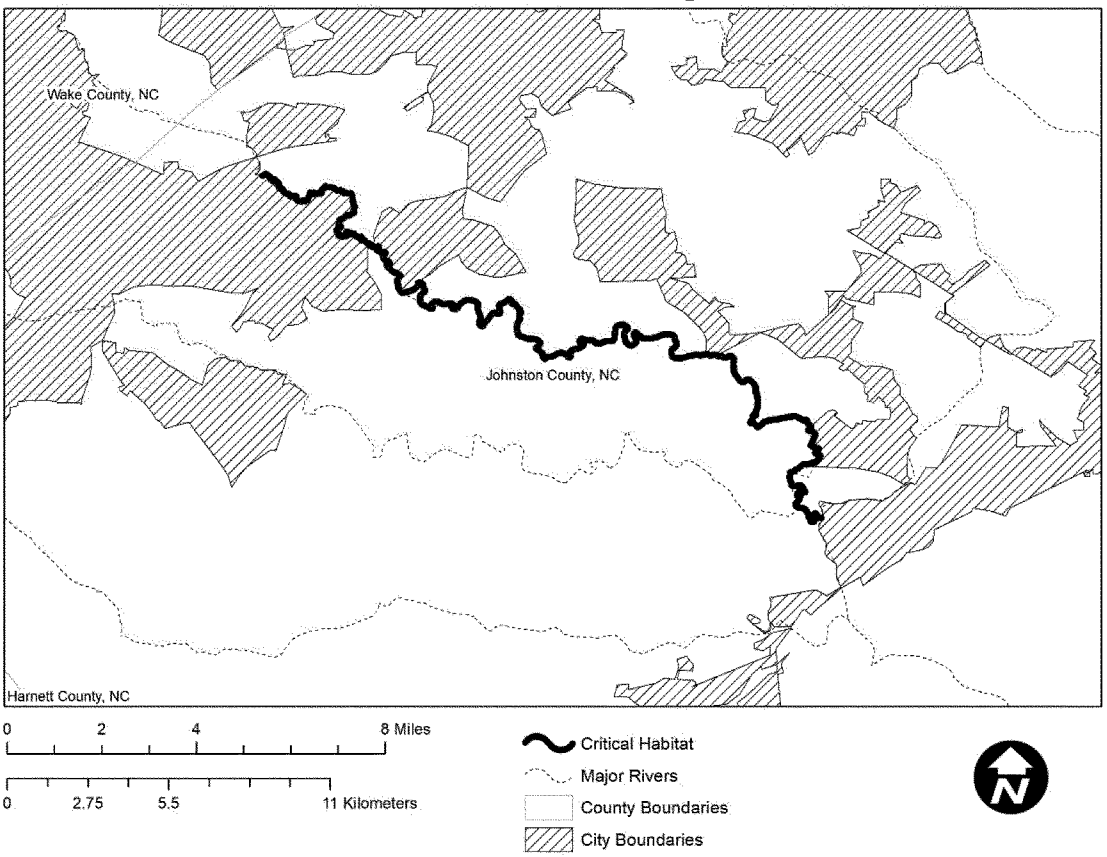


(13) Unit 11: NR4—Swift Creek, Johnston County, North Carolina.

(i) This unit consists of 24 river miles (38.6 river kilometers) of occupied habitat in Swift Creek from NC42 downstream to the confluence with the Neuse River. Unit 11 includes stream habitat up to bankfull height.

(ii) Map of Unit 11 follows:

Map of Unit 11: NR4 - Swift Creek Subbasin Critical Habitat Unit for Neuse River Waterdog



(14) Unit 12: NR5a—Little River, Franklin, Johnston, Wake, and Wayne Counties, North Carolina; Unit 13: NR5b—Mill Creek, Johnston and Wayne Counties, North Carolina; and Unit 14: NR5c—Middle Neuse River, Wayne County, North Carolina.

(i) Units 12, 13, and 14 include stream habitat up to bankfull height.

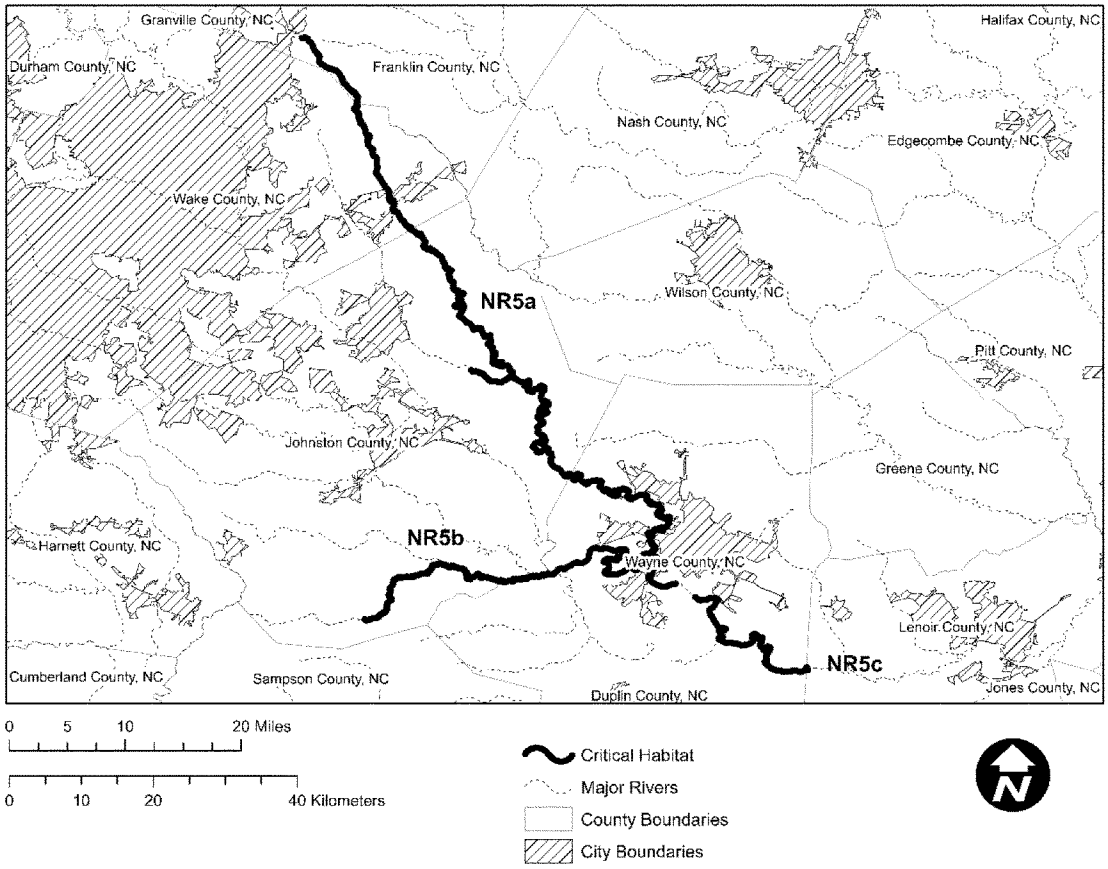
(ii) Unit 12 consists of 90.8 river miles (146.1 river kilometers) of habitat in the Little River from near NC96 in Wake County downstream to the confluence with the Neuse River, including Buffalo Creek from NC39 to the confluence with the Little River.

(iii) Unit 13 consists of 20.8 river miles (33.5 river kilometers) of Mill Creek from upstream of US701 downstream to the confluence with the Neuse River.

(iv) Unit 14 consists of 43.2 river miles (69.5 river kilometers) of the Middle Neuse River from the confluence with Mill Creek downstream to the Wayne/Lenoir County line.

(v) Map of Units 12, 13, and 14 follows:

Map of Units 12 - 14 : NR5 - Middle Neuse River Subbasins Critical Habitat Units for Neuse River Waterdog

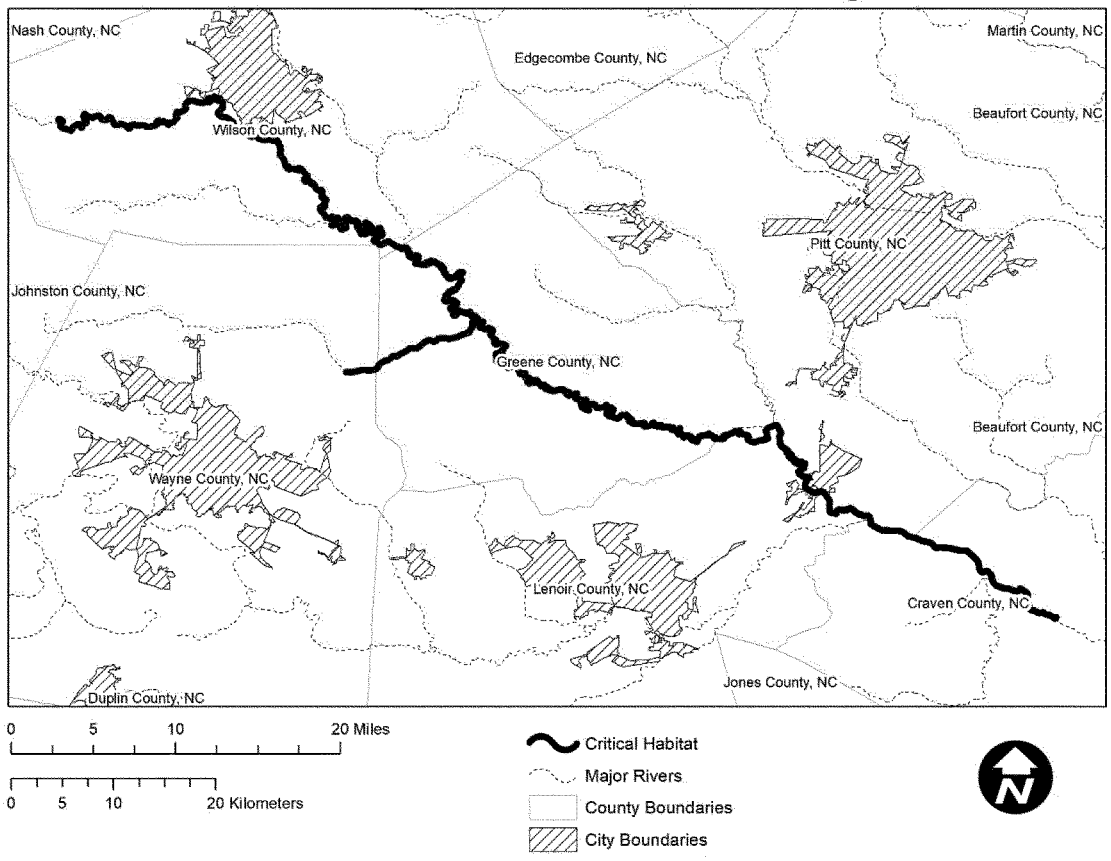


(15) Unit 15: NR6—Contentnea Creek/Lower Neuse River Subbasin, Craven, Greene, Lenoir, Pitt, Wayne, and Wilson Counties, North Carolina.

(i) This unit consists of 114.8 river miles (184.8 river kilometers) of habitat in the Contentnea Creek from NC581 downstream to its confluence with the Neuse River, Nahunta Swamp from the Wayne/Greene County line to the confluence with Contentnea Creek, and the Neuse River from the confluence with Contentnea Creek to the confluence with Pinetree Creek. Unit 15 includes stream habitat up to bankfull height.

(ii) Map of Unit 15 follows:

Map of Unit 15: NR6 - Contentnea Creek/Lower Neuse River Subbasin Critical Habitat Unit for Neuse River Waterdog

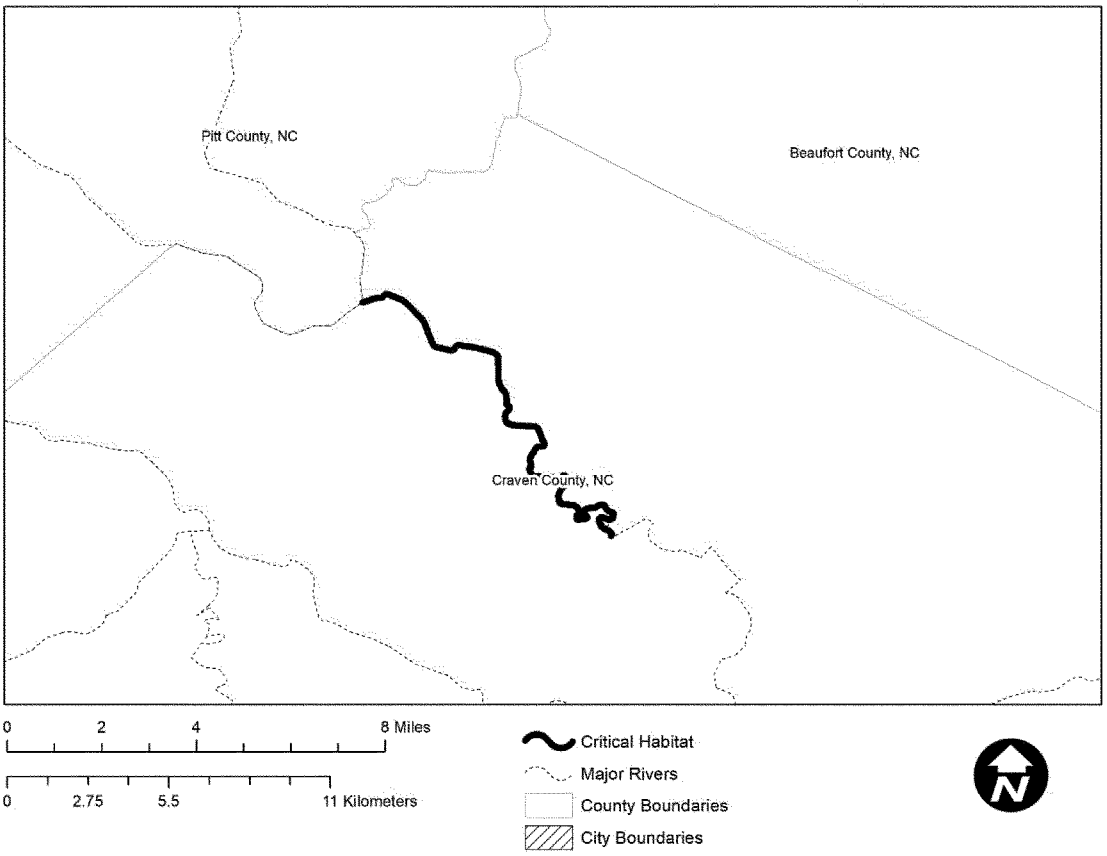


(16) Unit 16: NR7—Swift Creek, Craven County, North Carolina.

(i) This unit consists of 10.3 river miles (16.5 river kilometers) of habitat in Swift Creek from SR1931 (Beaver Camp Rd) downstream to SR1440 (Streets Ferry Rd). Unit 16 includes stream habitat up to bankfull height.

(ii) Map of Unit 16 follows:

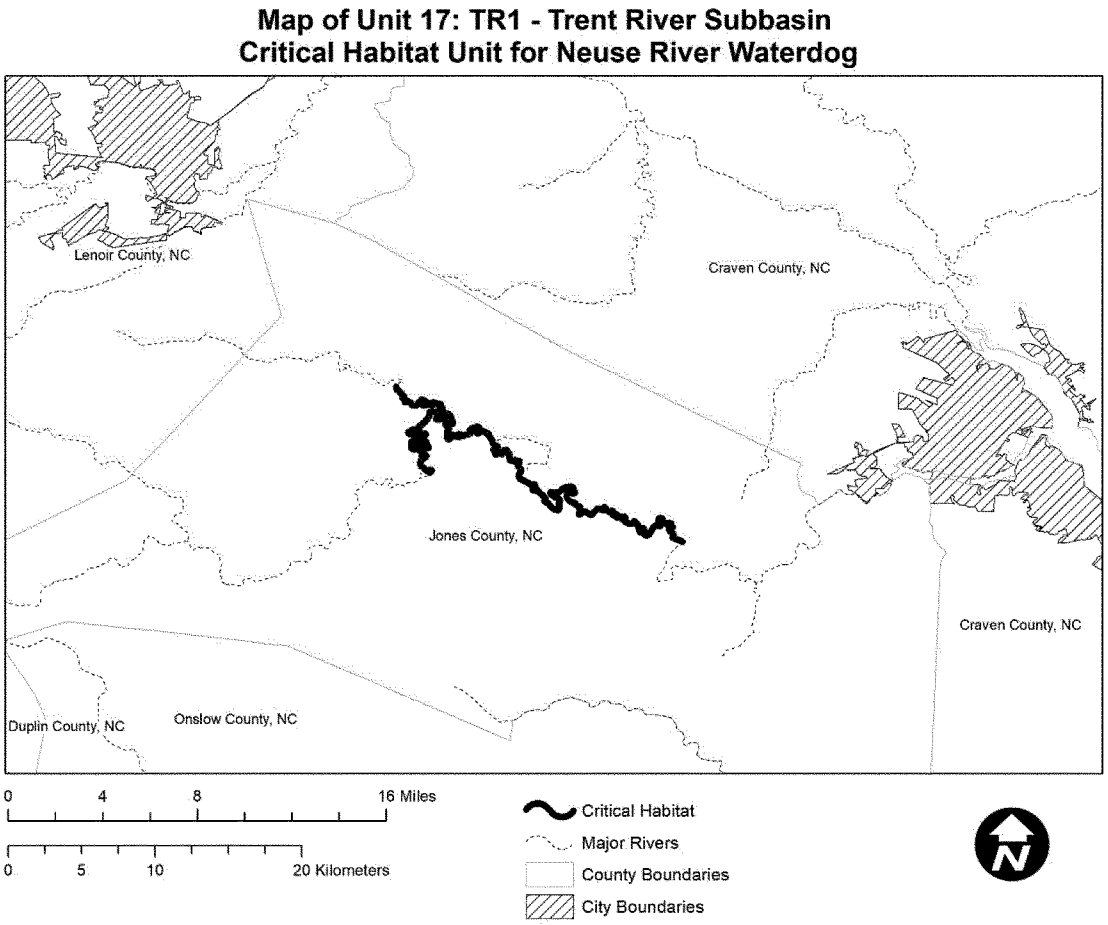
Map of Unit 16: NR7 - Swift Creek (Lower Neuse) Subbasin Critical Habitat Unit for Neuse River Waterdog



(17) Unit 17: TR1—Trent River, Jones County, North Carolina.

(i) This unit consists of 32.5 river miles (52.4 river kilometers) of habitat in Beaver Creek from SR1316 (McDaniel Fork Rd) to the confluence with the Trent River, and Trent River from the confluence with Poplar Branch downstream to SR1121 (Oak Grove Rd) crossing at the Marine Corps Cherry Point property. Unit 17 includes stream habitat up to bankfull height.

(ii) Map of Unit 17 follows:

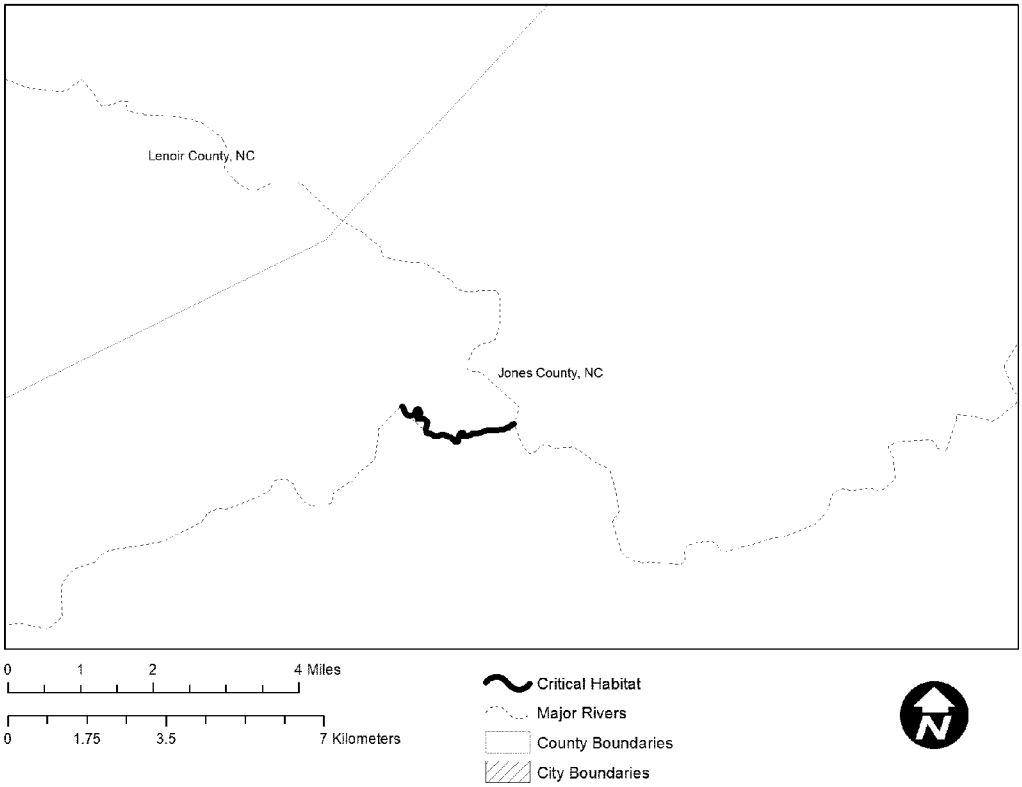


(18) Unit 18: TR2—Tuckahoe Swamp, Jones County, North Carolina.

(i) This unit consists of 2 river miles (3.2 river km) of Tuckahoe Swamp in Jones County, North Carolina. Unit 18 begins upstream of SR1142 (Weyerhaeuser Road) to the confluence with the Trent River. Unit 18 includes stream habitat up to bankfull height.

(ii) Map of Unit 18 follows:

Map of Unit 18: TR2 - Tuckahoe Swamp
Critical Habitat Unit for Neuse River Waterdog



* * * * *

Aurelia Skipwith,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2020–15347 Filed 7–29–20; 8:45 am]

BILLING CODE 4333–15–C

Notices

Federal Register

Vol. 85, No. 147

Thursday, July 30, 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.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 27, 2020.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. 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 these information collections are best assured of having their full effect if received by August 31, 2020. 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.

National Agricultural Statistics Service

Title: Census of Agriculture Content Test.

OMB Control Number: 0535–0243.

Summary of Collection: The purpose of the content test is to evaluate factors impacting the National Agricultural Statistics Service (NASS) Census of Agriculture program. The factors include, but are not limited to, respondent burden, questionnaire format and design, internet instrument performance, new items, changes in question wording and location, ease of completion, and processing methodology such as edit and summary. The proposed forms and letters will be used in several tests in 2020–2021 in preparation for conducting the 2022 Census of Agriculture. NASS is responsible for conducting the Census of Agriculture under the authority of the Census of Agriculture Act of 1997, Public Law 105–113 (U.S.C. 2204g).

This is a reinstatement of the Census of Agriculture Content Test, which is conducted every five years prior to the full Census of Agriculture. The last content test was done in 2015–2016 in preparation for the 2017 Census of Agriculture.

Need and Use of the Information: The Census of Agriculture Content Test is designed to evaluate a number of factors affecting the Census of Agriculture program. It is critical to NASS' ability to design a successful census survey. The actual Census of Agriculture is required by law every five years and serves as the basis for many agriculturally-based decisions. Less frequent content test collections would hinder NASS' ability to adequately evaluate changes needed to improve census data collection and therefore recognize changing trends in agriculture.

Description of Respondents: Farmers and Ranchers.

Number of Respondents: 51,200.

Frequency of Responses: Reporting: Other (every 5 years).

Total Burden Hours: 29,788.

National Agricultural Statistics Service

Title: Local Food Marketing Practices Survey.

OMB Control Number: 0535–0259.

Summary of Collection: Data will be collected under the authority of 7 U.S.C. 2204(a). Section 10016(a)(1)(A) of the 2014 Farm Bill (Pub. L. 113–79) directs the Department of Agriculture (USDA) to collect data on ''the production and marketing of locally or regionally produced agricultural food products,'' while Section 10016(b)(2) requires USDA to ''conduct surveys and analysis and publish reports relating to the production, handling, distribution, retail sales, and trend studies . . . of or on locally or regionally produced agricultural food products.''

This is a reinstatement of the survey that was conducted in 2016, referencing the calendar year 2015. The 2018 Farm Bill has provided funding for the continuation of the Local Food programs through 2023. The Local Foods Marketing Practices Survey will be a Census follow-on-survey.

Need and Use of the Information: The Local Food Marketing Practices Survey (LFMPS) is valuable because local farms have different business models than conventional farms, and the LFMPS is able to discern important data that are otherwise unavailable from pre-existing farmer surveys. This includes details on different types of market channels used, information about on-farm value-added processing, and outreach and advertising directly to community members and shoppers. Food and agriculture economists and other researchers in university, government, and nonprofit sectors analyze and rely on the data in this survey to understand local food marketing practices, make programmatic decisions, and support farms and related food production, aggregation, and distribution businesses.

Because the survey gathers data on production, risk management, and marketing practices, it will be used by a number of USDA agencies and federal policymakers to inform their policies and programs. Just some of the USDA agencies that will benefit from this data are Farm Service Agency (FSA), Risk Management Agency (RMA), Rural Development (RD), Agricultural Marketing Service (AMS), and Food and Nutrition Service (FNS). Farms in all 50 states will be asked to provide these data. Statistics from this survey will be used by state agencies to better understand, support, and promote their local food markets, as well as by researchers studying local foods.

Description of Respondents: Farmers and Ranchers.

Number of Respondents: 36,550.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 20,428.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–16493 Filed 7–29–20; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Forest Service

Jefferson National Forest; Monroe County, West Virginia; Giles and Montgomery County, Virginia; Mountain Valley Pipeline and Equitrans Expansion Project Supplemental Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplemental environmental impact statement.

SUMMARY: The USDA Forest Service (FS) is preparing a Supplemental Environmental Impact Statement (SEIS) to the 2017 Federal Energy Regulatory Commission (FERC) Final Environmental Impact Statement (FEIS) for the Mountain Valley Pipeline (MVP) and Equitrans Expansion Project. The MVP project proposed action that is specific to National Forest System (NFS) lands is to construct and operate a buried 42-inch natural gas pipeline across approximately 3.5 miles of the Jefferson National Forest (JNF). The FS, as the lead agency, and the Bureau of Land Management (BLM), as the Federal cooperating agency, have decisions to be made based on a review of the 2017 FERC FEIS and this supplemental analysis.

DATES: The Draft SEIS is expected to be available by September 2020 and the Final SEIS is anticipated later in 2020.

FOR FURTHER INFORMATION CONTACT: For media inquiries or to leave a message about the project on the JNF, please contact Nadine Siak via email at *SM.FS.GWJNF-PA@usda.gov* or leave a voicemail at 1–888–603–0261. Individuals who use telecommunication devices for the deaf (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. For inquiries for the BLM, contact Francis Piccoli by email at: *Fpiccoli@blm.gov* or by phone at (209) 912–7717.

SUPPLEMENTARY INFORMATION:

Background and History

The MVP is a proposed 303.5 mile interstate natural gas pipeline that crosses about 3.5 miles of the JNF, in Monroe County, West Virginia and Giles and Montgomery County, Virginia. The FS and the BLM participated as cooperating agencies with the FERC in the preparation of the MVP EIS. On June 29, 2017, the Notice of Availability for the FERC FEIS and the FS Draft Record of Decision (ROD) for the Mountain Valley Project Land and Resource Management Plan Amendment was published in the **Federal Register**.

On December 1, 2017, the FS adopted the FEIS and a ROD was signed by the JNF Forest Supervisor. The ROD amended the JNF Land and Resource Management Plan (Forest Plan) to allow the project to be consistent with the Forest Plan. The ROD included resource protection terms and conditions for the BLM to include should their decision be to grant a right-of-way (ROW). Therefore, both BLM and the FS have overlapping jurisdiction concerning the issuance of the terms and conditions, or stipulations included within the ROW grant.

Under the Mineral Leasing Act (30 U.S.C. 185 *et seq.*) (MLA), the BLM is the Federal agency responsible for issuing ROW grants for natural gas pipeline across Federal lands under the jurisdiction of two or more Federal agencies. The BLM is, therefore, responsible for considering the issuance of a ROW grant for the MVP for pipeline construction and operation across the lands under the jurisdiction of the FS and the United States Army Corps of Engineers (USACE). In 2017, the BLM received written concurrence to proceed from both federal agencies and on December 20, 2017 issued a ROD approving the MLA ROW grant to construct and operate the MVP pipeline across federal lands. The BLM ROD included a temporary use authorization.

Project implementation began in December 2017 and continued until July 27, 2018 when the Fourth Circuit Court of Appeals vacated and remanded the FS's decision approving the JNF plan amendment and BLM's MLA ROW decision. However, the Court vacated the BLM's MLA ROW decision only as it related to the portion through FS lands; the ROW across USACE lands was not affected and that decision remains in place. The Fourth Circuit concluded that aspects of the FS decision failed to comply with the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA). The Court upheld the BLM's adoption of and reliance on FERC's FEIS as satisfying the requirements of NEPA in support of the MLA ROW decision across federal lands. The Court, however, vacated BLM's decision approving the MLA ROW across the JNF, concluding that the BLM did not analyze and determine whether the proposed route utilized rights-of-way in common to the extent practical, as required by the MLA, 30 U.S.C. 185(p).

On May 1, 2020, Mountain Valley Pipeline, LLC (Mountain Valley) submitted a revised MLA ROW application to the BLM seeking to construct and operate the natural gas pipeline across the JNF. Mountain Valley also requested that the FS amend the JNF Forest Plan consistent with the issues identified by the Fourth Circuit Court. On May 28, 2020, the BLM deemed Mountain Valley's revised application complete. For more detailed information on the background and history of the MVP project, see the project website at: *https://www.fs.usda.gov/detail/gwj/landmanagement/projects/?cid=stelprd3827827.*

Purpose and Need for Action

The FS's purpose and need for the proposed action is to respond to a proposal from Mountain Valley to construct and operate a buried 42-inch interstate natural gas pipeline that would cross NFS lands on the JNF along a proposed 3.5-mile corridor. A FS decision is needed because the project would not be consistent with several JNF Forest Plan standards including utility corridors, soil, riparian, old growth, the Appalachian National Scenic Trail (ANST), and scenic integrity without a project-specific amendment. Relatedly, there is a need to determine what terms and conditions, or stipulations should be provided to the BLM in order to protect resources and the public interest consistent with the MLA, 30 U.S.C. 185(h).

For the FS, a supplemental analysis and new decision are needed because the Fourth Circuit Court of Appeals vacated the FS ROD. The Court identified both NFMA and NEPA issues. To resolve the Court's NFMA issues, there is a need, at a minimum, to apply FS Planning Rule requirements to soil and riparian resources and evaluate both the purpose and the effects of the amendment to threatened and endangered aquatic species, consistent with 36 CFR 219.13(b)(5). To ensure all resources potentially affected by the amendment receive equal consideration, there is a need to apply the Planning Rule requirements to resources including water; terrestrial and

botanical threatened and endangered species; old growth; the ANST; scenic integrity; and to evaluate the purpose and effect of the amendment.

The Court also identified NEPA deficiencies. There is a need for the FS, at a minimum, to demonstrate that an independent review of the sedimentation analysis has occurred, that predicted effects are supported with rationale, and that previous concerns and comments related to erosion and its effects have been satisfied. To meet this objective, there is a need to evaluate and assess erosion, sedimentation, and water quality effects in relation to anticipated mitigation effectiveness. To address Court issues related to meeting MLA requirements (30 U.S.C. 185(p)), there is a need to analyze and determine whether the proposed route utilizes rights-of-way in common to the extent practicable. Relatedly, the FS needs to re-evaluate the feasibility and practicality of having routes that are not on NFS lands.

There is new information and changed circumstances to consider since the FS ROD was signed in December 2017. New information includes recent federally listed threatened and endangered species and critical habitat designations. Changed circumstances include the status of the project and road use. Over fifty percent of the MVP project has been implemented and stabilization efforts are ongoing; and, the proposal no longer includes the use of the Pocahontas, Mystery Ridge, or Brush Mountain Forest Roads. Given the new information and changed circumstances, the FS needs to evaluate the sufficiency of the terms and conditions, or stipulations that would be submitted to the BLM.

The BLM's purpose and need for action is to respond to Mountain Valley's revised MLA ROW application for the MVP project to construct and operate a natural gas pipeline across NFS lands consistent with the MLA, 30 U.S.C. 185, and BLM's implementing regulations, 43 CFR part 2880. Under the MLA, the BLM has responsibility for reviewing Mountain Valley's ROW application and authority to issue a decision on whether to approve, approve with modifications, or deny the application. The BLM's review of the ROW application will focus, in part, on the FS supplemental analysis for NFS lands to make their decision, but also intends to rely on the FERC FEIS, consistent with the Fourth Circuit's decision. The BLM will work as a cooperating agency with the FS to complete the necessary environmental analysis to address the issues identified by the Fourth Circuit.

Proposed Action

In response to the purpose and need, the FS would provide construction and operation terms and conditions, or stipulations (terms) as needed for the actions listed below. The terms and conditions, or stipulations would be submitted to the BLM for inclusion in the ROW grant. The FS would also provide concurrence to the BLM to proceed with the ROW grant. The operation and maintenance actions that need terms and conditions, or stipulations and FS concurrence include:

- Construction of a 42-inch pipeline across 3.5 miles of the JNF.
- The use of a 125-foot-wide temporary construction ROW for pipeline installation and trench spoil. The width would be reduced to approximately 75 feet to cross most wetlands. Once construction is complete, the MVP would retain a 50-foot permanent ROW to operate the pipeline.
- The use of above-ground facilities, limited to pipeline markers (*e.g.,* at road and trail crossings) to advise the public of pipeline presence, and cathodic pipeline protection test stations that are required by Department of Transportation.

An integral part of the proposed action is the Plan of Development (POD) that guides pipeline construction, operation, and maintenance. The POD includes resource mitigation for reducing or eliminating impacts to resources. See the FERC FEIS, Sec. 1.5 for a complete list of requirements for the MVP that is managed by the FERC.

Forest Plan Amendments

Eleven Forest Plan standards on the JNF are proposed to be amended to make the project compliant with the Forest Plan, *i.e.,* allow the BLM to grant a ROW. Standards include: FW–248 (utility corridors); FW–5 (revegetation); FW–8 (soil compaction in water saturated areas); FW–9 (soil impacts from heavy equipment use); FW–13 and FW–14 (exposed soil and residual basal area within the channeled ephermal zone); 11–003 (exposed soil within the riparian corridor); 6C–007 and 6C–026 (tree clearing and utility corridors in the old growth management area); 4A–028 (Appalachian National Scenic Trail and utility corridors); and FW–184 (scenic integrity objectives).

The FS's Planning Rule at 36 CFR 219.13(b)(2) requires responsible officials to provide notice of which substantive requirements of 36 CFR 219.8 through 219.11 are likely to be directly related to the amendment. Whether a Planning Rule provision is directly related to an amendment is determined by any one of the following: The purpose for the amendment, a beneficial effect of the amendment, a substantial adverse effect of the amendment, or a lessening of plan protections by the amendment (36 CFR 219.13(b)(5)). Based on those criteria, the substantive Planning Rule provisions that are likely to be directly related to the amendments are: § 219.8(a)(1) (terrestrial ecosystems); § 219.8(a)(2)(ii) (soils and water productivity); § 219.8(a)(2)(iv) (water resources); § 219.8(a)(3)(i) (ecological integrity of riparian areas); § 219.9(b) (contributions to recovery of threatened and endangered species); § 219.10(a)(3) (utility corridors); § 219.10(b)(1)(vi) (other designated areas); § 219.10(b)(1)(i) (scenic character); and § 219.11(c) (timber harvesting for purposes other than timber production).

Responsible Officials

For the FS, the responsible official is the Forest Supervisor of the George Washington and Jefferson National Forests. For the BLM, the responsible official is the Eastern States State Director.

Nature of Decision To Be Made

Forest Service

Given the purpose and need, the Forest Supervisor will review the proposed action including the POD, alternatives, the terms and conditions, stipulations, the environmental consequences that would be applicable to NFS lands, public comment, and the project record in order to make the following decisions: (1) Whether to approve a Forest Plan amendment that would modify eleven standards in the JNF's Forest Plan; (2) Determine what terms and conditions, or stipulations should apply to a BLM ROW grant; and, (3) Whether to adopt all or portions of the FERC FEIS that is relevant to NFS lands. The NEPA decisions will be used to determined whether the FS will provide concurrence to the BLM for the ROW grant across NFS lands.

While the Equitrans Expansion project was included in the FERC FEIS, it is not on NFS lands. Therefore, no analysis will be prepared or decision made on that project.

Bureau of Land Management

Consistent with the MLA, 30 U.S.C. 185, and BLM's implementing regulations, 43 CFR part 2880, the BLM will review Mountain Valley's revised

MLA ROW application, the FERC FEIS, and the FS supplemental anlaysis to determine whether to approve, approve with modifications, or deny the MLA ROW application through the NFS lands. As a cooperating agency, the BLM intends to rely on and adopt the FS supplemental analysis for its decision, as long as the analysis provides sufficient evidence to support the decision and the FS addresses the BLM's comments and suggestions to the BLM's satisfaction. Before issuing a decision on Mountain Valley's application, the BLM would need the FS's written concurrence. Through the concurrence process, if the BLM's decision is to approve the ROW, the FS would submit to the BLM any stipulations for inclusion in the ROW grant that are deemed necessary to protect the environment and otherwise protect the public interest consistent with 30 U.S.C. 185(h); 43 CFR 2885.11. The BLM decision would be documented in a separate ROD.

Public Engagement Process

Scoping was completed and summarized in the FERC FEIS (FEIS, Section ES–2, 1.4). Written, specific comments, including those that were relevant to NFS lands, identified concerns and issues that were addressed in the FEIS. Scoping will not be repeated and this SEIS will focus on the topics identified by the Fourth Circuit Court and others that are closely related to the Court's findings including:

JNF Forest Plan Amendment

- The purpose and effects of the Forest Plan amendment on resources including those within the utility corridor; soil; water; riparian; terrestrial; botanical, and aquatic threatened and endangered species; old growth; the ANST, scenic integrity; and,
- How the proposed amendment meets Planning Rule requirements.

Independent Review of Sedimentation Analysis

- An evaluation and assessment of erosion and sedimentation and its associated effects to water quality and threatened and endangered aquatic species;
- An evaluation of predicted effects in relation to anticpated mitigation effectiveness, supported with rationale; and,
- Disclosure on how previous concerns and comments related to erosion and its effects that were provided to the FERC have been satisfied.

New Information and Changed Circumstances

There is new information and changed circumstances to consider since the FS ROD was signed in December 2017. New information includes recent Federally listed threatened and endangered species and critical habitat designations. Changed circumstances include the status of the project and road use (see Purpose and Need for Action).

Additional opportunities for public comment will be provided when the Draft SEIS is available. A FS decision to amend the Forest Plan will be subject to the Forest Service predecisional administrative review procedures established in 36 CFR part 218 (per 36 CFR 219.59(b)). Those wishing to object must meet the requirements at 36 CFR part 218, subpart A and B for the project.

Tina Terrell,

Associate Deputy Chief, National Forest System.

[FR Doc. 2020–16507 Filed 7–29–20; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the West Virginia Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA) that a meeting of the West Virginia Advisory Committee to the Commission will convene by conference call at 11:30 a.m. (ET) on Tuesday, August 4, 2020. The purpose of the meeting is to discuss possible topics for the Committee's civil rights project.

DATES: Tuesday, August 4, 2020 at 11:30 a.m. (ET).

Public Call-In Information: Conference call-in number: 1–800–367–2403 and conference call ID number: 2629531.

FOR FURTHER INFORMATION CONTACT: Ivy Davis at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–800–367–2403 and conference call ID number: 2629531. Please be advised that before being placed into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). 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 conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–888–364–3109 and providing the operator with the toll-free conference call-in number: 1–800–367–2403 and conference call ID number: 2629531.

Members of the public are invited to make statements during the Public Comments section of the Agenda. They are also invited to submit written comments, which must be received in the regional office approximately 30 days after the scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425 or emailed to Corrine Sanders at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at: *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzmCAAQ;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda: August 4, 2020 at 11:30 a.m. (EST)

I. Rollcall
II. Welcome
III. Project Planning
IV. Other Business
V. Next Planning
VI. Meeting
VII. Open Comments
VIII. Adjourn

Dated: July 27, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–16511 Filed 7–29–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Report of Organization

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on March 30, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau.

Title: Report of Organization.

OMB Control Number: 0607–0444.

Form Number(s): NC–99001(L), NC–99001(S), NC–99007.

Type of Request: Regular Submission, Request for an Extension, without change of a Currently Approved Collection.

Number of Respondents: 98,000.

Average Hours per Response: 1.276 hours.

Burden Hours: 125,016.

Needs and Uses: The Census Bureau requests an extension of the currently approved Report of Organization data collection for survey years 2020, 2021 and 2022.

The Census Bureau conducts the annual Report of Organization to update and maintain a centralized, multipurpose Business Register (BR). In particular, the survey supplies critical information on the organizational structure, operating characteristics, and employment and payroll of multi-location enterprises.

The BR serves two fundamental purposes:

- First and most important, it provides sampling populations and enumeration lists for the Census Bureau's economic surveys and censuses, and it serves as an integral part of the statistical foundation underlying those programs. Essential for this purpose is the BR's ability to identify all known United States business establishments and their parent companies. Further, the BR must accurately record basic business attributes needed to control sampling and enumeration. These attributes include industry and geographic classifications, measures of size and economic activity, ownership characteristics, and contact information (for example, name and address).
- Second, it provides establishment data that serve as the basis for the annual County Business Patterns (CBP) statistical series. The CBP reports present data on number of establishments, first quarter payroll, annual payroll, and mid-March employment summarized by industry and employment size class for the United States, the District of Columbia, island areas, counties, and county-equivalents. No other annual or more frequent series of industry statistics provides comparable detail, particularly for small geographic areas.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 of the United States Code, Sections 131 and 182.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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 and entering either the title of the collection or the OMB Control Number 0607–0444.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–16543 Filed 7–29–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA317]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; availability of a draft Hatchery and Genetic Management Plan for public comment.

SUMMARY: Notice is hereby given that NMFS has received a Hatchery and Genetic Management Plan (HGMP) outlining a program, operated by the Oregon Department of Fish and Wildlife (ODFW), rearing and releasing Clackamas River spring Chinook salmon into the Clackamas, Willamette, and Lower Columbia River basins. This document serves to notify the public of the availability and opportunity to comment on a draft HGMP. The HGMP was submitted for review and determination under Limit 5 of the Endangered Species Act (ESA) 4(d) Rule for salmon and steelhead.

DATES: Comments must be received at the appropriate address (see **ADDRESSES**) no later than 5 p.m. Pacific time on August 31, 2020. Comments received after this date may not be considered.

ADDRESSES: Written responses should be addressed to the NMFS Sustainable Fisheries Division, 1201 NE Lloyd Blvd., Portland, OR 97232. Comments may be submitted by email. The mailbox address for providing email comments is: *Hatcheries.Public.Comment@noaa.gov.* Include in the subject line of the email comment the following identifier: Clackamas Hatchery Spring Chinook Comments.

FOR FURTHER INFORMATION CONTACT: James Archibald at (503) 230–5425 or by email at *james.archibald@noaa.gov.*

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

- Lower Columbia River Chinook Salmon (*Oncorhynchus tshawytscha*): Threatened, naturally and artificially propagated
- Lower Columbia River Steelhead (*O. mykiss*): Threatened, naturally and artificially propagated
- Lower Columbia River Coho Salmon (*O. kisutch*): Threatened, naturally and artificially propagated
- Columbia River Chum Salmon (*O. keta*): Threatened, naturally and artificially propagated

Background

Section 9 of the ESA and Federal regulations prohibit the ''taking'' of a species listed as endangered or threatened. The term ''take'' is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may make exceptions to the take prohibitions

in section 9 of the ESA for programs that are approved by NMFS under the 4(d) Rule (50 CFR 223.203(b)(6)).

ODFW has submitted an HGMP for the Clackamas Hatchery Spring Chinook Salmon program in the Clackamas River basin under Limit 5 of the 4(d) Rule. This program is primarily funded by the National Marine Fishery Service through the Mitchell Act, and partially funded by the City of Portland and Portland General Electric.

Prior to making a final determination on the submitted HGMP, NMFS must make it available for the public to have the opportunity comment on how the HGMP addresses the criteria in Limit 5 of the 4(d) Rule.

The submitted HGMP describes the hatchery program along with the associated monitoring and evaluation activities. The program will begin to integrate natural-origin returning adults into the hatchery broodstock in order to promote an increase in genetic fitness and survivability. Through the use of a conservative sliding scale approach, the ODFW will incorporate a small percentage of natural-origin returning adults. This integrated program will provide a much needed increase in genetic fitness to a highly domesticated hatchery stock that has struggled with precipitous declining returns for the last decade. ODFW hopes that this new management approach will supplement the much desired mark-selective Clackamas River spring Chinook salmon fishery. The program is intended to mitigate for fish losses caused by the construction and operation of the mainstem Columbia River and the Clackamas River dams by providing fishing opportunities for tribes and states, and to contribute to the survival and recovery of ESA-listed Lower Columbia River Chinook salmon.

Authority: 16 U.S.C. 1531 *et seq.;* subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.*

Dated: July 23, 2020.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–16462 Filed 7–29–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Alaska Pacific Halibut Fisheries: Subsistence

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on March 6, 2020 (85 FR 13139) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Alaska Pacific Halibut Fisheries: Subsistence.

OMB Control Number: 0648–0512.

Form Number(s): None.

Type of Request: Regular submission (revision and extension of a current information collection).

Number of Respondents: 6,293.

Average Hours per Response: Application for Subsistence Halibut Registration Certificates: Rural Residents and Alaska Native Tribal Members—10 minutes, Alaska Native Tribe—30 minutes; Subsistence Halibut Special Permit applications, 30 minutes; Harvest logs, 30 minutes; Appeal for permit denial, 4 hours; Gear marking, 15 minutes.

Total Annual Burden Hours: 1,340 hours.

Needs and Uses: The information being collected is necessary for National Marine Fisheries Service (NMFS) Alaska Region to manage the Alaska Subsistence Halibut Program. This program is intended to allow eligible persons to practice the long-term customary and traditional harvest of Pacific halibut for food in a non-commercial manner. This program provides NMFS the opportunity to learn more about the subsistence halibut fishery and enhance estimates of subsistence removals for stock assessment purposes. This information collection contains the forms used by participants in the subsistence halibut fishery to apply for Subsistence Halibut Registration Certificates, apply for special use permits, and submit harvest information for special use permits. This information collection contains two collections for which no forms are used: The appeals process for denied permits and subsistence fishing gear requirements.

This collection is revised to separate the data for the three applications for Subsistence Halibut Registration Certificates (SHARCs). Minor, non-regulatory changes have been made to the SHARC applications to increase clarity. A missing field has been added to the Application for Subsistence Halibut Registration Certificate (SHARC) Alaska Native Tribe.

Affected Public: Individuals or households; State, Local, or Tribal government.

Frequency: On Occasion; Annually.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: Northern Pacific Halibut Act of 1982 (16 U.S.C. 773c).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

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 and entering either the title of the collection or the OMB Control Number 0648–0512.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–16548 Filed 7–29–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Trademark Trial and Appeal Board (TTAB) Actions

The United States Patent and Trademark Office (USPTO) will submit the following information collection

request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comment on this information collection renewal, which helps the USPTO assess the impact of its information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on May 26, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

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

Title: Trademark Trial and Appeal Board (TTAB) Actions.

OMB Control Number: 0651–0040.

Form Numbers:

- PTO 2188 (Petition for Cancellation).
- PTO 2120 (Notice of Opposition).
- PTO 2153 (Request for Extension of Time to File an Opposition).
- PTO 2151 (Papers in Inter Partes Cases).
- PTO 2190 (Notice of Appeal).
- PTO 2189 (Ex Parte Appeal General Filing).

Type of Review: Extension and revision of a currently approved information collection.

Number of Respondents: 70,475 respondents.

Average Hours per Response: The USPTO estimates 67,005 responses and that it will take the public approximately 10 to 30 minutes to complete this information collection, depending on the complexity of the submission. This includes the time to gather the necessary information, prepare the appropriate briefs, petition, and other papers, and submit the completed items to the USPTO.

Estimated Total Annual Respondent Burden Hours: 21,133 hours.

Estimated Total Annual Non-Hour Cost Burden: $5,758,746.

Needs and Uses: The USPTO administers the Trademark Act of 1946 through the regulations at 37 CFR part 2, which contains the various rules that govern the filings and other submissions filed in connection with inter partes and ex parte proceedings. These petitions, notices, extensions, and additional papers are filed with the Trademark Trial and Appeal Board (TTAB), an administrative tribunal empowered to determine the right to register and subsequently determine the validity of a trademark.

This collection of information is required by the Trademark Act of 1946, Sections 13, 14, and 20, 15 U.S.C. 1063, 1064, and 1070, respectively. Under the Trademark Act, any individual or entity that adopts a trademark or service mark to identify their goods or services may apply to federally register their mark. Section 14 of the Trademark Act allows individuals and entities to file a petition to cancel a registration of a mark, while Section 13 allows individuals and entities who believe that they would be damaged by the registration of a mark to file an opposition, or an extension of time to file an opposition, to the registration of a mark. Section 20 of the Trademark Act allows individuals and entities to file an appeal from any final decision of the Trademark Examining Attorney assigned to review an application for registration of a mark.

The information in this information collection must be submitted electronically through the Electronic System for Trademark Trials and Appeals (ESTTA). If applicants or entities wish to submit the petitions, notices, extensions, and additional papers in inter partes and ex parte cases, they must use the forms provided through ESTTA.

The responses in this information collection are a matter of public record, and are used by the public for a variety of private business purposes related to establishing and enforcing trademark rights. This information is important to the public, as both common law trademark owners and federal trademark registrants must actively protect their own rights.

Affected Public: Individuals or households; private sector. The USPTO estimates that the majority (95%) of respondents (*i.e.,* applicants, patent owners, and requesters) will be from the private sector, but that about 5% will be individuals and households.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce, USPTO information collections currently under review by OMB.

Written comments and recommendations for this 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 and entering either the title of the information collection or the OMB Control Number 0651–0040.

Further information can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0040 information request'' in the subject line of the message.
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2020–16451 Filed 7–29–20; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Navy

Certificate of Alternate Compliance for USS MINNEAPOLIS ST. PAUL (LCS 21)

AGENCY: Department of the Navy, DoD.

ACTION: Notice of Issuance of Certificate of Alternate Compliance.

SUMMARY: The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for USS MINNEAPOLIS ST. PAUL (LCS 21). Due to the special construction and purpose of this vessel, the Deputy Assistant Judge Advocate General (DAJAG)(Admiralty and Maritime Law) has determined it is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the navigation lights provisions of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) without interfering with its special function as a naval ship. The intended effect of this notice is to warn mariners in waters where 72 COLREGS apply.

DATES: This Certificate of Alternate Compliance is effective July 30, 2020 and is applicable beginning July 22, 2020.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Tom Bright, JAGC, U.S. Navy, Admiralty Attorney, Office of the Judge Advocate General, Admiralty and Maritime Law Division (Code 11), 1322 Patterson Ave. SE, Suite 3000, Washington Navy Yard, DC 20374–5066, 202–685–5040, or *admiralty@navy.mil.*

SUPPLEMENTARY INFORMATION:

Background and Purpose

Executive Order 11964 of January 19, 1977 and 33 U.S.C. 1605 provide that the requirements of the International Regulations for Preventing Collisions at

Sea, 1972 (72 COLREGS), as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, shall not apply to a vessel or class of vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel(s) to comply fully with the provisions without interfering with the special function of the vessel(s). Notice of issuance of a Certificate of Alternate Compliance must be made in the **Federal Register**.

In accordance with 33 U.S.C. 1605, the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, hereby finds and certifies that USS MINNEAPOLIS ST. PAUL (LCS 21) is a vessel of special construction or purpose, and that, with respect to the position of the following navigational lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS without interfering with the special function of the vessel:

Annex I, paragraph 2(a)(i), pertaining to the vertical position of the forward masthead light; Annex I, paragraph 3(a), pertaining to the horizontal position of the forward masthead light; and Annex I, paragraph 3(a), pertaining to the horizontal separation between the forward and aft masthead lights.

The DAJAG (Admiralty and Maritime Law) further finds and certifies that these navigational lights are in closest possible compliance with the applicable provision of the 72 COLREGS.

Authority: 33 U.S.C. 1605(c), E.O. 11964.

Approved: July 22, 2020.

D.J. Antenucci,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2020–16470 Filed 7–29–20; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Certificate of Alternate Compliance for USS MOBILE (LCS 26)

AGENCY: Department of the Navy, DoD.

ACTION: Notice of Issuance of Certificate of Alternate Compliance.

SUMMARY: The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for USS MOBILE (LCS 26). Due to the special construction and purpose of this vessel, the Deputy Assistant Judge Advocate General (DAJAG)(Admiralty and Maritime Law) has determined it is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the navigation lights provisions of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) without interfering with its special function as a naval ship. The intended effect of this notice is to warn mariners in waters where 72 COLREGS apply.

DATES: This Certificate of Alternate Compliance is effective July 30, 2020 and is applicable beginning July 22, 2020.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Tom Bright, JAGC, U.S. Navy, Admiralty Attorney, Office of the Judge Advocate General, Admiralty and Maritime Law Division (Code 11), 1322 Patterson Ave. SE, Suite 3000, Washington Navy Yard, DC 20374–5066, 202–685–5040, or *admiralty@navy.mil.*

SUPPLEMENTARY INFORMATION:

Background and Purpose

Executive Order 11964 of January 19, 1977 and 33 U.S.C. 1605 provide that the requirements of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, shall not apply to a vessel or class of vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel(s) to comply fully with the provisions without interfering with the special function of the vessel(s). Notice of issuance of a Certificate of Alternate Compliance must be made in the **Federal Register**.

In accordance with 33 U.S.C. 1605, the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, hereby finds and certifies that USS MOBILE (LCS 26) is a vessel of special construction or purpose, and that, with respect to the position of the following navigational lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS without interfering with the special function of the vessel:

Annex I, paragraph 2(a)(i), pertaining to the vertical position of the forward masthead light; Annex I, paragraph 3(a), pertaining to the horizontal position of the forward masthead light; Rule 21(a) and Annex I, paragraph 2(f)(i), pertaining to masthead light obstructions; and Annex I, paragraph 3(a), pertaining to the horizontal separation between the forward and aft masthead lights.

The DAJAG (Admiralty and Maritime Law) further finds and certifies that these navigational lights are in closest possible compliance with the applicable provision of the 72 COLREGS.

(Authority: 33 U.S.C. 1605(c), E.O. 11964)

Approved: July 22, 2020.

D.J. Antenucci,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2020–16471 Filed 7–29–20; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF20–3–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Planned Regional Energy Access Expansion Project, Request for Comments on Environmental Issues, and Notice of Public Virtual Scoping Sessions

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Regional Energy Access Expansion Project involving construction and operation of facilities by Transcontinental Gas Pipe Line Company, LLC (Transco) in Bucks, Chester, Delaware, Luzerne, Monroe, Northampton, Wyoming, and York Counties, Pennsylvania; and Burlington, Camden, Gloucester, Hunterdon, Mercer, Somerset, and Warren Counties, New Jersey; and Baltimore County, Maryland. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis

in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on August 24, 2020. Comments may be submitted in written or oral form. Further details on how to submit comments are provided in the Public Participation section of this notice.

You can make a difference by submitting your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Commission staff will consider all written or oral comments during the preparation of the EA.

If you sent comments on this project to the Commission *before* the opening of this docket on June 18, 2020, you will need to file those comments in Docket No. PF20–3–000 to ensure they are considered.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law.

A fact sheet prepared by the FERC entitled An Interstate Natural Gas Facility On My Land? What Do I Need To Know? is available for viewing on the FERC website (*www.ferc.gov*) under the natural gas Landowner Topics link. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Public Participation

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on eRegister. You will be asked to select the type of filing you are making; a comment on a particular project is considered a Comment on a Filing;

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (PF20–3–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852; or

(4) In lieu of sending written comments, the Commission invites you to attend one of the virtual public scoping sessions its staff will conduct by telephone, scheduled as follows:

DATE AND TIME
Tuesday, August 18, 2020, 6:00–8:00 p.m. EDT, Call in number: 888–455–9739, Participant passcode: 4753713.
Wednesday, August 19, 2020, 6:00–8:00 p.m. EDT, Call in number: 888–455–9739, Participant passcode: 4753713.
Thursday, August 20, 2020, 6:00–8:00 p.m. EDT, Call in number: 888–455–9739, Participant passcode: 4753713.

The primary goal of these scoping sessions is to have you identify the specific environmental issues and concerns that should be considered in the EA. Individual oral comments will be taken on a one-on-one basis with a court reporter present on the line. This format is designed to receive the maximum amount of oral comments, in a convenient way during the timeframe allotted and is in response to the ongoing COVID–19 pandemic.

Each scoping session is scheduled from 6:00 p.m. to 8:00 p.m. Eastern Daylight Time. You may call at any time after 6:00 p.m. at which time you will be placed on mute and hold. Calls will be answered in the order they are received. Once answered, you will have the opportunity to provide your comment directly to a court reporter with FERC staff or representative present on the line. A time limit of three minutes will be implemented for each commentor.

Transcripts of all comments received during the scoping sessions will be publicly available on FERC's eLibrary system (see the last page of this notice for instructions on using eLibrary).

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided orally at a virtual scoping session.

There will not be a formal presentation provided by Commission staff. However, information about FERC's environmental review process can be found on the FERC website (*www.ferc.gov*) under the natural gas

Landowner Topics link. In addition, Transco has created a project-specific website with additional information at *https://www.williams.com/expansion-project/regional-energy-access/.*

Please note this is not your only public input opportunity; please refer to the review process flow chart in appendix 1.[1]

Summary of the Planned Project

Transco plans to construct and operate approximately 35.8 miles of pipeline loop[2] and one new compressor station, as well as modify existing compressor stations and facilities in Pennsylvania and New Jersey. The project would provide about 760 million standard cubic feet of natural gas per day to multiple delivery points along Transco's existing system in Pennsylvania, New Jersey, and Maryland. According to Transco, its project would provide its customers with enhanced access to Marcellus and Utica Shale natural gas supplies.

The project would consist of the following facilities:

- Installation of 22 miles of 30-inch-diameter pipeline loop in Luzerne County, Pennsylvania (Regional Energy Lateral);
- installation of 13.8 miles of 42-inch-diameter pipeline loop in Monroe County, Pennsylvania (Effort Loop);
- installation of the new Compressor Station 201 (up to 11,500 horsepower [hp]) in Gloucester County, New Jersey);
- installation of a gas turbine or electric motor-driven compressor unit (up to 16,000 hp) at existing Compressor Station 505 in Somerset County, New Jersey;
- installation of a gas turbine compressor unit (up to an additional 31,871 hp) and modifications to three existing compressors at existing Compressor Station 515 in Luzerne County, Pennsylvania;
- modifications at existing compressor stations, meter stations, interconnects, and ancillary facilities in Pennsylvania, New Jersey, and Maryland; and
- installation of ancillary facilities such as mainline valves, communication facilities, and pig[3] launchers and receivers.

The general location of the project facilities is shown in appendix 2.

Land Requirements for Construction

Construction of the planned facilities would disturb about 814 acres[4] of land for the aboveground facilities and the pipeline loops. Following construction, Transco would maintain about 232 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses. The majority of the planned pipeline loops parallel Transco's existing pipeline rights-of-way.

The EA Process

The EA will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use and visual impacts;
- socioeconomics;
- air quality and noise;
- public safety; and
- cumulative impacts.

Commission staff will also evaluate possible alternatives to the planned project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, Commission staff have already initiated a NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the Commission receives an application. As part of the pre-filing review, Commission staff will contact federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

The EA will present Commission staff's independent analysis of the issues. The EA will be available in electronic format in the public record through eLibrary[5] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the EA is issued. The EA may be issued for an allotted public comment period. Commission staff will consider all comments on the EA before making recommendations to the Commission. To ensure Commission staff have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate in the preparation of the EA.[6] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[7] The EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called eLibrary or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371.

[2] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[3] 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.

[4] Transco is evaluating workspace requirements at three of the planned aboveground facilities to determine whether additional land requirements will be necessary.

[5] For instructions on connecting to eLibrary, refer to the last page of this notice.

[6] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[7] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If the Commission issues the EA for an allotted public comment period, a *Notice of Availability* of the EA will be sent to the environmental mailing list and will provide instructions to access the electronic document on the FERC's website (*www.ferc.gov*). *If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please return the attached Mailing List Update Form (appendix 3).*

Becoming an Intervenor

Once Transco files its application with the Commission, you may want to become an intervenor which is an official party to the Commission's proceeding. Only intervenors have the right to seek rehearing of the Commission's decision and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at *https://www.ferc.gov/ferc-online/ferc-online/how-guides.* Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project, after which the Commission will issue a public notice that establishes an intervention deadline.

Additional Information

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. Click on the eLibrary link, click on General Search and enter the docket number in the Docket Number field, excluding the last three digits (*i.e.,* PF20–3). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public virtual scoping sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

Dated: July 24, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–16518 Filed 7–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–2493–000]

OTCF, II LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of OTCF, 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 13, 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 24, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–16517 Filed 7–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–479–000]

Northern Natural Gas; Notice of Intent To Prepare an Environmental Assessment for the Proposed 2021 Auburn A-Line Abandonment and Capacity Replacement Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the 2021 Auburn A-line Abandonment and Capacity Replacement Project involving construction, operation, and abandonment of facilities by Northern Natural Gas (Northern) in Lancaster, Otoe, Johnson, and Nemaha counties, Nebraska. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission

will use to gather input from the public and interested agencies about issues regarding the project. The National Environmental Policy Act (NEPA) requires the Commission to consider the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity/ authorization. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on August 23, 2020.

You can make a difference by submitting your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Commission staff will consider all filed comments during the preparation of the EA.

If you sent comments on this project to the Commission *before* the opening of this docket on June 11, 2020, you will need to file those comments in Docket No. CP20–479–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law.

Northern provided landowners with a fact sheet prepared by the FERC entitled An Interstate Natural Gas Facility On My Land? What Do I Need To Know? This fact sheet addresses several typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC website (*www.ferc.gov*) under the natural gas Landowner Topics link.

Public Participation

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/ projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *eRegister.* You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address using the U.S. Postal Service. Be sure to reference the project docket number (CP20–479–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent through carriers other than the U.S. Postal Service must be sent to 12225 Wilkins Avenue, Rockville, Maryland 20852 for processing.

Please note this is not your only public input opportunity; please refer to the review process flow chart in appendix 1.[1]

Summary of the Proposed Project

Northern proposes to construct and operate 4.4 miles of new 8-inch-diameter pipeline, abandon in-place 31.7 miles of 4- to 6-inch-diameter A-line, and install a launcher and a regulation station. The 2021 Auburn A-line Abandonment and Capacity Replacement Project is part of Northern's ongoing modernization efforts and review of vintage and mechanically jointed or acetylene welded pipeline segments. According to Northern, it would modernize Northern's existing system, improve reliability, and enable safer long-term operation of Northern's system.

The general location of the project facilities is shown in appendix 2.

Land Requirements for Construction

Construction of the proposed facilities would disturb about 74 acres of land for the aboveground facilities and the pipeline. Following construction, Northern would maintain about 23 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses. About 32 percent of the proposed pipeline route parallels existing pipeline, utility, or road rights-of-way.

The EA Process

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise;
- public safety; and
- cumulative impacts.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called eLibrary or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

lessen or avoid impacts on the various resource areas.

The EA will present Commission staffs' independent analysis of the issues. The EA will be available in electronic format in the public record through eLibrary [2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the EA is issued. The EA may be issued for an allotted public comment period. Commission staff will consider all comments on the EA before making recommendations to the Commission. To ensure Commission staff can address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] The EA for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If the Commission issues the EA for an allotted public comment period, a *Notice of Availability* of the EA will be sent to the environmental mailing list and will provide instructions to access the electronic document on the FERC's website (*www.ferc.gov*). *If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please return the attached ''Mailing List Update Form'' (appendix 3).*

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on General Search and enter the docket number in the Docket Number field, excluding the last three digits (*i.e.,* CP20–479). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

Dated: July 24, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–16514 Filed 7–29–20; 8:45 am]

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[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC20–84–000.
Applicants: Midwest Generation, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act, et al. of Midwest Generation, LLC.
Filed Date: 7/24/20.
Accession Number: 20200724–5066.
Comments Due: 5 p.m. ET 8/14/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–606–001.
Applicants: UGI Development Company.
Description: Compliance filing: Informational Filing for Waiver per FERC (Docket ER12–606) to be effective N/A.
Filed Date: 7/24/20.
Accession Number: 20200724–5028.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER14–2798–015; ER18–494–004.
Applicants: Beech Ridge Energy II LLC, Beech Ridge Energy II Holdings LLC.
Description: Supplement to June 1, 2020 Notification of Non-Material Change in Status of the BR Sellers.
Filed Date: 7/24/20.
Accession Number: 20200724–5095, 20200724–5135.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER16–2095–005.
Applicants: Midwest Generation, LLC.
Description: Compliance filing: Informational Filing Regarding Transfer of Ownership and Request for Waiver to be effective N/A.
Filed Date: 7/24/20.
Accession Number: 20200724–5116.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER20–1074–003.
Applicants: Marsh Landing LLC.
Description: Compliance filing: Compliance Filing of Black Start Agreement to be effective 4/26/2020.
Filed Date: 7/24/20.
Accession Number: 20200724–5064.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER20–2051–001.
Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.
Description: Compliance filing: Amendment Niagara Mohawk Order No. 864 compliance transmission service charge to be effective 1/27/2020.

Filed Date: 7/24/20.
Accession Number: 20200724–5018.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER20–2316–000.
Applicants: Hillcrest Solar I, LLC.
Description: Supplement to July 2, 2020 Hillcrest Solar I, LLC tariff.
Filed Date: 7/24/20.
Accession Number: 20200724–5070.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER20–2496–000.
Applicants: UGI Development Company.
Description: Tariff Cancellation: Notice of Cancellation of Certificate of Concurrence to be effective 12/31/9998.
Filed Date: 7/24/20.
Accession Number: 20200724–5029.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER20–2497–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, SA No. 5685; Queue No. AF1–186 to be effective 6/29/2020.
Filed Date: 7/24/20.
Accession Number: 20200724–5061.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER20–2498–000.
Applicants: GenOn REMA, LLC.
Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 7/25/2020.
Filed Date: 7/24/20.
Accession Number: 20200724–5065.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER20–2499–000.
Applicants: Virginia Electric and Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Dominion submits a WDSA, SA No. 5723 re: TWE Myrtle facility to be effective 6/24/2020.
Filed Date: 7/24/20.
Accession Number: 20200724–5073.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER20–2500–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Tariff Clean-Up Filing Effective 20200801 to be effective 8/1/2020.
Filed Date: 7/24/20.
Accession Number: 20200724–5075.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER20–2501–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1518R20 Arkansas Electric Cooperative Corp NITSA NOA to be effective 7/1/2020.
Filed Date: 7/24/20.
Accession Number: 20200724–5079.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER20–2502–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2020–07–24 Amended EIM Agreement with BANC to be effective 3/25/2021.
Filed Date: 7/24/20.
Accession Number: 20200724–5093.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER20–2503–000.
Applicants: Paulding Wind Farm IV LLC.
Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 9/21/2020.
Filed Date: 7/23/20.
Accession Number: 20200723–5161.
Comments Due: 5 p.m. ET 8/13/20.

Docket Numbers: ER20–2504–000.
Applicants: Silver Run Electric, LLC, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Silver Run submits revisions to OATT, Att. H–27 re: Amortization to be effective 9/23/2020.
Filed Date: 7/24/20.
Accession Number: 20200724–5125.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER20–2505–000.
Applicants: Triple H Wind Project, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 10/1/2020.
Filed Date: 7/24/20.
Accession Number: 20200724–5127.
Comments Due: 5 p.m. ET 8/14/20.

Docket Numbers: ER20–2506–000.
Applicants: Dakota Range III, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 10/1/2020.
Filed Date: 7/24/20.
Accession Number: 20200724–5128.
Comments Due: 5 p.m. ET 8/14/20.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES20–50–000.
Applicants: New England Power Company.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of New England Power Company under ES20–50.
Filed Date: 7/24/20.
Accession Number: 20200724–5105.
Comments Due: 5 p.m. ET 7/29/20.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH20–14–000.
Applicants: New Jersey Resources Corporation.
Description: New Jersey Resources Corporation submits FERC–65–A Notice of Material Change in Facts and Exemption Notification.
Filed Date: 7/24/20.
Accession Number: 20200724–5129.
Comments Due: 5 p.m. ET 8/14/20.

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 24, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–16513 Filed 7–29–20; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: CP20–497–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Abbreviated Application for Partial Abandonment of Firm Transportation Service of Transcontinental Gas Pipe Line Company, LLC under CP20–497.
Filed Date: 07/21/2020.
Accession Number: 20200721–5160.
Comments Due: 08/11/2020.

Docket Number: CP20–499–000.
Applicants: National Fuel Gas Supply Corporation.
Description: Application to Abandon a Certificated National Fuel Gas Supply Corporation Service of National Fuel Gas Supply Corporation under CP20–499.
Filed Date: 07/21/2020.
Accession Number: 20200722–5059.
Comments Due: 08/11/2020.

Docket Numbers: RP20–998–001.

Applicants: Columbia Gulf Transmission, LLC.
Description: Compliance filing TRA 2020 to be effective 8/1/2020.
Filed Date: 7/23/20.
Accession Number: 20200723–5079.
Comments Due: 5 p.m. ET 7/29/20.

Docket Number: RP20–1019–001.
Applicants: Midwestern Gas Transmission Company.
Description: Midwestern Gas Transmission Company submits tariff filing per 154.205(b): Amendment Operational Flow Orders to be effective 8/8/2020 under RP20–1019 Availability.
Filed Date: 7/23/2020.
Accession Number: 20200723–5109.
Comments Due: 5 p.m. ET 7/29/20.

Docket Number: PR20–71–000.
Applicants: NorthWestern Corporation.
Description: Tariff filing per 284.123(b), (e): Revised Transportation and Storage Rates (Amended Tax Tracker) to be effective 7/1/2020.
Filed Date: 7/23/2020.
Accession Number: 202007235031.
Comments Due: 5 p.m. ET 7/29/20.

Docket Numbers: RP20–1034–000.
Applicants: Cimarron River Pipeline, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates 7–23–2020 to be effective 7/24/2020.
Filed Date: 7/23/20.
Accession Number: 20200723–5032.
Comments Due: 5 p.m. ET 8/4/20.

Docket Numbers: RP20–1035–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: REX 2020–07–23 Negotiated Rate Agreements to be effective 7/23/2020.
Filed Date: 7/23/20.
Accession Number: 20200723–5102.
Comments Due: 5 p.m. ET 8/4/20.

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 24, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–16519 Filed 7–29–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–495–000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

Take notice that on July 15, 2020, National Fuel Gas Supply Corporation (National Fuel), 6363 Main Street, Williamsville, New York 14221, filed in Docket No. CP20–495–000 a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA), and National Fuel's blanket certificate issued in Docket No. CP83–4–000, to abandon facilities in its Boone Mountain Storage Field located in Horton Township, Elk County, Pennsylvania. National Fuel proposes to plug and abandon one injection/withdrawal storage well, Well 4809, and abandon in place the associated Well Line FW4809. National Fuel states the well has localized corrosion deep in the well, which does not allow for cost effective replacement or remediation. The proposed abandonment will not result in a material decrease in service to customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application may be directed to Meghan M. Emes, Attorney for National Fuel, 6363 Main Street, Williamsville, New York 14221, by telephone at (716) 857–7004, or by email at *emesm@natfuel.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters, will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFile link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Dated: July 24, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–16516 Filed 7–29–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0060; FRL–10012–40]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations and Amend Registrations To Terminate Certain Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by the registrants to voluntarily cancel certain pesticide product registrations and to amend certain product registrations to terminate uses. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registrations have been cancelled and uses terminated only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before August 31, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2020–0060, by one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Mail: OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

Submit written withdrawal request by mail to: Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. ATTN: Christopher Green.

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: Christopher Green, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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

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

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

II. What action is the Agency taking?

This notice announces receipt by EPA of requests from registrants to cancel certain pesticide products and amend product registrations to terminate certain uses registered under FIFRA section 3 (7 U.S.C. 136a) or 24(c) (7 U.S.C. 136v(c)). The affected products and the registrants making the requests are identified in Tables 1–3 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines that there are substantive comments that warrant further review of this request, EPA intends to issue an order in the **Federal Register** canceling and amending the affected registrations.

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
241–409	241	Oasis Herbicide	2,4-D, 2-ethylhexyl ester & Imazapic.
241–425	241	Glyphosate Residual RTU	Glyphosate-isopropylammonium & Imazapic-ammonium.

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Company No.	Product name	Active ingredients
241–442	241	Imazapic E 2l Herbicide	Imazapic-ammonium.
241–444	241	ETI 115 01 H	Imazapic-ammonium.
264–1069	264	Trilex Advanced 300	Metalaxyl; Triadimenol & Trifloxystrobin.
352–600	352	DPX–MX670 MT	Atrazine & Dimethenamid.
352–693	352	Dupont Diuron MUP	Diuron.
352–703	352	Dupont Diuron Technical	Diuron.
352–849	352	Dupont Diuron 80 Dry Herbicide	Diuron.
464–8132	464	Aqucar PS 75W MUP Water Treatment Microbiocide (Alternate Name).	Tetrakis(hydroxymethyl)phosphonium sulphate (THPS).
881–10	881	Richo Bock Sanitizing Rinse	Oxirane, methyl-, polymer with oxirane, monobutyl ether, compd. with iodine.
1258–1324	1258	Vantocil NR	Poly(iminoimidocarbonyliminoimidocarbonyliminohexamethylene) hydrochloride.
5481–600	5481	Tri-Scept Herbicide	Trifluralin & 3-Quinolinecarboxylic acid, 2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl)-, monoammonium salt.
8378–17	8378	25–5–10 Turf Food with Crabgrass Control.	Trifluralin & Benfluralin.
8378–18	8378	Shaw's Premium Turf Food with Crabgrass Control.	Trifluralin & Benfluralin.
8378–19	8378	Premium Lawn Food with Crabgrass Control.	Trifluralin & Benfluralin.
8378–20	8378	Shaw's 18–5–9 Turf Food with XL Crabgrass Control.	Trifluralin & Benfluralin.
8378–37	8378	Shaw's Turf Food & Crabgrass Control W/Team 142.	Trifluralin & Benfluralin.
8660–165	8660	Sta-Green Flower & Garden Weed Preventer.	Trifluralin.
8660–166	8660	Flower & Garden Weed Preventer Plus Fertilizer.	Trifluralin.
9688–133	9688	Chemsico Green 'N Weed 15–15–15.	Trifluralin.
10088–56	10088	Malathion 57%	Malathion (NO INERT USE).
34704–970	34704	LPI ET 75	Imidacloprid.
34704–1009	34704	Malice 75 WSP	Imidacloprid.
39967–69	39967	Preventol A20	Triadimefon & Tebuconazole.
39967–70	39967	Preventol A20 Preservative	Triadimefon & Tebuconazole.
45385–66	45385	Chem-Tox Mal 50–OS	Malathion (NO INERT USE).
47000–77	47000	CPI Disinfectant Cleaner 30–3	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride.
49585–25	49585	Garden Weeder	Trifluralin.
62719–614	62719	Firststep Herbicide Tank Mix	Glycine, N-(phosphonomethyl)-, compd. with N-methylmethanamine (1:1) & Florasulam.
65656–7	65656	Dicamba Acid Technical	Dicamba.
66330–274	66330	Bacillus Cereus BP01 Technical	Bacillus cereus strain BP01.
66330–282	66330	BP01 1.7	Bacillus cereus strain BP01.
66330–291	66330	PGR–IV/BP Foliar	Gibberellic acid & Bacillus cereus strain BP01.
66330–351	66330	Pix Plus Plant Regulator	Mepiquat chloride & Bacillus cereus strain BP01.
67071–74	67071	Acticide SR 8213 C	Zinc pyrithione; 1,2-Benzisothiazolin-3-one & 2-Methyl-3(2H)-isothiazolone.
67071–97	67071	Acticide LPN 11 (Alternate)	Zinc pyrithione; 1,2-Benzisothiazolin-3-one & 2-Methyl-3(2H)-isothiazolone.
ID–110006	7969	Liberty 280 SL Herbicide	Glufosinate.
MI–080003	62719	Starane Ultra	Fluroxypyr-meptyl.
WA–150001	61842	Lime-Sulfur Solution	Lime sulfur.

TABLE 1A—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
56228–32	56228	M–44 Cyanide Capsules Arctic Fox	Sodium cyanide.

The registrant of the product listed in Table 1A, of Unit II, has requested the effective date of December 31, 2019, for the cancellation.

TABLE 2—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR AMENDMENT

Registration No.	Company No.	Product name	Active ingredient	Uses to be terminated
34704–858	34704	Sniper	Bifenthrin	Alfalfa Grown for Seed.
71711–4	71711	Akari 5SC Miticide/Insecticide	Fenpyroximate	Cranberry and Highbush Cranberry.
71711–18	71711	Fenpyroximate Technical	Fenpyroximate	Cranberry and Highbush Cranberry.
71711–19	71711	Fujimite 5EC Miticide/Insecticide	Fenpyroximate	Cranberry and Highbush Cranberry.
71711–40	71711	NAI–2399–2 5EC Miticide/Insecticide	Fenpyroximate	Cranberry and Highbush Cranberry.
71711–54	71711	Fenpyroximate 5SC MUP	Fenpyroximate	Cranberry and Highbush Cranberry.
71711–60	71711	Fenpyroximate 5EC MUP	Fenpyroximate	Cranberry and Highbush Cranberry.

Table 3 of this unit includes the names and addresses of record for all the registrants of the products listed in Tables 1, 1A and 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1, Table 1A and Table 2 of this unit.

TABLE 3—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENTS

EPA company No.	Company name and address
241	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
264	Bayer CropScience, LP, 800 N Lindbergh Blvd., St. Louis, MO 63167.
352	E. I. Du Pont De Nemours and Company, 9330 Zionsville Road, Indianapolis, IN 46268.
464	Nutrition & Biosciences USA 1, LLC, 1652 Larkin Center Drive, 100 Larkin Center, Midland, MI 48642.
881	Richardson Chemical Products Co., P.O. Box 240014, Milwaukee, WI 53224.
1258	Arch Chemicals, Inc., 1200 Bluegrass Lakes Parkway, Alpharetta, GA 30004.
5481	AMVAC Chemical Corporation, 4695 MacArthur Court, Suite 1200, Newport Beach, CA 92660–1706.
7969	BASF Corporation Agricultural Products, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
8378	Knox Fertilizer Company, Inc., Agent Name: Fred Betz Regulatory Strategies, 922 Melvin Road, Annapolis, MD 21403.
8660	United Industries Corp., D/B/A Sylorr Plant Corp., P.O. Box 142642, St. Louis, MO 63114–0642.
9688	Chemsico, A Division of United Industries Corp., P.O. Box 142642, St Louis, MO 63114–0642.
10088	Athea Laboratories, Inc., P.O. Box 240014, Milwaukee, WI 53224.
34704	Loveland Products, Inc., P.O. Box 1286, Greeley, CO 80632–1286.
39967	Lanxess Corporation, 111 RIDC Park West Drive, Pittsburgh, PA 15275–1112.
45385	CTX-Cenol, Inc., 1393 East Highland Rd., Twinsburg, OH 44087.
47000	Chem-Tech, Ltd., 620 Lesher Place, Lansing, MI 48912.
49585	Alljack, Division of United Industries Corp., P.O. Box 142642, St. Louis, MO 63114–0642.
56228	U.S. Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 149, Riverdale, MD 20737.
61842	Tessenderlo Kerley, Inc., Agent Name: Pyxis Regulatory Consulting, Inc., 4110 136th Street, Ct. NW, Gig Harbor, WA 98332.
62719	Dow Agrosciences, LLC, 9330 Zionsville Rd., 308/2E, Indianapolis, IN 46268–1054.
65656	Gilmore Marketing and Development, Agent Name: Biologic Regulatory Consulting, Inc., 10529 Heritage Bay Blvd., Naples, FL 34120.
66330	Arysta Lifescience North America, LLC, Agent Name: UPL NA, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.
67071	Thor GMBH, Agent Name: Thor Specialties, Inc., 50 Waterview Drive, Shelton, CT 06484.
71711	Nichino America, Inc., 4550 Linden Hill Road, Suite 501, Wilmington, DE 19808.

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

FIFRA section 6(f)(1) (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

FIFRA section 6(f)(1)(B) (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants listed in Table 3 of Unit II. have requested that EPA waive the 180-day comment period. Accordingly, EPA is providing a 30-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Requests

Registrants who choose to withdraw a request for product cancellation or use termination should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation or termination action, the effective date of cancellation or termination and all other provisions of any earlier cancellation or termination action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that

were packaged, labeled, and released for shipment prior to the effective date of the action. If the requests for voluntary cancellation and amendments to terminate uses are granted, the Agency intends to publish the cancellation order in the **Federal Register**.

In any order issued in response to these requests for cancellation of product registrations and for amendments to terminate uses, EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Table 1 and Table 1A of Unit II.

For Product 56228–32

For product 56228–32, listed in Table 1A of Unit II, the registrant has requested the cancellation date to be December 31, 2019; therefore, the registrant will be permitted to sell and distribute existing stocks of the voluntarily canceled product for 1 year after the effective date of the cancellation, which will be until December 31, 2020. Thereafter, the registrant will be prohibited from selling or distributing the product, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

For all other voluntary product cancellations, identified in Table 1 of Unit II, registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing all other products identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Once EPA has approved product labels reflecting the requested amendments to terminate uses, identified in Table 2 of Unit II, registrants will be permitted to sell or distribute products under the previously approved labeling for a period of 18-months after the date of **Federal Register** publication of the cancellation order, unless other restrictions have been imposed. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the terminated uses identified in Table 2 of Unit II, except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of canceled products and products whose labels include the terminated uses until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products and terminated uses.

Authority: 7 U.S.C. 136 *et seq.*

Dated: July 15, 2020.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2020–16515 Filed 7–29–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0750; FRL–10012–68]

Registration Review Proposed Interim Decisions for Naphthalene and Para-dichlorobenzene; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed interim registration review decisions and opens a 60-day public comment period on the proposed interim decisions for naphthalene and para-dichlorobenzene (PDCB).

DATES: Comments must be received on or before September 28, 2020.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *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 pesticide specific information, contact:* The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general information on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

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

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

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

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed proposed interim decisions for all pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed interim registration review decisions for the pesticides shown in Table 1 and opens a 60-day public comment period on the proposed interim registration review decisions.

TABLE 1—PROPOSED INTERIM DECISIONS

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Naphthalene, Case 0022	EPA–HQ–OPP–2016–0113	Christian Bongard, *bongard.christian@epa.gov,* (703) 347–0337.
Para-Dichlorobenzene (PDCB), Case 3058	EPA–HQ–OPP–2016–0117	Christian Bongard, *bongard.christian@epa.gov,* (703) 347–0337.

The registration review docket for a pesticide includes earlier documents related to the registration review case. For example, the review opened with a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the Preliminary Work Plan.

The documents in the dockets describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticides included in the tables in Unit IV, as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. These proposed interim registration review decisions are supported by the rationales included in those documents. Following public comment, the Agency will issue interim or final registration review decisions for the pesticides listed in Table 1 in Unit IV.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES** and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the Tables in Unit IV. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and may provide a ''Response to Comments Memorandum'' in the docket. The interim registration review decision will explain the effect that any comments had on the interim decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: July 20, 2020.

Mary Reaves,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2020–16455 Filed 7–29–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0144; FRL–10012–41]

Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw its requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registrations have been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before January 26, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2020–0144, by one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Mail: OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

Submit written withdrawal request by mail to: Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. ATTN: Christopher Green.

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:

Christopher Green, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

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

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

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

II. What action is the Agency taking?

This notice announces receipt by EPA of requests from registrants to cancel certain pesticide products. registered under FIFRA section 3 (7 U.S.C. 136a) or 24(c) (7 U.S.C. 136v(c)). The affected products and the registrants making the requests are identified in Tables 1–2 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines that there are substantive comments that warrant further review of this request, EPA intends to issue an order in the **Federal Register** canceling the affected registrations.

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
228–619	228	NuFarm Sethoxydim SPC Herbicide	Sethoxydim.
1258–1265	1258	Baquacil Ultra Swimming Pool Sanitizer & Fungicide.	Poly(iminoimidocarbonyliminoimidocarbony liminohexamethylene) hydrochloride.
62719–397	62719	Kerb 50–W	Propyzamide.
CA–960008	62719	Kerb 50W Herbicide in WSP	Propyzamide.
FL–910007	62719	Kerb 50W Herbicide	Propyzamide.
ID–020020	62719	Kerb 50W Herbicide in WSP	Propyzamide.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company name and address
228	NuFarm Americas, Inc., 4020 Aerial Center Pkwy., Ste. 101, Morrisville, NC 27560.
1258	Arch Chemicals, Inc., 1200 Bluegrass Lakes Parkway, Alpharetta, GA 30004.
62719	Dow Agrosciences, LLC, 9330 Zionsville Rd., 308/2E, Indianapolis, IN 46268–1054.

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

FIFRA section 6(f)(1) (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

FIFRA section 6(f)(1)(B) (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants listed in Table 2 of Unit II. have not requested that EPA waive the 180-day comment period. Accordingly, EPA is providing a 180-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for product cancellation should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action.

In any order issued in response to these requests for cancellation of product registrations EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Table 1 of Unit II.

For voluntary product cancellations, registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the products identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of canceled products until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: July 15, 2020.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2020–16461 Filed 7–29–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0306; FRL–10011–30]

Petition To Revoke All Neonicotinoid Tolerances; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA seeks public comment on a May 4, 2020 petition by the Natural Resources Defense Council (NRDC) requesting that the Agency revoke all tolerances for residues of the neonicotinoid pesticides acetamiprid, clothianidin, dinotefuran, imidacloprid, and thiamethoxam. The petitioners claim that the underlying analysis supporting these tolerances are flawed and that proper consideration of available data demonstrates that the tolerances are not safe and must be revoked. A copy of the petition is available at *regulations.gov* in docket ID EPA–HQ–OPP–2020–0306.

DATES: Comments must be received on or before August 31, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2020–0306, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *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: Jonathan Williams, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703)–347–0670; email address: *williams.jonathanr@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to those involved with pesticide manufacture, sale, or use; to a member or affiliate of an agricultural trade or interest group, an environmental interest group, or a public health interest group; to federal, state, or local regulatory partners; or to a member of the general public interested in the manufacture, sale, or use of pesticides (including neonicotinoids). Given the broad interest, the Agency has not attempted to identify or describe all the specific entities that may be affected by this action.

The following list of North American Industry 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. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to the 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.*

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

A copy of the NRDC's Petition memorandum, *RE: Petition to Revoke All Neonic Tolerances and Comments Regarding Dietary Exposure,* is available in the docket under docket identification (ID) number EPA–HQ–OPP–2020–0306.

II. What action is the Agency taking?

EPA seeks public comment during the next [30] days on a petition (available in docket number EPA–HQ–OPP–2020–0306) received from the NRDC requesting that the Agency revoke all tolerances for residues of the neonicotinoid pesticides acetamiprid, clothianidin, dinotefuran, imidacloprid, and thiamethoxam. The petition was submitted under section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(d). The petitioners claim that the existing tolerances are not safe and must be revoked due to several flaws in EPA's analysis of neonicotinoid toxicity and exposure when conducting its human health risk and drinking water assessments for these pesticides. The petitioners claim that EPA failed to use the most sensitive endpoint and appropriate uncertainty factors, including the full 10x children's safety factor, in not considering the potential for developmental effects in children from neonicotinoid exposure and evidence of toxic effects at low exposure levels; failed to assess the potential for cumulative toxicity from exposure to multiple neonicotinoids; failed to assess the aggregate toxicity of neonicotinoids and other chemicals resulting from interactions between neonicotinoids and chemicals used in drinking water sanitation; and failed to consider risks to highly-exposed individuals in the acute dietary risk assessment. The petitioners therefore contend that the established tolerances are not conservative enough to protect the general population, and children, from exposure to toxic amounts of neonicotinoids in food.

EPA's human health and drinking water risk assessments the neonicotinoids are contained in the dockets for each of the respective registration review cases, listed here:

- *Acetamiprid:* EPA–HQ–OPP–2012–0329.
- *Clothianidin:* EPA–HQ–OPP–2011–0865.
- *Dinotefuran:* EPA–HQ–OPP–2011–0920.
- *Imidacloprid:* EPA–HQ–OPP–2008–0844.
- *Thiamethoxam:* EPA–HQ–OPP–2011–0581.

Authority: 21 U.S.C. 346a.

Dated: July 21, 2020.

Mary Reaves,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2020–16454 Filed 7–29–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0773; FRS 16947]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before August 31, 2020.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0773.

Title: Sections 2.803 and 2.803(c)(2), Marketing of RF Devices Prior to Equipment Authorization.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents and Responses: 10,000 respondents and 10,000 responses.

Estimated Time per Response: 0.5 hours.

Frequency of Response: One-time reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154(i), 302, 303, 303(r), and 307.

Total Annual Burden: 5,000 hours.

Total Annual Cost: No Cost.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three-year clearance from them.

The Commission has established rules for the marketing of radio frequency (RF) devices prior to equipment authorization under guidelines in 47 CFR Section 2.803. The general guidelines in Section 2.803 prohibit the marketing or sale of such equipment prior to a demonstration of compliance with the applicable equipment authorization and technical requirements in the case of a device subject to verification or Declaration of Conformity without special notification. Section 2.803(c)(2) permits limited marketing activities prior to equipment authorization, for devices that could be authorized under the current rules; could be authorized under waivers of such rules that are in effect at the time of marketing; or could be authorized under rules that have been adopted by the Commission but that have not yet become effective. These devices may be not operated unless permitted by section 2.805.

The following general guidelines apply for third party notifications:

(a) A RF device may be advertised and displayed at a trade show or exhibition prior to a demonstration of compliance with the applicable technical standards and compliance with the applicable equipment authorization procedure provided the advertising and display is accompanied by a conspicuous notice specified in Section 2.803(c)(2)(iii)(A) or Section 2.803(c)(2)(iii)(B).

(b) An offer for sale solely to business, commercial, industrial, scientific, or medical users of an RF device in the conceptual, developmental, design or pre-production stage prior to demonstration of compliance with the equipment authorization regulations may be permitted provided that the prospective buyer is advised in writing at the time of the offer for sale that the equipment is subject to FCC rules and that the equipment will comply with the appropriate rules before delivery to the buyer or centers of distribution.

(c) Equipment sold as evaluation kit may be sold to specific users with notice specified in Section 2.803(c)(2)(iv)(B).

The information to be disclosed about marketing of the RF device is intended:

(1) To ensure the compliance of the proposed equipment with Commission rules; and

(2) To assist industry efforts to introduce new products to the marketplace more promptly.

The information disclosure applies to a variety of RF devices that:

(1) Is pending equipment authorization or verification of compliance;

(2) May be manufactured in the future;

(3) May be sold as kits; and

(4) Operates under varying technical standards.

The information disclosed is essential to ensuring that interference to radio communications is controlled.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2020–16494 Filed 7–29–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 20–11]

Notice of Filing of Complaint and Assignment; Aeneas Exporting LLC, Complainant v. Carlo Shipping International, Inc., Respondent; Served: July 24, 2020

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by Aeneas Exporting LLC, hereinafter ''Complainant'', against Carlo Shipping International, Inc., hereinafter ''Respondent''. Complainant states that it ''is an Indiana limited-liability company that exports vehicles from the United States to foreign countries including Libya.'' and is principally located in Bloomington, IN. Complainant states that Respondent is a non-vessel-operating common carrier and freight forwarder licensed by the Federal Maritime Commission. Complainant states that Respondent provides ''freight forwarding, logistics, and related shipping services to customers in the United States'' and is in New Jersey.

Complainant alleges that it ''used Respondent's services to ship approximately 101 containers to Libya, at a total cost of approximately $239,550.00'' between November 2019 and February 2020. Complainant alleges that Respondent increased rates, demanded payments, and held shipments in violation of the ''shipping application form'' memorializing the agreement between the parties.

Complainant alleges that Respondents violated 46 U.S.C.A. 41102(c) and 41104(a)(3). Complainant alleges that ''Respondent has failed to establish, observe, or enforce just and reasonable regulations and practices relating to its receipt, handling, storing, and delivery of Aeneas Exporting's property.'' Complainant also alleges that ''Respondent has taken retaliatory steps against [Complainant] in response to [Complainant's] decision to ship its containers with another company.'' Complainant alleges it incurred ''financial damages of at least $49,150.00'' and seeks reparations and other relief.

The full text of the complaint can be found in the Commission's Electronic Reading Room at *https://www2.fmc.gov/readingroom/proceeding/20-11/.*

This proceeding has been assigned to Office of Administrative Law Judges. The initial decision of the presiding office in this proceeding shall be issued by July 26, 2021, and the final decision of the Commission shall be issued by February 7, 2022.

Rachel Dickon,

Secretary.

[FR Doc. 2020–16477 Filed 7–29–20; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Notice for a Collaboration Between Universities and the FMCS

AGENCY: Office of the Director (OD), Federal Mediation and Conciliation Service (FMCS).

ACTION: 30-Day notice for comments.

SUMMARY: As a policy initiative, FMCS is collaborating with college and universities to exchange alternative dispute resolution research and techniques.

DATES: August 7, 2020–September 7, 2020.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0042. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via email, personal delivery, or postal delivery. Comments can be sent by email to *kbennett@fmcs.gov;* the address for personal or postal delivery is Office of the General Counsel, FMCS, Floor 7, One

Independence Square, 250 E St. SW, Washington, DC 20427. Please note that as of July 27, 2020, the FMCS office is not open for visitors and mail is not checked daily. Therefore, we encourage comments through the Portal or via email.

FOR FURTHER INFORMATION CONTACT: For specific questions related to this program, please contact Sarah Cudahy, 202–606–8090, *scudahy@fmcs.gov.*

SUPPLEMENTARY INFORMATION: In furtherance of FMCS's mission to develop and advocate the art, science, and practice of conflict resolution through the use of alternative dispute resolution (ADR), FMCS seeks to collaborate with undergraduate or graduate programs of accredited, nonprofit colleges and universities to exchange research and techniques in the field of ADR.

Specifics of Collaboration. FMCS intends to collaborate with colleges and universities through exchanging models of mediation, mediation techniques, and dispute and conflict management systems design. Exchanging training programs, guest lecturing, and partnering to design curricula to enhance ADR education are also goals of collaborations between FMCS and academic institutions. A list of participating academic institutions will be publicly available on the FMCS website, *www.fmcs.gov.*

Dated: July 27, 2020.

Sarah Cudahy,

General Counsel.

[FR Doc. 2020–16523 Filed 7–29–20; 8:45 am]

BILLING CODE 6732–01–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Student Award Program Announcement

AGENCY: Office of the Director (OD), Federal Mediation and Conciliation Service (FMCS).

ACTION: 30-Day notice for comments.

SUMMARY: As a policy initiative, FMCS is creating a student award program.

DATES: August 7, 2020–September 7, 2020.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0042. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via email, personal delivery, or postal delivery. Comments can be sent by email to *kbennett@fmcs.gov;* the address for personal or postal delivery is Office of the General Counsel, FMCS, Floor 7, One Independence Square, 250 E St. SW, Washington, DC 20427. Please note that as of July 27, 2020, the FMCS office is not open for visitors and mail is not checked daily. Therefore, we encourage comments through the Portal or via email.

FOR FURTHER INFORMATION CONTACT: For specific questions related to this program, please contact Sarah Cudahy, 202–606–8090, *scudahy@fmcs.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the Student Award Program is to develop and advocate the art, science, and practice of conflict resolution through the use of alternative dispute resolution. The award program is available to all graduating students of accredited nonprofit colleges or universities at the undergraduate or graduate level. Applications must come from designated points of contact at the academic institutions and not from individual applicants. Criteria for the awards will be published on the FMCS web page, *www.fmcs.gov.*

Qualifications for the award. Success in specific coursework; Success in a program or other aggregation of courses; Success in a competition; Specific achievements in alternative dispute resolution. Applications from academic institutions for a determination of eligibility should be made not later than sixty (60) days prior to the date on which a recipient from that institution and course will be announced.

Dated: July 27, 2020.

Sarah Cudahy,

General Counsel.

[FR Doc. 2020–16521 Filed 7–29–20; 8:45 am]

BILLING CODE 6732–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity: State Personal Responsibility Education Program (PREP) (OMB #0970–0380)

AGENCY: Family and Youth Services Bureau (FYSB), Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), HHS.

ACTION: Request for public comment.

SUMMARY: The Administration on Children, Youth and Families (ACYF), Family and Youth Services Bureau (FYSB) requires mandatory formula grant applications, state plans, and performance progress reports from states and territories for the development of and implementation of their State Personal Responsibility Education Program (PREP). The State PREP Funding Opportunity Announcement sets forth the application and state plan requirements for the receipt of the following documents from applicants and awardees: Application, State Plan, and Performance Progress Report.

ACYF/FYSB are requesting a reinstatement with no changes to the previously approved information collections under OMB #0970–0380.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *infocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation (OPRE), 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The purpose of the State PREP is to educate adolescents on both abstinence and contraception to prevent pregnancy and sexually transmitted infections and at least three adulthood preparation subjects. The Application and State Plan will offer information about the proposed state project and will be used as the primary basis to determine whether or not the project meets the minimum requirements for the award.

The Performance Progress Report will inform the monitoring of the grantees' program design, program evaluation, management improvement, service quality, and compliance with agreed upon goals. ACYF/FYSB will use the information to ensure effective service delivery. Finally, the data from this collection will be used to report outcomes and efficiencies and will provide valuable information to policy makers and key stakeholders in the development of program and research efforts.

Respondents: Forty-four states and seven territories, to include the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, the Federated States of Micronesia, and Palau.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Application	51	1	24	1224
State Plan	51	1	40	2040
Performance Progress Reports	51	2	16	1632

Estimated Total Annual Burden Hours: 4,896.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Section 513 of the Social Security Act (42 U.S.C. 713), as amended by Section 50503 of the Bipartisan Budget Act of 2018 (Pub. L. 115–123), which extended funding through fiscal year 2019, and was further extended by Section 3822 of the Coronavirus Aid, Relief, and Economic Security Act (Pub. L. 116–136).

John M. Sweet Jr,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–16527 Filed 7–29–20; 8:45 am]

BILLING CODE 4184–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; National Survey of Early Care and Education COVID–19 Follow-Up (OMB #0970–0391)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for Public Comment.

SUMMARY: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing a two-wave data collection as part of the National Survey of Early Care and Education (NSECE) (OMB #0970–0391), which will be conducted October 2020 through June 2021. The objective of the NSECE COVID–19 Follow-up is to document the nation's current supply of early care and education (ECE) services that is home-based providers, center-based providers, and the center-based provider workforce. In the context of the COVID–19 pandemic, the NSECE COVID–19 Follow-up will deepen our understanding of the state of ECE supply and the ECE workforce following the initial period of crisis, including changes in supply or departures from and re-entries to the workforce.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *OPREinfocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street, SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The NSECE COVID–19 Follow-up will collect information from center-based ECE providers of care to children birth through age 5 (not yet in kindergarten), home-based ECE providers that serve children under age 13, as well as the ECE workforce providing these services. The proposed collection will consist of the following three coordinated nationally representative surveys:

1. A two-wave survey of individuals who provided paid care for children under the age of 13 in a residential setting, as of 2019, and who participated in the 2019 NSECE (Home-based Provider Interview);

2. a two-wave survey of providers of care to children ages 0 through 5 years of age (not yet in kindergarten) in a non-residential setting (Center-based Provider Interview), as of 2019, and who participated in the 2019 NSECE; and

3. a two-wave survey conducted with individuals employed in center-based child care programs working directly with children in classrooms (Center-based Classroom Staff [Workforce] Interview), as of 2019, and who participated in the 2019 NSECE.

The NSECE COVID–19 Follow-up will provide urgently needed information about the supply of child care and early education available to families across all income levels, including providers serving low-income families of various racial, ethnic, language, and cultural backgrounds, in diverse geographic areas. The study will also dramatically extend the available resources for understanding the national impact of the COVID–19 pandemic on the country's ECE supply and workforce, including geographic variation therein. Accurate data on the availability and characteristics of ECE programs are essential to assess the current and changing landscape of child care and early education programs and understand the ability of the nation's supply and workforce to meet the needs of parents of young children in the post-pandemic economy, and will provide insights to advance policy and initiatives in the ECE field.

Respondents: Home-based providers, as of 2019, serving children under 13 years of age (listed and unlisted paid)—regardless of their status serving children in 2020–2021; center-based child care providers, as of 2019, serving children ages 0 through 5 years of age (not yet in kindergarten)—regardless of their status serving children in 2020–2021; and classroom-assigned instructional staff members working with children ages 0 through 5 years of age (not yet in kindergarten) in center-based child care providers, as of 2019,

regardless of their employment status in 2020–2021.

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Home-based Provider Interview, Waves 1 and 2	3,375	1.5	.33	1,671
Center-based Provider Interview, Waves 1 and 2	5,850	1.5	.33	2,896
Center-based Classroom Staff (Workforce) Interview, Waves 1 and 2	3,533	1.5	.33	1,749

Estimated Total Annual Burden Hours: 6,316.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Child Care and Development Block Grant Act (42 U.S.C. 9858 et seq.).

John M. Sweet Jr,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–16550 Filed 7–29–20; 8:45 am]

BILLING CODE 4184–23–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0016]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Recordkeeping and Records Access Requirements for Food Facilities

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by August 31, 2020.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted 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. The OMB control number for this information collection is 0910–0560. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance. Recordkeeping and Records Access Requirements for Food Facilities—21 CFR 1.337, 1.345, and 1.352.

OMB Control Number 0910–0560—Extension

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 added section 414 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 350c), which requires that persons who manufacture, process, pack, hold, receive, distribute, transport, or import food in the United States establish and maintain records identifying the immediate previous sources and immediate subsequent recipients of food. Sections 1.326 through 1.363 of our regulations (21 CFR 1.326 through 1.363) set forth the requirements for recordkeeping and records access. The requirement to establish and maintain records improves our ability to respond to, and further contain, threats of serious adverse health consequences or death to humans or animals from accidental or deliberate contamination of food.

Information maintained under these regulations helps us identify and quickly locate contaminated or potentially contaminated food and inform the appropriate individuals and food facilities of specific terrorist threats. Our regulations require that records for non-transporters include: (1) The name and full contact information of sources, recipients, and transporters; (2) an adequate description of the food, including the quantity and packaging; and (3) the receipt and shipping dates (§§ 1.337 and 1.345). Required records for transporters include the names of consignor and consignee, points of origin and destination, date of shipment, number of packages, description of freight, route of movement and name of each carrier participating in the transportation, and transfer points through which shipment moved (§ 1.352). Existing records may be used if they contain all the required information and are retained for the required time period.

Section 101 of the FDA Food Safety Modernization Act (FSMA) (Pub. L. 111–353) amended section 414(a) of the FD&C Act and expanded our access to records. Specifically, FSMA expanded our access to records beyond records relating to the specific suspect article of food to records relating to any other article of food that we reasonably believe is likely to be affected in a similar manner. In addition, we can access records if we believe that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that we reasonably believe is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals. To gain access to these records, our officer or employee must present appropriate credentials and a written notice, at reasonable times and within reasonable limits and in a reasonable manner.

The information collection provisions of § 1.361 are exempt from OMB review under 44 U.S.C. 3518(c)(1)(B)(ii) and 5

CFR 1320.4(a)(2) as collections of information obtained during the conduct of an administrative action, investigation, or audit involving an agency against specific individuals or entities. The regulations at 5 CFR 1320.3(c) provide that the exception in 5 CFR 1320.4(a)(2) applies during the entire course of the investigation, audit, or action, but only after a case file or equivalent is opened with respect to a particular party. Such a case file would be opened as part of the request to access records under § 1.361. Accordingly, we have not included an estimate of burden hours associated with § 1.361 in table 1.

Description of Respondents: Respondents to this collection of information are persons that manufacture, process, pack, hold, receive, distribute, transport, or import food in the United States who are required to establish and maintain records, including persons that engage in both interstate and intrastate commerce.

In the **Federal Register** of April 7, 2020 (85 FR 19489), we published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
1.337, 1.345, and 1.352 (Records maintenance)	379,493	1	379,493	6.61	2,508,449
1.337, 1.345, and 1.352 (Learning for new firms)	18,975	1	18,975	4.5	85,388
Total					2,593,837

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made adjustments to our burden estimate to account for advances in information and communication technology that have occurred in the last decade. Because the transition from paper-based to electronic records systems is widespread, we estimate that the average burden per recordkeeping has decreased by 50 percent. With regards to records maintenance, we estimate that approximately 379,493 facilities each spend half the amount of time from the 13.228 hours previously reported to 6.61 hours collecting, recording, and checking for accuracy of the limited amount of additional information required by the regulations, for a total of 2,508,449 hours annually. In addition, we estimate that new firms entering the affected businesses incur a burden from learning the regulatory requirements and understanding the records required for compliance. In this regard, we estimate the number of new firms entering the affected businesses is 5 percent of 379,493, or 18,975 firms. Thus, we estimate that approximately 18,975 facilities each spend, on average, 4.5 hours learning about the recordkeeping and records access requirements, for a total of 85,388 hours annually. This estimate reflects a reduction from 4.79 to 4.5 average hours per facility to account for the increase in facilities using internet, which increased from 71 to 99 percent. We estimate that approximately the same number of firms (18,975) exit the group of affected businesses in any given year, resulting in no growth in the number of total firms reported on line 1 of table 1.

Dated: July 24, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020–16546 Filed 7–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–0829]

Expiration Dating of Unit-Dose Repackaged Solid Oral Dosage Form Drug Products; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Expiration Dating of Unit-Dose Repackaged Solid Oral Dosage Form Drug Products.'' The guidance describes the circumstances under which FDA generally does not intend to take action regarding required stability studies for unit-dose repackaged solid oral dosage form drug products and appropriate expiration dates under those circumstances. This guidance finalizes the revised draft guidance for industry issued in August 2017.

DATES: The announcement of the guidance is published in the **Federal Register** on July 30, 2020.

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

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and

Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–0829 for ''Expiration Dating of Unit-Dose Repackaged Solid Oral Dosage Form Drug Products.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

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

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Bill Harvey, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, Rm. 4214, Silver Spring, MD 20993–0002, 240–402–4180.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Expiration Dating of Unit-Dose Repackaged Solid Oral Dosage Form Drug Products.'' The last few decades have seen an increasing demand in various health care settings for solid oral dosage form drug products repackaged into unit-dose containers, which hold a quantity of drug for administration as a single dose. The increase in unit-dose repackaging has led to questions regarding stability studies and appropriate expiration dates for these repackaged products. This guidance describes the circumstances under which FDA generally does not intend to take action regarding required stability studies for these repackaged products and appropriate expiration dates under those circumstances.

This guidance finalizes the revised draft guidance of the same name issued in August 2017 (82 FR 37229). FDA received a few comments on the revised draft guidance and has modified this guidance by: (1) Describing why liquid dosage forms are excluded, (2) indicating approaches that may be used when conducting stability studies, and (3) making editorial changes to update references and improve clarity. Liquid dosage forms are substantially more susceptible to degradation than solid dosage forms. Because of the inherent stability risks, FDA does not intend to exercise enforcement discretion regarding the stability and expiration dating requirements in 21 CFR 211.137 and 211.166 for repackaging liquid dosage forms.

In conjunction with the publication of this guidance, FDA withdraws Compliance Policy Guide 480.200, ''Expiration Dating of Unit-Dose Repackaged Drugs,'' issued February 1, 1984, revised March 1995.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Expiration Dating of Unit-Dose Repackaged Solid Oral Dosage Form Drug Products.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

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

However, this guidance refers to previously approved collections of information that are subject to review by the OMB under the PRA. The collections of information in 21 CFR parts 210 and 211 have been approved under OMB control number 0910–0139.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs* or *https://www.regulations.gov.*

Dated: July 27, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–16526 Filed 7–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0622]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Color Additive Certification Requests and Recordkeeping

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by August 31, 2020.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted 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. The OMB control number for this information collection is 0910–0216. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Color Additive Certification Requests and Recordkeeping—21 CFR Part 80

OMB Control Number 0910–0216—Extension

We have regulatory oversight for color additives used in foods, drugs, cosmetics, and medical devices. Section 721(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 379e(a)) provides that a color additive shall be deemed to be unsafe unless it meets the requirements of a listing regulation, including any requirement for batch certification, and is used in accordance with the regulation. We list color additives that have been shown to be safe for their intended uses in Title 21 of the Code of Federal Regulations (CFR). We require batch certification for all color additives listed in 21 CFR part 74 and for all color additives provisionally listed in 21 CFR part 82. Color additives listed in 21 CFR part 73 are exempted from certification.

The requirements for color additive certification are described in 21 CFR part 80. In the certification procedure, a representative sample of a new batch of color additive, accompanied by a ''request for certification'' that provides information about the batch, must be submitted to FDA's Office of Cosmetics and Colors. FDA personnel perform chemical and other analyses of the representative sample and, providing the sample satisfies all certification requirements, issue a certification lot number for the batch. We charge a fee for certification based on the batch weight and require manufacturers to keep records of the batch pending and after certification.

Under § 80.21 (21 CFR 80.21), a request for certification must include: name of color additive, manufacturer's batch number and weight in pounds, name and address of manufacturer, storage conditions, statement of use(s), certification fee, and signature of person requesting certification. Under § 80.22 (21 CFR 80.22), a request for certification must include a sample of the batch of color additive that is the subject of the request. The sample must be labeled to show: name of color additive, manufacturer's batch number and quantity, and name and address of person requesting certification. Under § 80.39 (21 CFR 80.39), the person to whom a certificate is issued must keep complete records showing the disposal of all of the color additive covered by the certificate. Such records are to be made available upon request to any accredited representative of FDA until at least 2 years after disposal of all of the color additive.

The purpose for collecting this information is to help us assure that only safe color additives will be used in foods, drugs, cosmetics, and medical devices sold in the United States. The required information is unique to the batch of color additive that is the subject of a request for certification. The manufacturer's batch number is used for temporarily identifying a batch of color additive until FDA issues a certification lot number and for identifying a certified batch during inspections. The manufacturer's batch number also aids in tracing the disposal of a certified batch or a batch that has been denied certification for noncompliance with the color additive regulations.

The manufacturer's batch weight is used for assessing the certification fee. The batch weight also is used to account for the disposal of a batch of certified or certification-denied color additive. The batch weight can be used in a recall to determine whether all unused color additive in the batch has been recalled.

The manufacturer's name and address and the name and address of the person requesting certification are used to contact the person responsible should a question arise concerning compliance with the color additive regulations. Information on storage conditions pending certification is used to evaluate whether a batch of certified color additive is inadvertently or intentionally altered in a manner that would make the sample submitted for certification analysis unrepresentative of the batch. We check storage information during inspections. Information on intended uses for a batch of color additive is used to assure that a batch of certified color additive will be used in accordance with the requirements of its listing regulation. The statement of the fee on a certification request is used for accounting purposes so that a person requesting certification can be notified promptly of any discrepancies.

Description of Respondents: The respondents include businesses engaged in the manufacture of color additives used in FDA-regulated foods, drugs, cosmetics, and medical devices. Respondents are from the private sector (for-profit businesses).

In the **Federal Register** of April 16, 2020 (85 FR 21250), we published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
80.21; Request for certification	38	198	7,524	0.17 (10 minutes)	1,279
80.22; Sample to accompany request.	38	198	7,524	0.05 (3 minutes)	376
Total				0.22 (13 minutes)	1,655

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
80.39; Record of distribution	38	198	7,524	0.25 (15 minutes)	1,881

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: July 23, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020–16534 Filed 7–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0493]

Agency Information Collection Activities; Proposed Collection; Comment Request; Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded—Time and Extent Applications for Nonprescription Drug Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the collection of information associated with the criteria and procedures for classifying over-the-counter (OTC) drugs as generally recognized as safe and effective and not misbranded.

DATES: Submit either electronic or written comments on the collection of information by September 28, 2020.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 28, 2020. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 28, 2020. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include Docket No. FDA–2010–N–0493 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded; Guidance for Industry—Time and Extent Applications for Nonprescription Drug Product.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

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

Docket: For access to the docket to read background documents or the electronic and written/paper comments

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

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded—Time and Extent Applications for Nonprescription Drug Products (21 CFR 330.14)

OMB Control Number 0910–0688—Extension

This information collection supports Agency regulations and associated guidance. Specifically, FDA regulations in § 330.14 (21 CFR 330.14) establish additional criteria and procedures for classifying OTC drugs as generally recognized as safe and effective and not misbranded. These regulations state that OTC drug products introduced into the U.S. market after the OTC drug review began in 1972 and OTC drug products without any marketing experience in the United States can be evaluated under the monograph process if the conditions (*e.g.,* active ingredients) meet certain ''time and extent'' criteria outlined in the regulations. The regulations allow a time and extent application (TEA) to be submitted to us by any party for our consideration to include new conditions in the OTC drug monograph system.

TEAs must provide evidence described in § 330.14(c) demonstrating that the condition is eligible for inclusion in the monograph system. (Section 330.14(d) specifies the number of copies and address for submission of a TEA.) If a condition is found eligible, any interested parties can submit safety and effectiveness information as explained in § 330.14(f). Safety and effectiveness data include the data and information listed in 21 CFR 330.10(a)(2), a listing of all serious adverse drug experiences that may have occurred (§ 330.14(f)(2)), and an official or proposed compendial monograph (§ 330.14(i)).

Based on our experience with submissions we have received under § 330.14, we estimate that we will receive 2 TEAs and 2 safety and effectiveness submissions each year and assume that it will take 1,525 hours to prepare a TEA and 2,350 hours to prepare a comprehensive safety and effectiveness submission.

We revised our regulations in part 330 (21 CFR part 330) (81 FR 84465, November 23, 2016), thus adding 6 hours to our estimated annual reporting burden for the information collection. Specifically, § 330.14(j) clarifies the requirements on content and format criteria for a safety and effectiveness data submission and provides procedures for our review of the submissions and determination of whether a submission is sufficiently complete to permit a substantive review.

Section 330.14(j)(3) describes the process for cases in which we refuse to file the safety and effectiveness data submission. Under § 330.14(j)(3), if we refuse to file the submission, we will notify the sponsor in writing, state the reason(s) for the refusal, and allow the sponsor 30 days to submit a written request for an informal conference with us about whether we should file the submission. We estimate one respondent will submit a request for an informal conference each year and assume that preparing and submitting each request will take 1 hour.

Under § 330.14(j)(4)(iii), the safety and effectiveness data submission must contain a signed statement that the submission represents a complete safety and effectiveness data submission and that the submission includes all the safety and effectiveness data and information available to the sponsor at the time of the submission, whether positive or negative. We estimate that two respondents will submit such signed statements each year and assume that preparing and submitting each signed statement takes 1 hour.

Under § 330.14(k)(1), we, in response to a written request from a sponsor, may withdraw consideration of a TEA submitted under § 330.14(c) or a safety and effectiveness data submission under § 330.14(f). We estimate that one respondent will submit such a request each year and assume that preparing and submitting the request takes 1 hour.

Under § 330.14(k)(2), a sponsor may request that FDA not withdraw consideration of a TEA or safety and effectiveness data submission. We estimate one respondent will submit such a request each year and assume that preparing and submitting the request takes 2 hours.

To assist respondents with the information collection, we developed the guidance document entitled, ''Time and Extent Applications for Nonprescription Drug Products,'' issued consistent with our Good Guidance Practice regulations at 21 CFR 10.115 which provide for comment at any time, and available from our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/time-and-extent-applications-nonprescription-drug-products.* The guidance explains what information an applicant should submit to FDA to request that a drug product be included in the OTC drug monograph system and describes the process for submitting that information.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR part and activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Time and extent application and submission of information (§ 330.14(c) and (d))	2	1	2	1,525	3,050
Safety and effectiveness data (§ 330.14(f) and (i))	2	1	2	2,350	4,700
Sponsor request for an informal conference (§ 330.14(j)(3))	1	1	1	1	1
Sponsor signed statement that submission is complete (§ 330.14(j)(4))	2	1	2	1	2
Sponsor request for FDA to withdraw TEA consideration (§ 330.14(k)(1))	1	1	1	1	1
Sponsor request for FDA not to deem the submission withdrawn (§ 330.14(k)(2))	1	1	1	2	2
Total					7,756

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: July 23, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020–16528 Filed 7–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–1551]

Pregnancy, Lactation, and Reproductive Potential: Labeling for Human Prescription Drug and Biological Products—Content and Format; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Pregnancy, Lactation, and Reproductive Potential: Labeling for Human Prescription Drug and Biological Products—Content and Format.'' This draft guidance is intended to assist applicants in complying with the content and format requirements of the Pregnancy, Lactation, and Females and Males of Reproductive Potential subsections of labeling for human prescription drug and biological products. This draft guidance revises the draft guidance issued in December 2014. This revision provides clarification and additional information on recommendations to applicants submitting new drug applications (NDAs), biologics license applications (BLAs) (for biological products that are regulated as drugs), and efficacy supplements to approved NDAs or BLAs.

DATES: Submit either electronic or written comments on the draft guidance by September 28, 2020 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2014–D–1551 for ''Pregnancy, Lactation, and Reproductive Potential: Labeling for Human Prescription Drug and Biological Products—Content and Format.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit

both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

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

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

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Denise Johnson-Lyles, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6469, Silver Spring, MD 20993–0002, 301–796–6169; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Pregnancy, Lactation, and Reproductive Potential: Labeling for Human Prescription Drug and Biological Products—Content and Format.'' The final rule, *Content and Format of Labeling for Human Prescription Drug and Biological Products; Requirements for Pregnancy and Lactation Labeling,* referred to as the PLLR, which published December 4, 2014 (79 FR 72063), modified the labeling requirements for human prescription drug and biological products. The PLLR amended FDA's regulations governing the content and format of the ''Pregnancy,'' ''Labor and Delivery,'' and ''Nursing Mothers'' subsections of the ''Use in Specific Populations'' section of the existing labeling for human prescription drug and biological products. This guidance is intended to assist applicants in complying with the content and format requirements of the ''Pregnancy,'' ''Lactation,'' and ''Females and Males of Reproductive Potential'' subsections of labeling for human prescription drug and biological products, as described in the PLLR. This draft guidance revises the draft guidance of the same name issued December 4, 2014 (79 FR 72104). The revisions provide clarification and additional information on recommendations in response to public comments and the Agency's regulatory experience implementing the PLLR. Changes to this draft guidance from the previous draft guidance include the addition of the following:

- Information on formatting, omitting information, and pregnancy registries.
- Clarifying information related to the Risk Summary heading, risk statements, and human and animal data.
- Information on labeling for section 8.3 Females and Males of Reproductive Potential, including information on pregnancy testing, contraception, and infertility.
- Procedural information on implementation and submission of draft labeling to the Agency for review.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Pregnancy, Lactation, and Reproductive Potential: Labeling for Human Prescription Drug and Biological Products—Content and Format.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

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

However, this draft guidance refers to previously approved collections of information. These collections of information are subject to review by the OMB under the PRA. The collection of information in 21 CFR 201.56 and 201.57 for preparing and submitting labeling has been approved under OMB control number 0910–0572. The collections of information in 21 CFR 314.70 and 314.97 for submitting supplements to an approved application, in 21 CFR 314.50(e) for submitting labeling for an application, and in 21 CFR 314.90 for submitting waiver requests for an application have been approved under OMB control number 0910–0001. The collection of information in 21 CFR 601.12 for submitting supplements to an approved application has been approved under OMB control number 0910–0338. In addition, the information collection provisions of the PLLR have been approved under OMB control number 0910–0624.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics,* or *https://www.regulations.gov.*

Dated: July 27, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–16530 Filed 7–29–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Extension of Designation of Scarce Materials or Threatened Materials Subject to COVID–19 Hoarding Prevention Measures Under Executive Order 13910 and Section 102 of the Defense Production Act of 1950

AGENCY: Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) provides notice of the extension of the designation issued March 25, 2020 under Executive Order 13910 (Executive Order) and section 102 of the Defense Production Act of 1950 (the Act), 50 U.S.C. 4512,

as amended, designating health and medical resources necessary to respond to the spread of the virus associated with Coronavirus Disease 2019 (COVID–19) that are scarce or the supply of which would be threatened by excessive accumulation by people or entities not needing the excess supplies (March 25 Designation Notice). These designated materials are subject to the hoarding prevention measures authorized under the Executive Order and the Act. The March 25 Designation Notice was subsequently published in the **Federal Register** on March 30, 2020. *See* 85 FR 17592. On June 30, 2020, HHS updated the March 25 Designation Notice to change the information contact and to remove chloroquine phosphate and hydroxychloroquine HCl as a scarce or threated material. This update was published in the **Federal Register** on July 7, 2020. *See* 85 FR 40667. Without extension, the March 25 Designation Notice would terminate 120 days from publication. This notice, issued on July 23, 2020, extends the March 25 Designation Notice for an additional 120 days. This notice also includes modifications and additions to the original list of scarce or threatened materials.

DATES: This action took effect July 23, 2020 and terminates January 19, 2021.

FOR FURTHER INFORMATION CONTACT: Paige Ezernack: 202–260–0365; *PaigeEzernack@hhs.gov.*

SUPPLEMENTARY INFORMATION: On March 23, 2020, and in response to the spread of the virus associated with COVID–19, President Trump signed Executive Order 13910 (Executive Order) to prevent hoarding of health and medical resources necessary to respond to the spread of COVID–19 within the United States. As provided in the Executive Order, it is the policy of the United States that health and medical resources needed to respond to the spread of COVID–19, such as personal protective equipment and sanitizing and disinfecting products, are appropriately distributed. This policy furthers the goal of protecting the Nation's healthcare systems from undue strain.

Through the Executive Order, the President delegated, to the Secretary of Health and Human Services (the Secretary), his authority under section 102 of the Defense Production Act of 1950, 50 U.S.C. 4512, as amended (the Act), to prevent hoarding of health and medical resources necessary to respond to the spread of COVID–19 within the United States, and his authority to implement the Act in subsection III of chapter 55 of title 50, United States Code (50 U.S.C. 4554, 4555, 4556, and 4660). Under this delegation and the Act, the Secretary may designate such resources as scarce materials or materials the supply of which would be threatened by such accumulation (threatened materials). The Secretary may also prescribe conditions with respect to accumulation of such materials in excess of the reasonable demands of business, personal, or home consumption. The Act prohibits any person or entity from accumulating designated materials (1) in excess of the reasonable demands of business, personal, or home consumption, or (2) for the purpose of resale at prices in excess of prevailing market prices.

The March 25 Designation Notice issued by HHS designates scarce materials or threatened materials that are subject to the hoarding prevention measures authorized under the Executive Order and the Act. *See* 85 FR 17592 (Mar. 30, 2020). Under 50 U.S.C. 4552(13), the term ''materials'' includes ''(A) any raw materials (including minerals, metals, and advanced processed materials), commodities, articles, components (including critical components), products, and items of supply; and (B) any technical information or services ancillary to the use of any such materials, commodities, articles, components, products, or items.'' For purposes of the March 25 Designation Notice, the term ''scarce materials or threatened materials'' means health or medical resources, or any of their essential components, determined by the Secretary to be needed to respond to the spread of COVID–19 and which are, or are likely to be, in short supply or the supply of which would be threatened by hoarding. 85 FR at 17592. Designated scarce materials or threatened materials are subject to periodic review by the Secretary.

The designation is not a ''regulation'' under the Administrative Procedure Act (APA). *See* 50 U.S.C. 4559 (providing an exemption from the APA). To the extent that it were, the Secretary finds that, in light of the current global pandemic, urgent and compelling circumstances make compliance with public comment requirements impracticable. *See id.*

The March 25 Designation Notice was scheduled to terminate after 120 days from the date of publication, unless superseded by a subsequent notice. Given the ongoing pandemic, the Secretary finds good cause to extend the March 25 Designation Notice, as modified by the June 30, 2020 notice, for an additional 120 days. The Secretary also finds good cause to include the following modifications and additions to list of scarce or threatened materials:

1. Add ''laboratory reagents and materials used for isolation of viral genetic material and testing, such as transport media, collection swabs, test kits and reagents specific to those kits, and consumables such as plastic pipette tips and plastic tubes'';
2. Add ''drug products currently recommended by the NIH COVID–19 Treatment Guidelines Panel, including (as of July 23, 2020) remdesivir and dexamethasone''; and
3. Add ''alcohol-based hand sanitizer and rubs.''

A copy of the Notice of the March 25 Designation, including the above modifications and additions and as modified by the June 30, 2020 notice, is provided below and also can be found on HHS's website.

Notice of Designation of Scarce Materials or Threatened Materials

Health or medical resources, or any of their essential components, determined by the Secretary of HHS to be needed to respond to the spread of COVID–19 and which are, or are likely to be, in short supply (scarce materials) or the supply of which would be threatened by hoarding (threatened materials). Designated scarce materials or threatened materials are subject to periodic review by the Secretary.

The following materials are designated pursuant to section 102 of the Defense Production Act (50 U.S.C. 4512) and Executive Order 13190 of March 23, 2020 (Preventing Hoarding of Health and Medical Resources to Respond to the Spread of COVID–19) as scarce materials or threatened materials:

1. N–95 Filtering Facepiece Respirators, including devices that are disposable half-face-piece non-powered air-purifying particulate respirators intended for use to cover the nose and mouth of the wearer to help reduce wearer exposure to pathogenic biological airborne particulates
2. Other Filtering Facepiece Respirators (*e.g.,* those designated as N99, N100, R95, R99, R100, or P95, P99, P100), including single-use, disposable half-mask respiratory protective devices that cover the user's airway (nose and mouth) and offer protection from particulate materials at an N95 filtration efficiency level per 42 CFR 84.181
3. Elastomeric, air-purifying respirators and appropriate particulate filters/cartridges
4. Powered Air Purifying Respirator (PAPR)
5. Portable Ventilators, including portable devices intended to

mechanically control or assist patient breathing by delivering a predetermined percentage of oxygen in the breathing gas
6. Sterilization services for any device as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act and sterilizers as defined in 21 CFR 880.6860, 880.6870, and 880.6880, including devices that already have FDA marketing authorization and those that do not have FDA marketing authorization but are intended for the same uses
7. Disinfecting devices intended to kill pathogens and other kinds of microorganisms by chemical means or physical means, including those defined in 21 CFR 876.1500, 880.6992, and 892.1570 and other sanitizing and disinfecting products suitable for use in a clinical setting
8. Medical gowns or apparel, *e.g.,* surgical gowns or isolation gowns
9. Personal protective equipment (PPE) coveralls, *e.g.,* Tyvek Suits
10. PPE face masks, including any masks that cover the user's nose and mouth and may or may not meet fluid barrier or filtration efficiency levels
11. PPE surgical masks, including masks that covers the user's nose and mouth and provides a physical barrier to fluids and particulate materials
12. PPE face shields, including those defined at 21 CFR 878.4040 and those intended for the same purpose
13. PPE gloves or surgical gloves, including those defined at 21 CFR 880.6250 (exam gloves) and 878.4460 (surgical gloves) and such gloves intended for the same purposes
14. Ventilators, anesthesia gas machines modified for use as ventilators, and positive pressure breathing devices modified for use as ventilators (collectively referred to as ''ventilators''), ventilator tubing connectors, and ventilator accessories as those terms are described in FDA's March 2020 Enforcement Policy for Ventilators and Accessories and Other Respiratory Devices During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency located at *https://www.fda.gov/media/136318/download*
15. Laboratory reagents and materials used for isolation of viral genetic material and testing, such as transport media, collection swabs, test kits and reagents specific to those kits, and consumables such as plastic pipette tips and plastic tubes
16. Drug products currently recommended by the NIH COVID–19 Treatment Guidelines Panel, including (as of July 23, 2020) remdesivir and dexamethasone
17. Alcohol-based hand sanitizer and rubs

Authority

The authority for this Notice is Executive Order 13910 and section 102 of the Defense Production Act of 1950, 50 U.S.C. 4512, as amended.

Dated: July 23, 2020.

Ann C. Agnew,

Executive Secretary, Department of Health and Human Services.

[FR Doc. 2020–16458 Filed 7–27–20; 4:15 pm]

BILLING CODE 4150–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria

AGENCY: Office of the Secretary, Office of the Assistant Secretary for Health, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that a meeting is scheduled to be held for the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria (PACCARB). The meeting will be open to the public via webex and teleconference; a pre-registered public comment session will be held during the meeting. Pre-registration is required for members of the public who wish to attend the meeting via webex/teleconference. Individuals who wish to send in their pre-recorded or written public comments should send an email to *CARB@hhs.gov.* Registration information is available on the website *http://www.hhs.gov/paccarb* and must be completed by September 2, 2020. Additional information about registering for the meeting and providing public comment can be obtained at *http://www.hhs.gov/paccarb* on the Meetings page.

DATES: The meeting is scheduled to be held on September 9, 2020, from 12:00 p.m. to 3:30 p.m. and September 10, 2020, from 12:00 p.m. to 3:30 p.m. ET (times are tentative and subject to change). The confirmed times and agenda items for the meeting will be posted on the website for the PACCARB at *http://www.hhs.gov/paccarb* when this information becomes available. Pre-registration for attending the meeting is required to be completed no later than September 2, 2020.

ADDRESSES: Instructions regarding attending this meeting virtually will be posted one week prior to the meeting at: *http://www.hhs.gov/paccarb.*

FOR FURTHER INFORMATION CONTACT: Jomana Musmar, M.S., Ph.D., Designated Federal Officer, Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services, Room L616, Switzer Building, 330 C. St. SW, Washington, DC 20201. Phone: 202–746–1512; Email: *CARB@hhs.gov.*

SUPPLEMENTARY INFORMATION: The Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria (PACCARB), established by Executive Order 13676, is continued by Section 505 of Public Law 116–22, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019 (PAHPAIA). Activities and duties of the Advisory Council are governed by the provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of federal advisory committees.

The PACCARB shall advise and provide information and recommendations to the Secretary regarding programs and policies intended to reduce or combat antibiotic-resistant bacteria that may present a public health threat and improve capabilities to prevent, diagnose, mitigate, or treat such resistance. The PACCARB shall function solely for advisory purposes.

Such advice, information, and recommendations may be related to improving: The effectiveness of antibiotics; research and advanced research on, and the development of, improved and innovative methods for combating or reducing antibiotic resistance, including new treatments, rapid point-of-care diagnostics, alternatives to antibiotics, including alternatives to animal antibiotics, and antimicrobial stewardship activities; surveillance of antibiotic-resistant bacterial infections, including publicly available and up-to-date information on resistance to antibiotics; education for health care providers and the public with respect to up-to-date information on antibiotic resistance and ways to reduce or combat such resistance to antibiotics related to humans and animals; methods to prevent or reduce the transmission of antibiotic-resistant bacterial infections; including stewardship programs; and coordination with respect to international efforts in

order to inform and advance the United States capabilities to combat antibiotic resistance.

The September 9–10 public meeting will be dedicated to the welcoming of eight new liaison members, and acknowledging the dedication of retiring liaisons. The remainder of the two-day public meeting will include antimicrobial (AMR)-focused panel presentations and council discussions focused on the impact of COVID–19, with topics ranging from: COVID–19 mortality rate due to secondary acquired infections, antibiotic stewardship practices during a pandemic, disruptions in the agricultural industry due to COVID–19 and the intersection of AMR and emergency preparedness. The meeting agenda will be posted on the PACCARB website at *http://www.hhs.gov/paccarb* when it has been finalized. All agenda items are tentative and subject to change.

Instructions regarding attending this meeting virtually will be posted one week prior to the meeting at: *http://www.hhs.gov/paccarb.*

Members of the public will have the opportunity to provide comments prior to the public meeting by emailing *CARB@hhs.gov.* Public comments should be sent in by midnight September 2, 2020 and should be limited to no more than one page, or a two-minute pre-recorded message to be played live during the meeting. All public comments received prior to September 2, 2019, will be provided to Advisory Council members and will be acknowledged during the public teleconference.

Dated: July 27, 2020.

Jomana F. Musmar,

Designated Federal Officer, Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria, Office of the Assistant Secretary for Health.

[FR Doc. 2020–16547 Filed 7–29–20; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Tribal Self-Governance Negotiation Cooperative Agreement

Announcement Type: New.

Funding Announcement Number: HHS–2020–IHS–TSGN–0001.

Assistance Listing (Catalog of Federal Domestic Assistance or CFDA) Number: 93.444.

Key Dates

Application Deadline Date: October 28, 2020.

Earliest Anticipated Start Date: November 12, 2020.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) Office of Tribal Self-Governance (OTSG) is accepting applications for Negotiation Cooperative Agreements for the Tribal Self-Governance Program (TSGP). This program is authorized under Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 5383(e). This program is described in the Assistance Listings located at *https://beta.sam.gov* (formerly known as Catalog of Federal Domestic Assistance) under 93.444.

Background

The TSGP is more than an IHS program; it is an expression of the government-to-government relationship between the United States (U.S.) and Indian Tribes. Through the TSGP, Tribes negotiate with the IHS to assume Programs, Services, Functions, and Activities (PSFAs), or portions thereof, which gives Tribes the authority to manage and tailor health care programs in a manner that best fits the needs of their communities.

Participation in the TSGP affords Tribes the most flexibility to tailor their health care needs by choosing one of three ways to obtain health care from the Federal government for their citizens. Specifically, Tribes can choose to: (1) Receive health care services directly from the IHS; (2) contract with the IHS to administer individual programs and services the IHS would otherwise provide (referred to as Title I Self-Determination Contracting); and (3) compact with the IHS to assume control over health care programs the IHS would otherwise provide (referred to as Title V Self-Governance Compacting or the TSGP). These options are not exclusive and Tribes may choose to combine options based on their individual needs and circumstances.

The TSGP is a Tribally-driven initiative and strong Federal-Tribal partnerships are essential to the program's success. The IHS established the OTSG to implement the Tribal Self-Governance authorities under the ISDEAA. The primary OTSG functions are to: (1) Serve as the primary liaison and advocate for Tribes participating in the TSGP; (2) develop, direct, and implement TSGP policies and procedures; (3) provide information and technical assistance to Self-Governance Tribes; and (4) advise the IHS Director on compliance with TSGP policies, regulations, and guidelines. Each IHS Area has an Agency Lead Negotiator (ALN), designated by the IHS Director to act on his or her behalf, who has authority to negotiate Self-Governance Compacts and Funding Agreements (FA). Tribes interested in participating in the TSGP should contact their respective ALN to begin the Self-Governance planning and negotiation process. Tribes currently participating in the TSGP, which are interested in expanding existing or adding new PSFAs, should also contact their respective ALN to discuss the best methods for expanding or adding new PSFAs.

Purpose

The purpose of this Negotiation Cooperative Agreement is to provide Tribes with resources to help defray the costs associated with preparing for and engaging in TSGP negotiations. TSGP negotiations are a dynamic, evolving, and Tribally-driven process that requires careful planning, preparation and sharing of precise, up-to-date information by both Tribal and Federal parties. Because each Tribal situation is unique, a Tribe's successful transition into the TSGP, or expansion of their current program, requires focused discussions between the Federal and Tribal negotiation teams about the Tribe's specific health care concerns and plans. One of the hallmarks of the TSGP is the collaborative nature of the negotiations process, which is designed to: (1) Enable a Tribe to set its own priorities when assuming responsibility for IHS PSFAs; (2) observe and respect the government-to-government relationship between the U.S. and each Tribe; and (3) involve the active participation of both Tribal and IHS representatives, including the OTSG. Negotiations are a method of determining and agreeing upon the terms and provisions of a Tribe's Compact and FA, the implementation documents required for the Tribe to enter into the TSGP. The Compact sets forth the general terms of the government-to-government relationship between the Tribe and the Secretary of the U.S. Department of Health and Human Services (HHS). The FA: (1) Describes the length of the agreement (whether it will be annual or multi-year); (2) identifies the PSFAs, or portions thereof, the Tribe will assume; (3) specifies the amount of funding associated with the Tribal assumption; and (4) includes terms required by Federal statutes and other terms agreed to by the parties. Both documents are required to participate in the TSGP and they are mutually negotiated agreements that become legally binding and

mutually enforceable after both parties sign the documents. Either document can be renegotiated at the request of the Tribe.

The negotiation process has four major stages, including: (1) Planning; (2) pre-negotiations; (3) negotiations; and (4) post-negotiations. Title V of the ISDEAA requires that a Tribe or Tribal organization complete a planning phase to the satisfaction of the Tribe. The planning phase must include legal and budgetary research and internal Tribal government planning and organizational preparation relating to the administration of health care programs. *See* 25 U.S.C. 5383(d). The planning phase is critical to the negotiation process and assists Tribes with making informed decisions about which PSFAs to assume and what organizational changes or modifications are necessary to support those PSFAs. A thorough planning phase improves timeliness and efficient negotiations and ensures that the Tribe is fully prepared to assume the transfer of IHS PSFAs to the Tribal health program.

During pre-negotiations, the Tribal and Federal negotiation teams review and discuss issues identified during the planning phase. Pre-negotiations provide an opportunity for the Tribe and the IHS to identify and discuss issues directly related to the Tribe's Compact, FA and Tribal shares.

In advance of final negotiations, the Tribe should work with the IHS to secure the following: (1) Program titles and descriptions; (2) financial tables and information; (3) information related to the identification and justification of residuals; and (4) the basis for determining Tribal shares (distribution formula). The Tribe may also wish to discuss financial materials that show estimated funding for next year, and the increases or decreases in funding it may receive in the current year, as well as the basis for those changes.

During the final negotiation both the Federal and Tribal negotiation teams work together in good faith to determine and agree upon the terms and provisions of the Tribe's Compact and FA. Negotiations are not an allocation process; they provide an opportunity to mutually review and discuss budget and program issues to reach agreement and finalize documents.

There are various entities involved throughout the negotiation process. For example, a Tribal government selects its representative(s) for the Tribal negotiation team, which may include; a Tribal leader from the governing body, a Tribal health director, technical and program staff, legal counsel, and other consultants. Regardless of the composition of the Tribal team, Tribal representatives must have decision making authority from the Tribal governing body to successfully negotiate and agree to the provisions within the agreements. The Federal negotiation team is led by the ALN and may include area and headquarters subject matter experts, OTSG staff, the Office of Finance and Accounting, and the Office of the General Counsel. The ALN is the only member of the Federal negotiation team with delegated authority to negotiate on behalf of the IHS Director. The ALN is the designated official that provides Tribes with Self-Governance information, assists Tribes in planning, organizes meetings between the Tribe and the IHS, and coordinates the agency's response to Tribal questions during the negotiation process. The ALN role requires detailed knowledge of the IHS, awareness of current policy and practice, and understanding of the rights and authorities available to a Tribe under Title V of the ISDEAA.

In post-negotiations, the mutually agreed to and negotiated Compact and FA are signed by the authorizing Tribal official and submitted to the OTSG in preparation for the IHS Director's signature. Once the Compact and FA have been signed by both parties, they become legally binding and enforceable agreements. A signed Compact and FA are necessary for the payment process to begin. The negotiating Tribe then becomes a ''Self-Governance Tribe'' and a participant in the TSGP.

Acquiring a Negotiation Cooperative Agreement is not a prerequisite to enter the TSGP. A Tribe may use other resources to develop and negotiate its Compact and FA. *See* 42 CFR 137.26. Tribes that receive a Negotiation Cooperative Agreement are not obligated to participate in Title V and may choose to delay or decline participation or expansion in the TSGP.

II. Award Information

Funding Instrument

Cooperative Agreement.

Estimated Funds Available

The total funding identified for fiscal year (FY) 2020 is approximately $240,000. Individual award amounts are anticipated to be $48,000. The funding available for competing awards issued under this announcement is subject to the availability of appropriations and budgetary priorities of the Agency. The IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

Approximately five awards will be issued under this program announcement.

Period of Performance

The period of performance is for one year.

Cooperative Agreement

Cooperative agreements awarded by the HHS are administered under the same policies as a grant. However, the funding agency (IHS) is anticipated to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement required for IHS.

Substantial Involvement Description for Cooperative Agreement

A. Provide descriptions of PSFAs and associated funding at all organizational levels (Service Unit, Area, and Headquarters), including funding formulas and methodologies related to determining Tribal shares.

B. Meet with Negotiation Cooperative Agreement recipients to provide program information and discuss methods currently used to manage and deliver health care.

C. Identify and provide statutes, regulations, and policies that provide authority for administering IHS programs.

D. Provide technical assistance on the IHS budget, Tribal shares, and other topics as needed.

III. Eligibility Information

1. Eligibility

To be eligible for this opportunity, applicants must be:

- An ''Indian Tribe'' as defined in 25 U.S.C. 5304(e); a ''Tribal Organization'' as defined in 25 U.S.C. 5304(l); or an ''Inter-Tribal Consortium'': As defined at 42 CFR 137.10. Please note that Tribes prohibited under the Alaska Moratorium from receiving funds pursuant to the ISDEAA are not eligible. See Consolidated Appropriations Act, 2014, Public Law 113–76, as amended by Consolidated Appropriations Act, 2018, Public Law 115–141, and Consolidated Appropriations Act, 2020, Public Law 116–94.
- Applicant must submit from the appropriate governing body of each Tribe to be served a resolution or other official action authorizing the submission of the Planning Cooperative Agreement. Please see Section IV. Application and Submission Information, 2. Content and Form Application Submission, Additional

Required Documentation, Tribal Resolution(s) for details.

• Demonstrate, for three fiscal years, financial stability and financial management capability. The Indian Tribe must provide evidence that, for the three fiscal years prior to requesting participation in the TSGP, the Indian Tribe has had no uncorrected significant and material audit exceptions in the required annual audit of the Indian Tribe's Self-Determination Contracts or Self-Governance FAs with any Federal agency. *See* 25 U.S.C. 5383; 42 CFR 137.15–23.

For Tribes or Tribal organizations (T/TO) that expended $750,000 or more ($500,000 for fiscal years ending after December 31, 2003) in Federal awards, the OTSG shall retrieve the audits directly from the Federal Audit Clearinghouse. For T/TO that expended less than $750,000 ($500,000 for fiscal years ending after December 31, 2003) in Federal awards, the T/TO must provide evidence of the program review correspondence from IHS or Bureau of Indian Affairs officials. *See* 42 CFR 137.21–23.

Meeting the eligibility criteria for a Negotiation Cooperative Agreement does not mean that a T/TO is eligible for participation in the IHS TSGP under Title V of the ISDEAA. *See* 25 U.S.C. 5383; 42 CFR 137.15–23. For additional information on the eligibility for the IHS TSGP, please visit the ''Eligibility and Funding'' page on the OTSG website located at *https://www.ihs.gov/SelfGovernance.*

Note: Please refer to Section IV.2 (Application and Submission Information/Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required, such as Tribal Resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

Applications with budget requests that exceed the highest dollar amount outlined under the Award Information, Estimated Funds Available section, or exceed the Period of Performance outlined under the Award Information, Period of Performance section will be considered not responsive and will not be reviewed. The Division of Grants Management (DGM) will notify the applicant.

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement are hosted on *https://www.Grants.gov.*

Please direct questions regarding the application process to Mr. Paul Gettys at (301) 443–2114 or (301) 443–5204.

2. Content and Form Application Submission

The applicant must include the project narrative where indicated in the application workspace. Mandatory documents for all applicants include:

• Abstract (one page) summarizing the project.

• Application forms:

1. SF–424, Application for Federal Assistance.

2. SF–424A, Budget Information—Non-Construction Programs.

3. SF–424B, Assurances—Non-Construction Programs.

• Project Narrative (not to exceed 10 pages). See Section IV.2.A Project Narrative for instructions.

1. Background information on the organization.

2. Proposed scope of work, objectives, and activities that provide a description of what the applicant plans to accomplish.

• Budget Justification and Narrative (not to exceed 5 pages). See Section IV.2.B Budget Narrative for instructions.

• One-page Timeframe Chart.

• Tribal Resolution(s) (please see additional information below).

• Letters of Support from organization's Board of Directors (optional).

• Biographical sketches for all Key Personnel.

• Contractor/Consultant resumes or qualifications and scope of work.

• Disclosure of Lobbying Activities (SF–LLL).

• Certification Regarding Lobbying (GG-Lobbying Form).

• Copy of current Negotiated Indirect Cost rate (IDC) agreement (required in order to receive IDC).

• Organizational Chart (optional).

• Documentation of current Office of Management and Budget (OMB) Financial Audit (if applicable).

Acceptable forms of documentation include:

1. Email confirmation from Federal Audit Clearinghouse (FAC) that audits were submitted; or

2. Face sheets from audit reports. Applicants can find these on the FAC website: *https://harvester.census.gov/facdissem/Main.aspx.*

Additional Required Documentation

Tribal Resolution

The DGM must receive an official, signed Tribal Resolution prior to issuing a Notice of Award (NoA) to any applicant selected for funding. An Indian Tribe or Tribal organization that is proposing a project affecting another Indian Tribe must include resolutions from all affected Tribes to be served. However, if an official, signed Tribal Resolution cannot be submitted with the application prior to the application deadline date, a draft Tribal Resolution must be submitted with the application by the deadline date in order for the application to be considered complete and eligible for review. The draft Tribal Resolution is not in lieu of the required signed resolution, but is acceptable until a signed resolution is received. If an official, signed Tribal Resolution is not received by DGM when funding decisions are made, then a NoA will not be issued to that applicant and it will not receive IHS funds until it has submitted a signed resolution to the Grants Management Specialist listed in this funding announcement.

Public Policy Requirements

All Federal public policies apply to IHS grants and cooperative agreements with the exception of the Discrimination Policy.

Requirements for Project and Budget Narratives

A. *Project Narrative:* This narrative should be a separate document that is no more than 10 pages and must: (1) Have consecutively numbered pages; (2) use black font 12 points or larger; (3) be single-spaced; (4) and be formatted to fit standard letter paper (8½ x 11 inches).

Be sure to succinctly answer all questions listed under the evaluation criteria (refer to Section V.1, Evaluation Criteria) and place all responses and required information in the correct section noted below or they will not be considered or scored. If the narrative exceeds the page limit, the application will be considered not responsive and not be reviewed. The 10-page limit for the narrative does not include the work plan, standard forms, Tribal Resolutions, budget, budget justifications, narratives, and/or other appendix items.

There are three parts to the narrative: Part 1—Program Information; Part 2—Program Planning and Evaluation; and Part 3—Program Report. See below for additional details about what must be included in the narrative.

The page limits below are for each narrative and budget submitted.

Part 1: Program Information (Limit—4 Pages)

Section 1: Introduction and Need for Assistance

Demonstrate that the Tribe has conducted previous Self-Governance planning activities by clearly stating the results of what was learned during the planning process. Explain how the Tribe has determined it has the: (1) Knowledge and expertise to assume or expand PSFAs; and (2) the administrative infrastructure to support the assumption of PSFAs. Identify the need for assistance and how the Negotiation Cooperative Agreement would benefit the health activities the Tribe is preparing to assume or expand.

Part 2: Program Planning and Evaluation (Limit—4 Pages)

Section 1: Project Objective(s), Work Plan and Approach

State in measureable terms the objectives and appropriate activities to achieve the following Negotiation Cooperative Agreement recipient award activities:

(A) Determine the PSFAs that will be negotiated into the Tribe's Compact and FA. Prepare and discuss each PSFA in comparison to the current level of services provided so that an informed decision can be made on new or expanded program assumption.

(B) Identify Tribal shares associated with the PSFAs that will be included in the FA.

(C) Develop the terms and conditions that will be set forth in both the Compact and FA to submit to the ALN prior to negotiations.

Describe fully and clearly how the Tribe's proposal will result in an improved approach to managing the PSFAs to be assumed or expanded. Include how the Tribe plans to demonstrate improved health services to the community and incorporate the proposed timelines for negotiations.

Section 2: Organizational Capabilities, Key Personnel, and Qualifications

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

Section 3: Program Evaluation

Describe fully and clearly how the improvements that will be made by the Tribe to manage the health care system and identify the anticipated or expected benefits for the Tribe. Define the criteria to be used to evaluate objectives associated with the project using a model for tracking.

Part 3: Program Report (Limit—2 Pages)

Section 1: Describe major accomplishments over the last 24 months associated with the goals of this announcement. Please identify and describe significant health related program accomplishments associated with the delivery of quality health services. This section should highlight major program achievements over the last 24 months.

Section 2: Describe major activities over the last 24 months. Please provide an overview of significant program activities associated with the delivery of quality health services over the last 24 months. This section should address significant program activities and include those related to the accomplishments listed in the previous section.

B. Budget Narrative (Limit—5 Pages)

Provide a budget narrative that explains the amounts requested for each line of the budget. The budget narrative should specifically describe how each item will support the achievement of proposed objectives. Be very careful about showing how each item in the ''Other'' category is justified. Do NOT use the budget narrative to expand the project narrative.

3. Submission Dates and Times

Applications must be submitted through *Grants.gov* by 11:59 p.m. Eastern Daylight Time (EDT) on the Application Deadline Date. Any application received after the application deadline will not be accepted for review. *Grants.gov* will notify the applicant via email if the application is rejected.

If technical challenges arise and assistance is required with the application process, contact *Grants.gov* Customer Support (see contact information at *https://www.Grants.gov*). If problems persist, contact Mr. Paul Gettys (*Paul.Gettys@ihs.gov*), Acting Director, DGM, by telephone at (301) 443–2114 or (301) 443–5204. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a *Grants.gov* tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

IHS will not acknowledge receipt of applications.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- Tribes can apply for a Planning Cooperative Agreement and a Negotiation Cooperative Agreement in the same cycle, so long as the project proposals are different for each application. Tribes cannot apply for both the Planning Cooperative Agreement and the Negotiation Cooperative Agreement within the same grant cycle with the same proposed project.
- Only one cooperative agreement will be awarded per applicant.

6. Electronic Submission Requirements

All applications must be submitted via *Grants.gov*. Please use the *https://www.Grants.gov* website to submit an application. Find the application by selecting the ''Search Grants'' link on the homepage. Follow the instructions for submitting an application under the Package tab. No other method of application submission is acceptable.

If the applicant cannot submit an application through *Grants.gov*, a waiver must be requested. Prior approval must be requested and obtained from Mr. Paul Gettys, Acting Director, DGM. A written waiver request must be sent to *GrantsPolicy@ihs.gov* with a copy to *Paul.Gettys@ihs.gov.* The waiver must: (1) Be documented in writing (emails are acceptable) before submitting an application by some other method, and (2) include clear justification for the need to deviate from the required application submission process.

Once the waiver request has been approved, the applicant will receive a confirmation of approval email containing submission instructions. A copy of the written approval must be included with the application that is submitted to the DGM. Applications that are submitted without a copy of the signed waiver from the Acting Director of the DGM will not be reviewed. The Grants Management Officer of the DGM will notify the applicant via email of this decision. Applications submitted under waiver must be received by the DGM no later than 5:00 p.m., EDT, on the Application Deadline Date. Late applications will not be accepted for processing. Applicants that do not register for both the System for Award Management (SAM) and *Grants.gov* and/or fail to request timely assistance with technical issues will not be

considered for a waiver to submit an application via alternative method.

Please be aware of the following:

- Please search for the application package in *https://www.Grants.gov* by entering the Assistance Listing (CFDA) number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application, please contact *Grants.gov* Customer Support (see contact information at *https://www.Grants.gov*).
- Upon contacting *Grants.gov,* obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.
- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through *Grants.gov* as the registration process for SAM and *Grants.gov* could take up to twenty working days.
- Please follow the instructions on *Grants.gov* to include additional documentation that may be requested by this funding announcement.
- Applicants must comply with any page limits described in this funding announcement.
- After submitting the application, the applicant will receive an automatic acknowledgment from *Grants.gov* that contains a *Grants.gov* tracking number. IHS will not notify the applicant that the application has been received.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

Applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B that uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, please access the request service through *https://fedgov.dnb.com/webform,* or call (866) 705–5711.

The Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), requires all HHS recipients to report information on sub-awards. Accordingly, all IHS grantees must notify potential first-tier sub-recipients that no entity may receive a first-tier sub-award unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that are not registered with SAM must have a DUNS number first, then access the SAM online registration through the SAM home page at *https://www.sam.gov/SAM/* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Please see *SAM.gov* for details on the registration process and timeline. Registration with the SAM is free of charge, but can take several weeks to process. Applicants may register online at *https://www.sam.gov/SAM/.*

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, are available on the DGM Grants Management, Policy Topics web page: *https://www.ihs.gov/dgm/policytopics/.*

V. Application Review Information

Weights assigned to each section are noted in parentheses. The 10-page project narrative should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 possible points. Points are assigned as follows:

1. Evaluation Criteria

A. Introduction and Need for Assistance (25 Points)

Demonstrate that the Tribe has conducted previous Self-Governance planning activities by clearly stating the results of what was learned during the planning process. Explain how the Tribe has determined it has the: (1) Knowledge and expertise to assume or expand PSFAs; and (2) the administrative infrastructure to support the assumption of PSFAs. Identify the need for assistance and how the Negotiation Cooperative Agreement would benefit the health activities the Tribe is preparing to assume or expand.

B. Project Objective(s), Work Plan and Approach (25 Points)

State in measurable terms the objectives and appropriate activities to achieve the following Negotiation Cooperative Agreement recipient award activities:

(1) Determine the PSFAs that will be negotiated into the Tribe's Compact and FA. Prepare and discuss each PSFA in comparison to the level of services provided so that an informed decision can be made on new or expanded program assumption.

(2) Identify Tribal shares associated with the PSFAs that will be included in the FA.

(3) Develop the terms and conditions that will be set forth in both the Compact and FA to submit to the ALN prior to negotiations. Clearly describe how the Tribe's proposal will result in an improved approach to managing the PSFAs to be assumed or expanded. Include how the Tribe plans to demonstrate improved health care services to the community and incorporate the proposed timelines for negotiations.

C. Program Evaluation (25 Points)

Describe fully the improvements that will be made by the Tribe to manage the health care system and identify the anticipated or expected benefits for the Tribe. Define the criteria to be used to evaluate objectives associated with the project and how they will be measured.

D. Organizational Capabilities, Key Personnel and Qualifications (15 Points)

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

E. Categorical Budget and Budget Justification (10 Points)

Submit a budget with a narrative describing the budget request and matching the scope of work described in the project narrative. Justify all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative.

Additional documents can be uploaded as Appendix Items in *Grants.gov*

- Work plan and time line or logic model for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Rate Agreement.
- Organizational chart.
- Map of area identifying project location(s).

• Additional documents to support narrative (*i.e.,* data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened for eligibility and completeness as outlined in the funding announcement. Applications that meet the eligibility criteria shall be reviewed for merit by the Objective Review Committee (ORC) based on evaluation criteria. Incomplete applications and applications that are not responsive to the administrative thresholds will not be referred to the ORC and will not be funded. The applicant will be notified of this determination.

Applicants must address all program requirements and provide all required documentation.

3. Notifications of Disposition

All applicants will receive an Executive Summary Statement from the IHS OTSG within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application. The summary statement will be sent to the Authorizing Official identified on the face page (SF–424) of the application.

A. Award Notices for Funded Applications

The Notice of Award (NoA) is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period. Each entity approved for funding must have a user account in GrantSolutions in order to retrieve the NoA. Please see the Agency Contacts list in Section VII for the systems contact information.

B. Approved But Unfunded Applications

Approved applications not funded due to lack of available funds will be held for one year. If funding becomes available during the course of the year, the application may be reconsidered.

Note: Any correspondence other than the official NoA executed by an IHS grants management official announcing to the project director that an award has been made to their organization is not an authorization to implement their program on behalf of the IHS.

VI. Award Administration Information

1. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations and policies:

A. The criteria as outlined in this program announcement.

B. Administrative Regulations for Grants:

• Uniform Administrative Requirements for HHS Awards, located at 45 CFR part 75.

C. Grants Policy:

• HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

• Uniform Administrative Requirements for HHS Awards, ''Cost Principles,'' located at 45 CFR part 75, subpart E.

E. Audit Requirements:

• Uniform Administrative Requirements for HHS Awards, ''Audit Requirements,'' located at 45 CFR part 75, subpart F.

2. Indirect Costs

This section applies to all recipients that request reimbursement of indirect costs (IDC) in their application budget. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement, and submit it to DGM, prior to DGM issuing an award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate agreement is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate agreement is provided to the DGM.

Available funds are inclusive of direct and appropriate indirect costs. Approved indirect funds are awarded as part of the award amount, and no additional funds will be provided.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* or the Department of the Interior (Interior Business Center) *https://ibc.doi.gov/ICS/tribal.* For questions regarding the indirect cost policy, please call the Grants Management Specialist listed under ''Agency Contacts'' or the main DGM office at (301) 443–5204.

3. Reporting Requirements

The awardee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the awardee organization or the individual responsible for preparation of the reports. Per DGM policy, all reports are required to be submitted electronically by attaching them as a ''Grant Note'' in GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required semi-annually, and the final report is due within 90 days after the project period ends (specific dates will be listed in the NoA Terms and Conditions). These reports must include a brief comparison of actual accomplishments to the goals established for the period, a summary of progress to date or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required.

B. Financial Reports

Federal Financial Report (FFR or SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Payment Management Services, HHS at *https://pms.psc.gov.* The applicant is also requested to upload a copy of the FFR (SF–425) into our grants management system, GrantSolutions. Failure to submit timely reports may result in adverse award actions blocking access to funds.

Awardees are responsible and accountable for accurate information being reported on all required reports: The Progress Reports and Federal Financial Report.

C. Federal Sub-Award Reporting System (FSRS)

This award may be subject to the Transparency Act sub-award and executive compensation reporting requirements of 2 CFR part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-

tier sub-awards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 sub-award obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the period of performance is made up of more than one budget period) and where: (1) The period of performance start date was October 1, 2010 or after, and (2) the primary awardee will have a $25,000 sub-award obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting.

For the full IHS award term implementing this requirement and additional award applicability information, visit the DGM Grants Policy website at *https://www.ihs.gov/dgm/policytopics/.*

D. Compliance With Executive Order 13166 Implementation of Services Accessibility Provisions for All Grant Application Packages and Funding Opportunity Announcements

Recipients of Federal financial assistance (FFA) from HHS must administer their programs in compliance with Federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, age and, in some circumstances, religion, conscience, and sex. This includes ensuring programs are accessible to persons with limited English proficiency. The HHS Office for Civil Rights provides guidance on complying with civil rights laws enforced by HHS. Please see *https://www.hhs.gov/civil-rights/for-providers/provider-obligations/index.html* and *http://www.hhs.gov/ocr/civilrights/understanding/section1557/index.html.*

- Recipients of FFA must ensure that their programs are accessible to persons with limited English proficiency. HHS provides guidance to recipients of FFA on meeting their legal obligation to take reasonable steps to provide meaningful access to their programs by persons with limited English proficiency. Please see *https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/fact-sheet-guidance/index.html* and *https://www.lep.gov.* For further guidance on providing culturally and linguistically appropriate services, recipients should review the National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care at *https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53.*
- Recipients of FFA also have specific legal obligations for serving qualified individuals with disabilities. Please see *http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html.*
- HHS funded health and education programs must be administered in an environment free of sexual harassment. Please see *https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/index.html; https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html;* and *https://www.eeoc.gov/eeoc/publications/fs-sex.cfm.*
- Recipients of FFA must also administer their programs in compliance with applicable Federal religious nondiscrimination laws and applicable Federal conscience protection and associated anti-discrimination laws. Collectively, these laws prohibit exclusion, adverse treatment, coercion, or other discrimination against persons or entities on the basis of their consciences, religious beliefs, or moral convictions. Please see *https://www.hhs.gov/conscience/conscience-protections/index.html* and *https://www.hhs.gov/conscience/religious-freedom/index.html.*

Please contact the HHS Office for Civil Rights for more information about obligations and prohibitions under Federal civil rights laws at *https://www.hhs.gov/ocr/about-us/contact-us/index.html* or call 1–800–368–1019 or TDD 1–800–537–7697.

E. Federal Awardee Performance and Integrity Information System (FAPIIS)

The IHS is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS), at *https://www.fapiis.gov,* before making any award in excess of the simplified acquisition threshold (currently $150,000) over the period of performance. An applicant may review and comment on any information about itself that a Federal awarding agency previously entered. IHS will consider any comments by the applicant, in addition to 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 applicants as described in 45 CFR 75.205.

As required by 45 CFR part 75 Appendix XII of the Uniform Guidance, non-Federal entities (NFEs) are required to disclose in FAPIIS any information about criminal, civil, and administrative proceedings, and/or affirm that there is no new information to provide. This applies to NFEs that receive Federal awards (currently active grants, cooperative agreements, and procurement contracts) greater than $10,000,000 for any period of time during the period of performance of an award/project.

Mandatory Disclosure Requirements

As required by 2 CFR part 200 of the Uniform Guidance, and the HHS implementing regulations at 45 CFR part 75, the IHS must require a non-Federal entity or an applicant for a Federal award to disclose, in a timely manner, in writing to the IHS or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

Submission is required for all applicants and recipients, in writing, to the IHS and to the HHS Office of Inspector General all information related to violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. 45 CFR 75.113.

Disclosures must be sent in writing to:

U.S. Department of Health and Human Services, Indian Health Service, Division of Grants Management, ATTN: Paul Gettys, Acting Director, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, (Include ''Mandatory Grant Disclosures'' in subject line), Office: (301) 443–2114, Fax: (301) 594–0899, Email: *paul.gettys@ihs.gov*

AND

U.S. Department of Health and Human Services, Office of Inspector General, ATTN: Mandatory Grant Disclosures, Intake Coordinator, 330 Independence Avenue SW, Cohen Building, Room 5527, Washington, DC 20201, URL: *https://oig.hhs.gov/fraud/report-fraud/*, (Include ''Mandatory Grant Disclosures'' in subject line), Fax: (202) 205–0604 (Include ''Mandatory Grant Disclosures'' in subject line) or, Email: *MandatoryGranteeDisclosures@oig.hhs.gov*

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371 Remedies for noncompliance, including suspension or debarment (see 2 CFR parts 180 & 376).

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to: Roxanne Houston, Program Officer, Office of Tribal Self-Governance, 5600 Fishers Lane, Mail Stop: 08E09B, Rockville, MD 20857, Phone: (301) 443–7821, Email: *Roxanne.Houston@ihs.gov*, Website: *https://www.ihs.gov/SelfGovernance/.*

2. Questions on grants management and fiscal matters may be directed to: Andrew Diggs, Senior Grants Management Specialist, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, Phone: (301) 443–2241, Fax: (301) 594–0899, Email: *andrew.diggs@ihs.gov.*

3. Questions on systems matters may be directed to: Paul Gettys, Acting Director, DGM, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, Phone: (301) 443–2114; or the DGM main line (301) 443–5204, Fax: (301) 594–0899, E-Mail: *Paul.Gettys@ihs.gov.*

VIII. Other Information

The Public Health Service strongly encourages all grant, cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Michael D. Weahkee,

Assistant Surgeon General, U.S. Public Health Service, Director, Indian Health Service.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Tribal Self-Governance Planning Cooperative Agreement

Announcement Type: New.

Funding Announcement Number: HHS–2020–IHS–TSGP–0001.

Assistance Listing (Catalog of Federal Domestic Assistance or CFDA) Number: 93.444.

Key Dates

Application Deadline Date: October 28, 2020.

Earliest Anticipated Start Date: November 12, 2020.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) Office of Tribal Self Governance (OTSG) is accepting applications for Planning Cooperative Agreements for Tribal Self-Governance Program (TSGP). This program is authorized under Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 5383(e). This program is described in the Assistance Listings located at *https://beta.sam.gov* (formerly known as Catalog of Federal Domestic Assistance) under 93.444.

Background

The TSGP is more than an IHS program; it is an expression of the Government-to-Government relationship between the United States (U.S.) and Indian Tribes. Through the TSGP, Tribes negotiate with the IHS to assume Programs, Services, Functions, and Activities (PSFAs), or portions thereof, which gives Tribes the authority to manage and tailor health care programs in a manner that best fits the needs of their communities.

Participation in the TSGP affords Tribes the most flexibility to tailor their health care needs by choosing one of three ways to obtain health care from the Federal government for their citizens. Specifically, Tribes can choose to: (1) Receive health care services directly from the IHS; (2) contract with the IHS to administer individual programs and services the IHS would otherwise provide (referred to as Title I Self-Determination Contracting); and (3) compact with the IHS to assume control over health care programs the IHS would otherwise provide (referred to as Title V Self-Governance Compacting or the TSGP). These options are not exclusive and Tribes may choose to combine options based on their individual needs and circumstances.

The TSGP is a Tribally-driven initiative and strong Federal-Tribal partnerships are essential to the program's success. The IHS established the OTSG to implement the Self-Governance authorities under the ISDEAA. The primary OTSG functions are to: (1) Serve as the primary liaison and advocate for Tribes participating in the TSGP; (2) develop, direct, and implement TSGP policies and procedures; (3) provide information and technical assistance to Self-Governance Tribes; and (4) advise the IHS Director on compliance with TSGP policies, regulations, and guidelines. Each IHS Area has an Agency Lead Negotiator (ALN), designated by the IHS Director to act on his or her behalf, who has authority to negotiate Self-Governance Compacts and Funding Agreements. Tribes interested in participating in the TSGP should contact their respective ALN to begin the Self-Governance planning and negotiation process. Tribes currently participating in the TSGP that are interested in expanding existing or adding new PSFAs, should also contact their respective ALN to discuss the best methods for expanding or adding new PSFAs.

Purpose

The purpose of this Planning Cooperative Agreement is to provide resources to Tribes interested in entering the TSGP and to existing Self-Governance Tribes interested in assuming new or expanded PSFAs. Title V of the ISDEAA requires a Tribe or Tribal organization to complete a planning phase to the satisfaction of the Tribe. The planning phase must include legal and budgetary research and internal Tribal government planning and organizational preparation relating to the administration of health care programs. See 25 U.S.C. 5383(d).

The planning phase is critical to negotiations and helps Tribes make informed decisions about which PSFAs to assume and what organizational changes or modifications are necessary to successfully support those PSFAs. A thorough planning phase improves timeliness and efficient negotiations and ensures that the Tribe is fully prepared to assume the transfer of IHS PSFAs to the Tribal health program.

A Planning Cooperative Agreement is not a prerequisite to enter the TSGP and a Tribe may use other resources to meet the planning requirement. Tribes that receive Planning Cooperative Agreements are not obligated to participate in the TSGP and may choose to delay or decline participation based on the outcome of their planning activities. This also applies to existing Self-Governance Tribes exploring the option to expand their current PSFAs or assume additional PSFAs.

II. Award Information

Funding Instrument

Cooperative Agreement.

Estimated Funds Available

The total funding identified for fiscal year (FY) 2020 is approximately $600,000. Individual award amounts are anticipated to be $120,000. The funding available for competing awards issued under this announcement is subject to the availability of appropriations and budgetary priorities of the Agency. The IHS is under no obligation to make

awards that are selected for funding under this announcement.

Anticipated Number of Awards

Approximately five awards will be issued under this program announcement.

Period of Performance

The period of performance is for one year.

Cooperative Agreement

Cooperative agreements awarded by the Department of Health and Human Services (HHS) are administered under the same policies as a grant. However, the funding agency (IHS) is anticipated to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement required for IHS.

Substantial Involvement Description for Cooperative Agreement

A. Provide descriptions of PSFAs and associated funding at all organizational levels (service unit, area, and headquarters), including funding formulas and methodologies related to determining Tribal shares.

B. Meet with Planning Cooperative Agreement recipients to provide program information and discuss methods currently used to manage and deliver health care.

C. Identify and provide statutes, regulations, and policies that provide authority for administering IHS programs.

D. Provide technical assistance on the IHS budget, Tribal shares, and other topics as needed.

III. Eligibility Information

1. Eligibility

To be eligible for this opportunity, applicants must be:

- An ''Indian Tribe'' as defined in 25 U.S.C. 5304(e); a ''Tribal Organization'' as defined in 25 U.S.C. 5304(l); or an ''Inter-Tribal Consortium: As defined at 42 CFR 137.10. Please note that Tribes prohibited under the Alaska Moratorium from receiving funds pursuant to the ISDEAA are not eligible. See Consolidated Appropriations Act, 2014, Public Law 113–76, as amended by Consolidated Appropriations Act, 2018, Public Law 115–141, and Consolidated Appropriations Act, 2020, Public Law 116–94.
- Applicant must submit from the appropriate governing body of each Tribe to be served a resolution or other official action authorizing the submission of the Planning Cooperative Agreement. Please see Section IV. Application and Submission Information, 2. Content and Form Application Submission, Additional Required Documentation, Tribal Resolution(s) for details.
- Demonstrate for three fiscal years, financial stability and financial management capability. The Indian Tribe must provide evidence that, for the three fiscal years prior to requesting participation in the TSGP, the Indian Tribe has had no uncorrected significant and material audit exceptions in the required annual audit of the Indian Tribe's Self-Determination Contracts or Self-Governance Funding Agreements with any Federal agency. See 25 U.S.C. 5383; 42 CFR 137.15–23.

For Tribes or Tribal organizations (T/TO) that expended $750,000 or more ($500,000 for fiscal years ending after December 31, 2003) in Federal awards, the OTSG shall retrieve the audits directly from the Federal Audit Clearinghouse. For T/TO that expended less than $750,000 ($500,000 for fiscal years ending after December 31, 2003) in Federal awards, the T/TO must provide evidence of the program review correspondence from IHS or Bureau of Indian Affairs officials. *See* 42 CFR 137.21–23.

Meeting the eligibility criteria for a Planning Cooperative Agreement does not mean that a T/TO is eligible for participation in the IHS TSGP under Title V of the ISDEAA. *See* 25 U.S.C. 5383; 42 CFR 137.15–23. For additional information on the eligibility for the IHS TSGP, please visit the ''Eligibility and Funding'' page on the OTSG website located at: *http://www.ihs.gov/SelfGovernance.*

Note: Please refer to Section IV.2 (Application and Submission Information/Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required, such as Tribal Resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

Applications with budget requests that exceed the highest dollar amount outlined under the Award Information, Estimated Funds Available section, or exceed the Period of Performance outlined under the Award Information, Period of Performance section will be considered not responsive and will not be reviewed. The Division of Grants Management (DGM) will notify the applicant.

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement are hosted on *https://www.Grants.gov.*

Please direct questions regarding the application process to Mr. Paul Gettys at (301) 443–2114 or (301) 443–5204.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Abstract (one page) summarizing the project.
- Application forms:

1. SF–424, Application for Federal Assistance.
2. SF–424A, Budget Information—Non-Construction Programs.
3. SF–424B, Assurances—Non-Construction Programs.

- Project Narrative (not to exceed 10 pages). See Section IV.2.A Project Narrative for instructions.

1. Background information on the organization.
2. Proposed scope of work, objectives, and activities that provide a description of what the applicant plans to accomplish.

- Budget Justification and Narrative (not to exceed 5 pages). See Section IV.2.B Budget Narrative for instructions.
- One-page Timeframe Chart.
- Tribal Resolution(s) (please see additional information below).
- Letters of Support from organization's Board of Directors. (optional)
- Biographical sketches for all Key Personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required in order to receive IDC).
- Organizational Chart (optional).
- Documentation of current Office of Management and Budget (OMB) Financial Audit (if applicable).

Acceptable forms of documentation include:

1. Email confirmation from Federal Audit Clearinghouse (FAC) that audits were submitted; or
2. Face sheets from audit reports. Applicants can find these on the FAC website: *https://harvester.census.gov/facdissem/Main.aspx.*

Additional Required Documentation

Tribal Resolution

The DGM must receive an official, signed Tribal Resolution prior to issuing a Notice of Award (NoA) to any applicant selected for funding. An Indian Tribe or Tribal organization that is proposing a project affecting another Indian Tribe must include resolutions from all affected Tribes to be served. However, if an official, signed Tribal Resolution cannot be submitted with the application prior to the application deadline date, a draft Tribal Resolution must be submitted with the application by the deadline date in order for the application to be considered complete and eligible for review. The draft Tribal Resolution is not in lieu of the required signed resolution, but is acceptable until a signed resolution is received. If an official, signed Tribal Resolution is not received by DGM when funding decisions are made, then a NoA will not be issued to that applicant and it will not receive IHS funds until it has submitted a signed resolution to the Grants Management Specialist listed in this funding announcement.

Public Policy Requirements

All Federal public policies apply to IHS grants and cooperative agreements with the exception of the Discrimination Policy.

Requirements for Project and Budget Narratives

A. *Project Narrative:* This narrative should be a separate document that is no more than 10 pages and must: (1) Have consecutively numbered pages; (2) use black font 12 points or larger; (3) be single-spaced; (4) and be formatted to fit standard letter paper (8½ x 11 inches).

Be sure to succinctly answer all questions listed under the evaluation criteria (refer to Section V.1, Evaluation Criteria) and place all responses and required information in the correct section noted below or they will not be considered or scored. If the narrative exceeds the page limit, the application will be considered not responsive and not be reviewed. The 10-page limit for the narrative does not include the work plan, standard forms, Tribal Resolutions, budget, budget justifications, narratives, and/or other appendix items.

There are three parts to the narrative: Part 1—Program Information; Part 2—Program Planning and Evaluation; and Part 3—Program Report. See below for additional details about what must be included in the narrative.

The page limits below are for each narrative and budget submitted.

Part 1: Program Information (Limit—4 Pages)

Section 1: Needs

Describe the Tribe's current health program activities, including: How long it has been operating; what programs or services are currently being provided; and if the applicant is currently administering any ISDEAA Title I Self-Determination Contracts or Title V Self-Governance Compacts. Identify the need for assistance and how the Planning Cooperative Agreement would benefit the health activities the Tribe is currently administering or looking to expand.

Part 2: Program Planning and Evaluation (Limit—4 Pages)

Section 1: Program Plans

Project Objective(s), Work Plan and Approach

State in measureable terms the objectives and appropriate activities to achieve the following Planning Cooperative Agreement recipient award activities:

(A) Research and analyze the complex IHS budget to gain a thorough understanding of funding distribution at all organizational levels and determine which PSFAs the Tribe may elect to assume or expand.

(B) Establish a process to identify PSFAs and associated funding that may be incorporated into current programs.

(C) Determine the Tribe's share of each PSFA and evaluate the current level of health care services being provided to make an informed decision on new or expanded program assumption.

(D) Describe how the objectives are consistent with the purpose of the program, the needs of the people to be served, and how they will be achieved within the proposed time frame. Identify the expected results, benefits, and outcomes or products to be derived from each objective of the project and how they will be measured.

Organizational Capabilities, Key Personnel, and Qualifications

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

Section 2: Program Evaluation

Define the criteria to be used to evaluate planning activities and how they will be measured. Describe fully and clearly the methodology that will be used to determine if the needs identified are being met and if the outcomes are being achieved. This section must address the following questions:

(A) Are the goals and objectives measurable and consistent with the purpose of the program and the needs of the people to be served?

(B) Are they achievable within the proposed time frame?

Part 3: Program Report (Limit—2 Pages)

Section 1: Describe major accomplishments over the last 24 months associated with the goals of this announcement. Please identify and describe significant health related program activities and achievements associated with the delivery of quality health services. Provide a comparison of the actual accomplishments to the goals established for the period of performance, or if applicable, provide justification for the lack of progress. This section should highlight major program achievements over the last 24 months and how this grant helped achieve them.

Section 2: Describe major activities over the last 24 months. Please provide an overview of significant program activities associated with the delivery of quality health services over the last 24 months. This section should address significant program activities and include those related to the accomplishments listed in the previous section.

B. Budget Narrative (Limit—5 Pages)

Provide a budget narrative that explains the amounts requested for each line item of the budget. The budget narrative should specifically describe how each item will support the achievement of proposed objectives. Be very careful about showing how each item in the ''Other'' category is justified. Do NOT use the budget narrative to expand the project narrative.

3. Submission Dates and Times

Applications must be submitted through *Grants.gov* by 11:59 p.m. Eastern Daylight Time (EDT) on the Application Deadline Date. Any application received after the application deadline will not be accepted for review. *Grants.gov* will notify the applicant via email if the application is rejected. If technical challenges arise and assistance is required with the application process, contact *Grants.gov* Customer Support (see contact information at *https://www.grants.gov*). If problems persist, contact Mr. Paul Gettys

(*Paul.Gettys@ihs.gov*), Acting Director, DGM, by telephone at (301) 443–2114 or (301) 443–5204. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a *Grants.gov* tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

IHS will not acknowledge receipt of applications.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Tribes can apply and be awarded both a Planning Cooperative Agreement and a Negotiation Cooperative Agreement in the same cycle, so long as the project proposals are different for each application. Tribes cannot apply for both the Planning Cooperative Agreement and the Negotiation Cooperative Agreement within the same grant cycle with the same proposed project.
- Only one Planning cooperative agreement will be awarded per applicant per grant cycle under this announcement.

6. Electronic Submission Requirements

All applications must be submitted via *Grants.gov*. Please use the *https://www.Grants.gov* website to submit an application. Find the application by selecting the ''Search Grants'' link on the homepage. Follow the instructions for submitting an application under the Package tab. No other method of application submission is acceptable.

If the applicant cannot submit an application through *Grants.gov*, a waiver must be requested. Prior approval must be requested and obtained from Mr. Paul Gettys, Acting Director, DGM. A written waiver request must be sent to *GrantsPolicy@ihs.gov* with a copy to *paul.gettys@ihs.gov.* The waiver must: (1) Be documented in writing (emails are acceptable) before submitting an application by some other method, and (2) include clear justification for the need to deviate from the required application submission process.

Once the waiver request has been approved, the applicant will receive a confirmation of approval email containing submission instructions. A copy of the written approval must be included with the application that is submitted to the DGM. Applications that are submitted without a copy of the signed waiver from the Acting Director of the DGM will not be reviewed. The Grants Management Officer of the DGM will notify the applicant via email of this decision. Applications submitted under waiver must be received by the DGM no later than 5:00 p.m., EDT, on the Application Deadline Date. Late applications will not be accepted for processing. Applicants that do not register for both the System for Award Management (SAM) and *Grants.gov* and/or fail to request timely assistance with technical issues will not be considered for a waiver to submit an application via alternative method.

Please be aware of the following:

- Please search for the application package in *https://www.Grants.gov* by entering the Assistance Listing (CFDA) number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application, please contact *Grants.gov* Customer Support (see contact information at *https://www.Grants.gov*).
- Upon contacting *Grants.gov*, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.
- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through *Grants.gov* as the registration process for SAM and *Grants.gov* could take up to twenty working days.
- Please follow the instructions on *Grants.gov* to include additional documentation that may be requested by this funding announcement.
- Applicants must comply with any page limits described in this funding announcement.
- After submitting the application, the applicant will receive an automatic acknowledgment from *Grants.gov* that contains a *Grants.gov* tracking number. IHS will not notify the applicant that the application has been received.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) Applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B that uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, please access the request service through *https://fedgov.dnb.com/webform,* or call (866) 705–5711.

The Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), requires all HHS recipients to report information on sub-awards. Accordingly, all IHS grantees must notify potential first-tier sub-recipients that no entity may receive a first-tier sub-award unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that are not registered with SAM must have a DUNS number first, then access the SAM online registration through the SAM home page at *https://www.sam.gov/SAM/* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Please see *SAM.gov* for details on the registration process and timeline. Registration with the SAM is free of charge, but can take several weeks to process. Applicants may register online at *https://www.sam.gov/SAM/.*

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, are available on the DGM Grants Management, Policy Topics web page: *https://www.ihs.gov/dgm/policytopics/.*

V. Application Review Information

Weights assigned to each section are noted in parentheses. The 10-page project narrative should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 possible points. Points are assigned as follows:

1. Evaluation Criteria

A. Introduction and Need for Assistance (25 Points)

Describe the Tribe's current health program activities, including: How long it has been operating, what programs or services are currently being provided, and if the applicant is currently administering any ISDEAA Title I Self-Determination Contracts or Title V Self-

Governance Compacts. Identify the need for assistance and how the Planning Cooperative Agreement would benefit the health activities the Tribe is currently administering and/or looking to expand.

B. Project Objective(s), Work Plan and Approach (25 Points)

State in measurable terms the objectives and appropriate activities to achieve the following Planning Cooperative Agreement recipient award activities:

(1) Research and analyze the complex IHS budget to gain a thorough understanding of funding distribution at all organizational levels and determine which PSFAs the Tribe may elect to assume or expand.

(2) Establish a process to identify PSFAs and associated funding that may be incorporated into current programs.

(3) Determine the Tribe's share of each PSFA and evaluate the current level of health care services being provided to make an informed decision on new or expanded program assumption.

(4) Describe how the objectives are consistent with the purpose of the program, the needs of the people to be served, and how they will be achieved within the proposed time frame. Identify the expected results, benefits, and outcomes or products to be derived from each objective of the project.

C. Program Evaluation (25 Points)

Define the criteria to be used to evaluate planning activities and how they will be measured. Clearly describe the methodologies and parameters that will be used to determine if the needs identified are being met and if the outcomes identified are being achieved. Are the goals and objectives measurable and consistent with the purpose of the program and meet the needs of the people to be served? Are they achievable within the proposed time frame? Describe how the assumption of PSFAs enhances sustainable health delivery. Ensure the measurement includes activities that will lead to sustainability.

D. Organizational Capabilities, Key Personnel and Qualifications (15 Points)

Describe the organizational structure of the Tribe and its ability to manage the proposed project. Include resumes or position descriptions of key staff showing requisite experience and expertise. If applicable, include resumes and scope of work for consultants that demonstrate experience and expertise relevant to the project.

E. Categorical Budget and Budget Justification (10 Points)

Submit a budget with a narrative describing the budget request and matching the scope of work described in the project narrative. Justify all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative.

Additional documents can be uploaded as Appendix Items in *Grants.gov.*

- Work plan and time line or logic model for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Rate Agreement.
- Organizational chart.
- Map of area identifying project location(s).
- Additional documents to support narrative (*i.e.,* data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened for eligibility and completeness as outlined in the funding announcement. Applications that meet the eligibility criteria shall be reviewed for merit by the Objective Review Committee (ORC) based on evaluation criteria. Incomplete applications and applications that are not responsive to the administrative thresholds will not be referred to the ORC and will not be funded. The applicant will be notified of this determination.

Applicants must address all program requirements and provide all required documentation.

3. Notifications of Disposition

All applicants will receive an Executive Summary Statement from the IHS OTSG within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application. The summary statement will be sent to the Authorizing Official identified on the face page (SF–424) of the application.

A. Award Notices for Funded Applications

The Notice of Award (NoA) is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period. Each entity approved for funding must have a user account in GrantSolutions in order to retrieve the NoA. Please see the Agency Contacts list in Section VII for the systems contact information.

B. Approved But Unfunded Applications

Approved applications not funded due to lack of available funds will be held for one year. If funding becomes available during the course of the year, the application may be reconsidered.

Note: Any correspondence other than the official NoA executed by an IHS grants management official announcing to the project director that an award has been made to their organization is not an authorization to implement their program on behalf of the IHS.

VI. Award Administration Information

1. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations and policies:

A. The criteria as outlined in this program announcement.

B. Administrative Regulations for Grants:

- Uniform Administrative Requirements for HHS Awards, located at 45 CFR part 75.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

- Uniform Administrative Requirements for HHS Awards, ''Cost Principles,'' located at 45 CFR part 75, subpart E.

E. Audit Requirements:

- Uniform Administrative Requirements for HHS Awards, ''Audit Requirements,'' located at 45 CFR part 75, subpart F.

2. Indirect Costs

This section applies to all recipients that request reimbursement of indirect costs (IDC) in their application budget. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement, and submit it to DGM, prior to DGM issuing an award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate agreement is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate agreement is provided to the DGM.

Available funds are inclusive of direct and appropriate indirect costs. Approved indirect funds are awarded as part of the award amount, and no additional funds will be provided.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* or the Department of the Interior (Interior Business Center) *https://ibc.doi.gov/ICS/tribal.* For questions regarding the indirect cost policy, please call the Grants Management Specialist listed under ''Agency Contacts'' or the main DGM office at (301) 443–5204.

3. Reporting Requirements

The awardee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the awardee organization or the individual responsible for preparation of the reports. Per DGM policy, all reports are required to be submitted electronically by attaching them as a ''Grant Note'' in GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required semi-annually and the final report is due within 90 days after the project period ends (specific dates will be listed in the NoA Terms and Conditions). These reports must include a brief comparison of actual accomplishments to the goals established for the period, a summary of progress to date or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required.

B. Financial Reports

Federal Financial Report (FFR or SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Payment Management Services, HHS at *https://pms.psc.gov.* The applicant is also requested to upload a copy of the FFR (SF–425) into our grants management system, GrantSolutions. Failure to submit timely reports may result in adverse award actions blocking access to funds.

Awardees are responsible and accountable for accurate information being reported on all required reports: The Progress Reports and Federal Financial Report.

C. Federal Sub-Award Reporting System (FSRS)

This award may be subject to the Transparency Act sub-award and executive compensation reporting requirements of 2 CFR part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier sub-awards and executive compensation under Federal assistance awards. IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 sub-award obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the period of performance is made up of more than one budget period) and where: (1) The period of performance start date was October 1, 2010 or after, and (2) the primary awardee will have a $25,000 sub-award obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting.

For the full IHS award term implementing this requirement and additional award applicability information, visit the DGM Grants Policy website at *https://www.ihs.gov/dgm/policytopics/.*

D. Compliance With Executive Order 13166 Implementation of Services

Accessibility Provisions for All Grant Application Packages and Funding Opportunity Announcements.

Recipients of Federal financial assistance (FFA) from HHS must administer their programs in compliance with Federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, age and, in some circumstances, religion, conscience, and sex. This includes ensuring programs are accessible to persons with limited English proficiency. The HHS Office for Civil Rights provides guidance on complying with civil rights laws enforced by HHS. Please see *https://www.hhs.gov/civil-rights/for-providers/provider-obligations/index.html* and *http://www.hhs.gov/ocr/civilrights/understanding/section1557/index.html.*

- Recipients of FFA must ensure that their programs are accessible to persons with limited English proficiency. HHS provides guidance to recipients of FFA on meeting their legal obligation to take reasonable steps to provide meaningful access to their programs by persons with limited English proficiency. Please see *https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/fact-sheet-guidance/index.html* and *https://www.lep.gov.* For further guidance on providing culturally and linguistically appropriate services, recipients should review the National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care at *https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53.*
- Recipients of FFA also have specific legal obligations for serving qualified individuals with disabilities. Please see *http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html.*
- HHS funded health and education programs must be administered in an environment free of sexual harassment. Please see *https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/index.html; https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html;* and *https://www.eeoc.gov/eeoc/publications/fs-sex.cfm.*
- Recipients of FFA must also administer their programs in compliance with applicable Federal religious nondiscrimination laws and applicable Federal conscience protection and associated anti-discrimination laws. Collectively, these laws prohibit exclusion, adverse treatment, coercion, or other discrimination against persons or entities on the basis of their consciences, religious beliefs, or moral convictions. Please see *https://www.hhs.gov/conscience/conscience-protections/index.html* and *https://www.hhs.gov/conscience/religious-freedom/index.html.*

Please contact the HHS Office for Civil Rights for more information about obligations and prohibitions under Federal civil rights laws at *https://www.hhs.gov/ocr/about-us/contact-us/index.html* or call 1–800–368–1019 or TDD 1–800–537–7697.

E. Federal Awardee Performance and Integrity Information System (FAPIIS)

The IHS is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS), at *https://www.fapiis.gov,* before making any award in excess of the simplified acquisition threshold (currently $150,000) over the period of performance. An applicant may review and comment on any information about itself that a Federal awarding agency previously entered. IHS will consider any comments by the applicant, in addition to 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 applicants as described in 45 CFR 75.205.

As required by 45 CFR part 75 Appendix XII of the Uniform Guidance, non-Federal entities (NFEs) are required to disclose in FAPIIS any information about criminal, civil, and administrative proceedings, and/or affirm that there is no new information to provide. This applies to NFEs that receive Federal awards (currently active grants, cooperative agreements, and procurement contracts) greater than $10,000,000 for any period of time during the period of performance of an award/project.

Mandatory Disclosure Requirements

As required by 2 CFR part 200 of the Uniform Guidance, and the HHS implementing regulations at 45 CFR part 75, the IHS must require a non-Federal entity or an applicant for a Federal award to disclose, in a timely manner, in writing to the IHS or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

Submission is required for all applicants and recipients, in writing, to the IHS and to the HHS Office of Inspector General all information related to violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. 45 CFR 75.113. Disclosures must be sent in writing to:

U.S. Department of Health and Human Services, Indian Health Service, Division of Grants Management, ATTN: Paul Gettys, Acting Director, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, (Include ''Mandatory Grant Disclosures'' in subject line), Office: (301) 443–2114, Fax: (301) 594–0899, Email: *paul.gettys@ihs.gov.*

And

U.S. Department of Health and Human Services, Office of Inspector General, ATTN: Mandatory Grant Disclosures, Intake Coordinator, 330 Independence Avenue SW, Cohen Building, Room 5527, Washington, DC 20201, URL: *https://oig.hhs.gov/fraud/report-fraud/*, (Include ''Mandatory Grant Disclosures'' in subject line), Fax: (202) 205–0604 (Include ''Mandatory Grant Disclosures'' in subject line) or, Email: *MandatoryGranteeDisclosures@oig.hhs.gov.*

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371 Remedies for noncompliance, including suspension or debarment (see 2 CFR parts 180 & 376).

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to: Roxanne Houston, Program Officer, Office of Tribal Self-Governance, 5600 Fishers Lane, Mail Stop: 08E05, Rockville, MD 20857, Phone: (301) 443–7821, Email: *Roxanne.Houston@ihs.gov,* Website: *https://www.ihs.gov/SelfGovernance/.*

2. Questions on grants management and fiscal matters may be directed to: Andrew Diggs, Senior Grants Management Specialist, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, Phone: (301) 443–2241, Fax: (301) 594–0899, Email: *andrew.diggs@ihs.gov.*

3. Questions on systems matters may be directed to: Paul Gettys, Acting Director, DGM, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, Phone: (301) 443–2114; or the DGM main line (301) 443–5204, Fax: (301) 594–0899, Email: *Paul.Gettys@ihs.gov.*

VIII. Other Information

The Public Health Service strongly encourages all grant, cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Michael D. Weahkee,

Assistant Surgeon General, U.S. Public Health Service, Director, Indian Health Service.

[FR Doc. 2020–16535 Filed 7–29–20; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Alzheimer's Disease Drug Development.

Date: September 14, 2020.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Alexander Parsadanian, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building 2C/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 496–9666, *parsadaniana@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: July 27, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–16510 Filed 7–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Allogeneic Therapy Using Chimeric Antigen Receptors Targeting GPC3

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the **SUPPLEMENTARY INFORMATION** section of this notice to Cytovia Therapeutics (''Cytovia'') located in New York, NY.

DATES: Only written comments and/or complete applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before August 14, 2020 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated an Exclusive Patent License should be directed to: David A. Lambertson, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center at Telephone: (240) 276–5530 or Email: *david.lambertson@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

The following represents the intellectual property to be licensed under the prospective agreement:

(A) U.S. Provisional Patent Application 61/654,232 entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012–0–US–01], PCT Patent Application PCT/US2013/043633 entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012–0–PCT–02], Chinese Patent Application 201380039993.7 entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012–0–CN–03], Japanese Patent Application 2015–515243 entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012–0–JP–04], South Korean Patent Application 10–2014–7037046 entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012–0–KR–05], Singapore Patent Application 11201407972R entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012–0–SG–06], and United States Patent 9,409,994 entitled ''High-affinity Monoclonal Antibodies To Glypican-3 And Use Thereof'' [HHS Ref. E–136–2012–0–US–07], and all continuing U.S. and foreign patents/patent applications for the technology family; and (B) U.S. Provisional Patent Application 62/584,421 entitled ''Chimeric Antigen Receptors Targeting Tumor Antigens'' [HHS Reference E–016–2018–0–US–01], PCT Patent Application PCT/US2018/059645 entitled ''Chimeric Antigen Receptors Targeting Tumor Antigens'' [HHS Reference E–016–2018–0–PCT–02], Chinese Patent Application (Application number currently unavailable) entitled ''Chimeric Antigen Receptors Targeting Tumor Antigens'' [HHS Reference E–016–2018–0–CN–03], European Patent Application 18822526.2 entitled ''Chimeric Antigen Receptors Targeting Tumor Antigens'' [HHS Reference E–016–2018–0–EP–04], South Korean Patent Application 10–2020–7014565 entitled ''Chimeric Antigen Receptors Targeting Tumor Antigens'' [HHS Reference E–016–2018–0–KR–05] and U.S. Patent Application 16/762,459 entitled ''Chimeric Antigen Receptors Targeting Tumor Antigens'' [HHS Reference E–016–2018–0–US–06], and all continuing U.S. and foreign patents/patent applications for the technology family.

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide and the field of use may be limited to the following:

''The development, production and commercialization of a monospecific anti-GPC3 chimeric antigen receptor (CAR)-based allogeneic immunotherapy using either (A) unmodified Natural Killer (NK) cells or (B) induced pluripotent stem cells (iPSC), where the NK cells or iPSC are transduced using a viral vector to express an anti-GPC3 CAR, and where the CAR has at least:

(1) The complementary determining region (CDR) sequences of the anti-GPC3 antibody known as YP7 or hYP7; and

(2) a T cell co-stimulatory domain;

for the treatment of GPC3-expressing human cancers.

The Licensed Field of Use specifically excludes the use of autologous T cells or T cells that have been genetically modified to become allogeneic.''

This technology discloses the development of chimeric antigen receptors that recognize the glypican3 (GPC3) cell surface protein. GPC3 is expressed on the cell surface of several solid tumors, including liver cancers (such as hepatocellular cancer (HCC)), certain ovarian cancers, and neuroblastomas. Although the FDA has approved certain therapies for the treatment of liver cancer, those therapies only provide a minimal increase in the life expectancy of patients. The development of a new therapeutic targeting GPC3 will benefit public health by providing an improved and more effective treatment for patients.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a completed license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: July 23, 2020.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2020–16486 Filed 7–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C.,

as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: August 25, 2020.

Closed: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Room 206–Q, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Laura K. Moen, Ph.D., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 206–Q, Bethesda, MD 20892, (301) 827–5517, *moenl@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *www.nhlbi.nih.gov/meetings/nhlbac/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: July 27, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–16509 Filed 7–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Development and Commercialization of CD22–Targeting Chimeric Antigen Receptor (CAR) T-Cell Therapies for Children and Young Adults With Relapsed/Refractory B-Cell Acute Lymphoblastic Leukemia (ALL)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is seeking statements of capability and interest from prospective licensees and potential Collaborators interested in participating in collaborative research under a Cooperative Research and Development Agreement (CRADA) to develop autologous CD22 CAR T-cells (m971BBZ lentivirus transduced) for the treatment of B-cell ALL.

DATES: Statements of capability and interest should be submitted via email by September 1, 2020, with a formal proposal due by October 15, 2020.

ADDRESSES: Statements of capability and interest should be directed to: Jim Knabb, Ph.D., Senior Technology Transfer Manager, NCI, at 240–276–7856 or Email: *knabbjr@mail.nih.gov.*

SUPPLEMENTARY INFORMATION:

Collaboration Opportunity

NCI is seeking a pharmaceutical or biotechnology company that can effectively and efficiently collaborate on the scientific and commercial development of CD22–CAR. The goal of the collaboration will be the successful transfer of clinical development of CD22–CAR from NCI to the Collaborator, which will be responsible for the rapid scale-up and clinical manufacture of the agent to support the pivotal clinical trial and subsequent BLA. The selected Collaborator will be responsible for the manufacture and provision of CD22–CAR lentivirus (m971BBZ lentivirus) and autologous CD22–CAR T-cell therapy product in sufficient quantities to complete the pivotal clinical trial. The selected Collaborator will prepare and submit a BLA to the FDA for CD22–CAR following the completion of the pivotal trial.

Subject to federal statutes and NIH guidelines including those governing the establishment of CRADAs (15 U.S.C. 3710a) and the licensing of federally owned inventions (35 U.S.C. 207), it is anticipated that the Collaborator will pursue an exclusive or nonexclusive commercialization license to the CD22–CAR. Additionally, NCI is able to offer a CRADA Collaborator the right to use any and all data developed during the course of the collaboration for commercial development of the agent, as well as access to existing CD22–CAR clinical study data and regulatory documents for commercial development of the agent.

Interested parties may sign a confidential disclosure agreement to obtain additional clinical data for its evaluation of the collaboration.

Roles of Collaboration Partners:

The roles of the National Cancer Institute in the CRADA may include but are not limited to the following:

1. NCI will provide intellectual, scientific, and technical expertise and experience related to the ongoing development of CD22–CAR.

2. NCI will continue to support clinical manufacture and development of CD22–CAR pending transition of manufacturing to an appropriate site by the commercial partner and will make data available to the Collaborator as appropriate.

3. NCI will collaborate in the design of protocols and the evaluation of results.

4. NCI will provide all clinical data in its possession to Collaborator to support FDA regulatory filings.

The roles of the CRADA Collaborator will include, but are not limited to the following:

1. The Collaborator will provide clinical development strategy and financial and other support for the collaborative development leading to BLA filing and FDA approval of CD22–CAR.

2. The Collaborator will provide intellectual, scientific, and technical expertise or experience to the development of CD22–CAR.

3. The Collaborator will provide sufficient clinical supply of autologously-derived CD22 CAR T-cell therapy product for all clinical trials under the CRADA; this includes additional trials that may be needed for licensing as well as trials required to meet clinical need for pediatric patients prior to licensing.

4. The Collaborator will prepare and submit regulatory documents to FDA, culminating in the submission of a BLA for CD22–CAR.

5. The Collaborator will demonstrate its capability of providing a commercial supply of CD22–CAR in a timely manner.

Selection Criteria

Interested parties should notify the NCI of their interest in filing a formal proposal no later than September 1, 2020. Potential licensees/CRADA Collaborators will have until October 15, 2020 to submit a formal proposal. Additional proposals will be considered after the posted deadline in the event that a Collaborator, meeting the necessary criteria, is not found during the initial posted time period. Selection criteria for choosing the CRADA Collaborator shall include, but not be limited to:

1. Possession of or access to the resources needed to support and perform the activities required to expeditiously commercially develop CD22–CAR (*e.g.,* facilities, personnel and expertise), including preparation and submission of regulatory documents;

2. Demonstrated ability to access the expertise required for successful

commercial development of biologically active anti-cancer agents, with an emphasis on adoptive cell therapies;

3. Demonstration of the necessary resources to produce and supply autologously-derived CD22–CAR in a timely manner for clinical trials at the NCI and additional clinical sites;

4. Demonstration of access to financial resources required to support the CRADA collaboration and to successfully support the development of CD22–CAR for commercial sale;

5. Willingness to cooperate with the NCI in the timely publication of research results;

6. Willingness to accept the legal provisions and language of the CRADA and commercial license with only minor modifications, if any;

7. Willingness to pursue a commercial license to the CD22–CAR in accordance with federal statutes; and

8. The agreement to be bound by the appropriate HHS regulations relating to human subjects.

Proposal Content

Please submit a proposal outlining your qualifications as a licensee/CRADA Collaborator for the advertised opportunity. Include any relevant information, however, please address the following in your proposal submission:

1. Describe the type and level of resources you have available to commit to a CRADA collaboration with the NCI, including, but not limited to the following:

a. What is your current capacity for production of CD22–CAR lentiviral vector and autologous T-cell product?

b. Are you able to fund several potential clinical trials?

c. Would you be willing to provide funding to the NCI to support the collaboration?

Please describe the company's related experience in the development of therapeutics, specifically:

a. Describe any experience or expertise with the development of adoptive cell therapy-based therapeutics, preferably autologous T-cell therapeutics.

b. Describe related experience with FDA approval and commercialization of adoptive cell therapy-based therapeutics, preferably autologous T-cell therapeutics.

c. Describe any experience determining administration of autologously-derived T-cell therapeutics.

d. Describe any other collaborations with Federal or academic laboratories.

Please provide relevant company information, including:

a. Related Product Portfolio.

b. Current Related Product Pipeline.

c. Annual Revenues/financial resources.

d. Size of company/affiliated companies.

Dated: July 23, 2020.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2020–16487 Filed 7–29–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2020–0026]

Privacy Act of 1974; System of Records

AGENCY: Department of Homeland Security.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security (DHS) proposes to establish a new DHS system of records titled, ''Department of Homeland Security/ALL–047 Records Related to DHS Personnel, Long-Term Trainees, Contractors, and Visitors During a Declared Public Health Emergency System of Records.'' This system of records describes DHS's collection, use, and maintenance of records on individuals associated with DHS and its facilities during a declared public health emergency. This newly established system will be included in DHS's inventory of record systems.

DATES: Submit comments on or before August 31, 2020. This new system will be effective upon publication. New or modified routine uses will be effective August 31, 2020.

ADDRESSES: You may submit comments, identified by docket number DHS–2020–0026 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Constantina Kozanas, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number DHS–2020–0026. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general and privacy questions, please contact: Constantina Kozanas, (202) 343–1717, *Privacy@hq.dhs.gov,* Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Department of Health and Human Services (HHS) may, under section 319 of the Public Health Service (PHS) Act (codified at 42 U.S.C. 247d), declare that: (a) A disease or disorder presents a public health emergency; or (b) that a public health emergency, including significant outbreaks of infectious disease or bioterrorist attacks, otherwise exists. The declaration lasts for the duration of the emergency or 90 days, but may be extended by the Secretary. Congress must be notified of the declaration within 48 hours. The Department of Homeland Security must ensure the safety of its workforce, including when the Secretary of HHS or the responsible, designated State official declares and determines that a public health emergency exists. Responses to public health emergencies depend on the nature of the emergency, but in the context of infectious disease or other events that can cause and spread deleterious health impacts to DHS personnel and others in DHS facilities, in order to ensure a safe and secure workspace, DHS may collect information on DHS personnel (meaning employees, detailees, interns, and volunteers), contractors, long-term trainees, and visitors at or on buildings, grounds, and properties that are owned, leased, or used by DHS.

This system of records will cover information collected on DHS personnel, contractors, long-term trainees, and visitors at or on buildings, grounds, and properties that are owned, leased, or used by DHS who have contracted or may have been exposed to a suspected or confirmed disease or illness that is the subject of a declared public health emergency. The information collected may include identifying and contact information of individuals who have been suspected or confirmed to have contracted a disease or illness, or who have been exposed to an individual who had been suspected or confirmed to have contracted a disease or illness, related to a declared public health emergency; individual

circumstances and dates of suspected exposure; and health status information. DHS maintains this information to reduce the spread of the disease or illness among DHS personnel, contractors, long-term trainees, and visitors at or on buildings, grounds, and properties that are owned, leased, or used by DHS. In certain instances, depending on the type of record collected and maintained, for federal employees, this information will also be maintained and covered by Office of Personnel Management/Government–10 Employee Medical File System Records (75 FR 35099, June 21, 2010). However, any collection and use of records covered by the DHS/ALL–047 Records Related to DHS Personnel, Long-Term Trainees, Contractors, and Visitors During a Declared Public Health Emergency System of Records is only permitted during times of a declared public health emergency and when the circumstances permit the Department to collect and maintain such information on the various categories of DHS personnel, contractors, long-term trainees, and visitors at or on buildings, grounds, and properties that are owned, leased, or used by DHS.

It must first be determined that the circumstances surrounding the declared public health emergency permit the Department to collect and maintain the information that may fall within the scope of this system of records. To make this determination, these circumstances must be examined in conjunction with all applicable laws, including the U.S. Constitution, federal privacy laws, federal labor and employment laws, and federal workforce health and safety laws. Different laws may apply depending upon the type of information at issue, who the information pertains to, who collected the information, and how the information is collected, maintained, and used by the Department.

For instance, when collecting information on DHS employees, there are several employment laws that govern the collection, dissemination, and retention of employee medical information. These employment laws include the Americans with Disability Act (ADA), the Rehabilitation Act of 1973 (Rehab Act), and the Occupational Safety and Health Act of 1970 (OSH Act). Generally, under federal employment laws, medical information pertaining to employees is confidential and may be obtained by an employer only for certain reasons and only at certain points in the employment relationship. During a public health emergency, an employer may be permitted to collect certain employee medical information that it would not otherwise be permitted to collect depending upon the circumstances. Whether an employer is permitted to collect otherwise confidential employee medical information during a public health emergency depends upon whether an employee or a potential employee poses a ''direct threat'' to others within the meaning of the Americans with Disabilities Act of 1990, the Americans with Disabilities Amendments Act of 2008, and the Rehabilitation Act of 1973. Again, this system of records will apply if it is determined that the circumstances permit the Department to legally collect the employee medical information at issue in the first instance.

Consistent with DHS's information sharing mission, information stored in the DHS/ALL–047 Records Related to DHS Personnel, Long-Term Trainees, Contractors, and Visitors During a Declared Public Health Emergency System of Records may be shared with other DHS Components that have a need to know the information to carry out their mission essential functions, but only if it is first determined that the information may be shared under all other applicable laws and DHS policies.

In addition, to the extent permitted by law, DHS may share information with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice.

This newly established system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, the Judicial Redress Act (JRA) provides covered persons with a statutory right to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the DHS/ALL–047 Records Related to DHS Personnel, Long-Term Trainees, Contractors, and Visitors During a Declared Public Health Emergency System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER:

Department of Homeland Security (DHS)/ALL–047 Records Related to DHS Personnel, Long-Term Trainees, Contractors, and Visitors During a Declared Public Health Emergency System of Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the DHS Headquarters and Component offices in Washington, DC and field offices, and contractor-owned and operated facilities.

SYSTEM MANAGER(S):

Chief, Medical Quality & Risk Reduction Branch, Workforce Health and Safety, Office of the Chief Human Capital Officer, Department of Homeland Security, *OCHCOPrivacyOfficer@hq.dhs.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 319 of the Public Health Service (PHS) Act (42 U.S.C. 274d); DHS Chief Medical Officer's authorities pursuant to 6 U.S.C. 350 and 6 U.S.C. 597; 6 U.S.C. 464; 21 U.S.C. 360bbb–3; 40 U.S.C. 1315; American with Disabilities Act, including 42 U.S.C. 12112(d)(3)(B), 29 CFR 602.14, 1630.2(r), 1630.14(b)(1), (c)(1), (d)(4); Medical Examinations for Fitness for Duty Requirements, including 5 CFR part 339; Workforce safety federal requirements, including the Occupational Safety and Health Act of 1970, Executive Order 12196, 5 U.S.C. 7902; 29 U.S.C. Chapter 15 (*e.g.,* 29 U.S.C. 668), 29 CFR part 1904, 29 CFR 1910.1020, and 29 CFR 1960.66; and United States Coast Guard authorities, including 10 U.S.C. Subtitle A, Part II, Chapter 55, Medical and Dental Care, as applicable, 14 U.S.C. 504(a)(17), 14 U.S.C. 936, 14 U.S.C. 3705, 42 U.S.C. 253, 32 CFR part 199, and 42 CFR 31.2–31.10.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to maintain records to protect the

Department's workforce and respond to a declared public health emergency. For instance, DHS may use the information collected to conduct contact tracing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department personnel (including employees, detailees, interns, and volunteers), long-term trainees (such as Federal Law Enforcement Training Centers (FLETC) students), contractors, and visitors (all other federal employees, applicants, and members of the public) at or on buildings, grounds, and properties that are owned, leased, or used by DHS who are suspected or confirmed to have a disease or illness that is the subject of a declared public health emergency, or may have been or could have been exposed to someone who is suspected or confirmed to have a disease or illness that is the subject of a declared public health emergency.

CATEGORIES OF RECORDS IN THE SYSTEM:

For DHS personnel, long-term trainees, and contractors, the following information may be collected:

- Individual's full name;
- Preferred phone number(s);
- DHS duty location, facility, and specific work space accessed;
- Preferred email address(es);
- Individual's supervisors' name, address, and contact information, and/or the contractor's supervisor/contracting officer representative name, address, and contact information;
- Date(s) and circumstances of the individual's suspected or actual exposure to disease or illness including symptoms, as well as locations within DHS workplace where an individual may have contracted or been exposed to the disease or illness; and names and contact information of other employees, long-term trainees, contractors, or visitors that the individual interacted with at or on a DHS workspace, facility, or grounds during time the individual was suspected to or had contracted the disease or illness;
- Current work status of the individual (*e.g.,* administrative leave, sick leave, teleworking, in the office) and affiliated leave status information;
- Other individual information directly related to the disease or illness (*e.g.,* testing results, symptoms, treatments, source of exposure).

For visitors at or on buildings, grounds, and properties that are owned, leased, or used by DHS, the following information may be collected:

- Full name;
- Preferred phone number(s);
- Preferred email address(es);
- Date(s) and time(s) of entrance and exit from DHS workspaces, facilities, and grounds;
- Name(s) of all individuals encountered while in or at DHS workspaces, facilities, and grounds.
- Information indicating plans on entering a DHS workspace, facility, or grounds in the near future; and
- Other records covered by DHS/ALL–024 Facility and Perimeter Access Control and Visitor Management System of Records (75 FR 5609, February 3, 2010) that are relevant and necessary to achieve the purpose of this SORN.

RECORD SOURCE CATEGORIES:

When permitted by applicable law, records may be obtained from DHS personnel, long-term trainees, contractors, and visitors at or on buildings, grounds, and properties that are owned, leased, or used by DHS; their family members; federal, state, local, tribal, territorial, and foreign government agencies; employers and other entities and individuals who may provide relevant information on a suspected or confirmed disease or illness that is the subject of a declared public health emergency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including the U.S. Attorneys Offices, or other federal agency conducting litigation or proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee or former employee of DHS in his/her official capacity;
3. Any employee or former employee of DHS in his/her individual capacity, only when DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when (1) DHS suspects or has confirmed that there has been a breach of the system of records; (2) DHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DHS (including its information systems, programs, and operations), the federal government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To another federal agency or federal entity, when DHS determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the federal government, or national security, resulting from a suspected or confirmed breach.

G. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

H. To appropriate federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations, to the extent permitted by law, and in consultation with DHS legal counsel, for the purpose of protecting the vital interests of a data subject or other persons, including to assist such agencies or organizations in preventing exposure to or transmission of a communicable or quarantinable disease or to combat other significant public health threats; appropriate notice will be provided of any identified health risk.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

DHS stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital media. Medical information collected is maintained on separate forms and in separate medical files and are treated as a confidential medical record.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

DHS may retrieve records by any of the categories of records, including name, location, date of exposure, or work status.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

DHS is in the process of developing a records schedule for declared public health emergency records. However, to the extent applicable, to ensure compliance with Americans with Disabilities Act (ADA) and the Rehabilitation Act, medical information must be ''maintained on separate forms and in separate medical files and be treated as a confidential medical record.'' 42 U.S.C. 12112(d)(3)(B); 29 CFR 1630.14(b)(1), (c)(1), (d)(4)(i). This means that medical information and documents must be stored separately from other personnel records. As such, the Department must keep medical records for at least one year from creation date. 29 CFR 1602.14. Further, any records compiled under this SORN and incorporated into an occupational individual medical case record pursuant to the OSH Act must be maintained in accordance with 5 CFR part 293.511(b) and 29 CFR 1910.1020(d), and must be destroyed 30 years after employee separation or when the Official Personnel Folder (OPF) is destroyed, whichever is longer, in accordance with NARA General Records Schedule (GRS) 2.7, Item 60, and NARA records retention schedule DAA–GRS–2017–0010–0009, to the extent applicable. Visitor processing records are covered by GRS 5.6, Items 110 and 111, and must be destroyed when either two or five years old, depending on security level, but may be retained longer if required for business use, pursuant to DAA–GRS–2017–0006–0014 and –0015.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DHS safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. DHS has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

Individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer or the appropriate Headquarters or component's FOIA Officer whose contact information can be found at *http://www.dhs.gov/foia* under ''Contact Information.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, Washington, DC 20528–0655. Even if neither the Privacy Act nor the Judicial Redress Act provide a right of access, certain records about you may be available under the Freedom of Information Act.

When an individual is seeking records about himself or herself from this system of records or any other Departmental system of records, the individual's request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must first verify his/her identity, meaning that the individual must provide his/her full name, current address, and date and place of birth. The individual must sign the request, and the individual's signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, an individual may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, the individual should:

- Explain why he or she believes the Department would have information being requested;
- Identify which component(s) of the Department he or she believes may have the information;
- Specify when the individual believes the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records;

If the request is seeking records pertaining to another living individual, the request must include an authorization from the individual whose record is being requested, authorizing the release to the requester.

Without the above information, the component(s) may not be able to conduct an effective search, and the individual's request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

For records covered by the Privacy Act individuals may make a request for amendment or correction of a record of the Department about the individual by writing directly to the Department component that maintains the record, unless the record is not subject to amendment or correction. The request should identify each particular record in question, state the amendment or correction desired, and state why the individual believes that the record is not accurate, relevant, timely, or complete. The individual may submit any documentation that would be helpful. If the individual believes that the same record is in more than one system of records, the request should state that and be addressed to each component that maintains a system of records containing the record.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Constantina Kozanas,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2020–16466 Filed 7–29–20; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7028–N–03]

60-Day Notice of Proposed Information Collection: Family Self-Sufficiency (FSS) Program; OMB Control No.: 2577–0178

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is

requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* September 28, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name/or OMB Control number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–5564 (this is not a toll-free number) or email *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Dacia Rogers, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone 202–402–3374. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Family Self-Sufficiency (FSS) Program.

OMB Control Number: 2577–0178.

Type of Request: Revision of currently approved collection.

Agency Form Numbers: HUD–52650, HUD–52651, HUD–52652, HUD–50058, HUD–2880, HUD 52755, SF–424, SF–LLL, HUD–1044.

Description of the Need for the Information and Proposed Use: The FSS program, which was established in the National Affordable Housing Act of 1990, promotes the development of local strategies that coordinate the use of public housing assistance and assistance under the Section 8 rental certificate and voucher programs (now known as the Housing Choice Voucher Program) with public and private resources to enable eligible families to increase earned income and financial literacy, reduce or eliminate the need for welfare assistance, and make progress toward economic independence and self-sufficiency. Public Housing Agencies consult with local officials to develop an Action Plan, enter into a Contract of Participation with each eligible family that opts to participate in the program, compute an escrow credit for the family, report annually to HUD on implementation of the FSS program, and complete a funding application for the salary of an FSS program coordinator. This Revision represents a revision under the current FSS statute. There will be a further revision of this Collection concurrent with the promulgation of new Regulations pursuant to the new FSS statute established as Section 306 of the Economic Growth, Regulatory Relief, and Consumer Protection Act (Pub. L. 115–174) on May 24, 2018.

Respondents (i.e., affected public): Public Housing Agencies, State or Local Governments.

Estimated Annual Reporting and Recordkeeping Burden:

Description of information collection	Number of respondents	Responses per year	Total annual responses	Hrs per response	Total hours
SF424—Application for Federal Assistance	800	1	800	0	0
SF LLL—Disclosure of Lobbying Activities	40	1	40	0	0
HUD 2880—Applicant/Recipient/Disclosure/Update Form (OMB No. 2510–0011)	800	1	800	0	0
HUD–52755—Sample Contract Admin. Partnership Agreement	40	1	40	0.17	6.8
HUD–52651—FSS Application	800	1	800	1.5	1,200
Subtotal (Application)				1.67	1,206.80
Action Plan	20	1	20	10	200
HUD–52650—Contract of Participation	900	10	9,000	.25	2,250
HUD–52652—Escrow Account Credit Worksheet	740	100	74,000	.85	62,900
HUD–1044—Grant Agreement*	700	1	700	N/A	N/A
Annual Report (Narrative)	700	1	700	1	700
HUD–50058—Family Report (OMB No. 2577–0083)	740	100	74,000	0	0
Subtotal (Program Reporting/Recordkeeping)				12.1	66,050
Total				13.77	67,257

*HUD–1044, Award/Amendment is completed by HUD staff, signed by the recipient of the grant, and returned to HUD. This form is a certification and HUD ascribes no burden to its use.

Burden hours for forms showing zero burden hours in this collection are reflected in the OMB approval number cited or do not have a reportable burden.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the pubic and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of burden of the proposed collection of information;

(3) Ways to enhance the quality, utility and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 21, 2020.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Programs, and Legislative Initiatives.

[FR Doc. 2020–16504 Filed 7–29–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030587; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Diego Museum of Man, San Diego, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Diego Museum of Man has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the San Diego Museum of Man. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the San Diego Museum of Man at the address in this notice by August 31, 2020.

ADDRESSES: Kara Vetter, Director of Cultural Resources of the San Diego Museum of Man, 1350 El Prado, Balboa Park, San Diego, CA 92101, telephone (619) 239–2001 Ext. 44, email *kvetter@museumofman.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the San Diego Museum of Man, San Diego, CA. The human remains and associated funerary objects were removed from Pala Reservation, Pala, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the San Diego Museum of Man professional staff in consultation with representatives of the Pala Band of Mission Indians (previously listed as the Pala Band of Luiseño Mission Indians of the Pala Reservation, California); Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation, California; Pechanga Band of Luiseño Mission Indians of the Pechanga Reservation, California; Rincon Band of Luiseño Mission Indians of the Rincon Reservation, California; and the Soboba Band of Luiseño Indians, California (hereafter referred to as ''The Tribes'').

History and Description of the Remains

On October 26, 1976, human remains representing, at a minimum, one individual were removed from W–1174, a site on Pala Reservation in Pala, CA by Peter Lipsio. Work men reported a burial while excavating a septic tank and contacted the San Diego Museum of Man to come and collect the individual. No known individuals were identified. The 24 associated funerary objects are one metate fragment, one utilized flake, four ceramic sherds, 10 pieces of charcoal, and eight soil samples.

Due to limited archival and site information, little is known regarding age and dating of this archeological site. The site W–1174 is geographically located within the Pala Band of Mission Indians Reservation established in 1875 and is within the traditional ancestral territory of the Luiseño. Based upon oral history, geographic, and historical evidence this individual has been culturally affiliated with the Luiseño, specific to the Pala Band of Mission Indians (previously listed as the Pala Band of Luiseño Mission Indians of the Pala Reservation, California).

Determinations Made by the San Diego Museum of Man

Officials of the San Diego Museum of Man have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 24 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Kara Vetter, Director of Cultural Resources of the San Diego Museum of Man, 1350 El Prado, Balboa Park, San Diego, CA 92101, telephone (619) 239–2001 Ext. 44, email *kvetter@museumofman.org,* by August 31, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The San Diego Museum of Man is responsible for notifying The Tribes that this notice has been published.

Dated: July 6, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–16500 Filed 7–29–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030484; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Harry Ransom Center, University of Texas at Austin, Austin, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Harry Ransom Center at the University of Texas at Austin, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of sacred objects and objects of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Harry Ransom Center at the University of Texas at Austin. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Harry Ransom Center at the University of Texas at Austin at the address in this notice by August 31, 2020.

ADDRESSES: Ester Harrison, Art Registrar for Loans & Exhibitions, Harry Ransom Center, University of Texas at Austin, P.O. Box 7219, Austin, TX 78713–7219, telephone (512) 471–9127, email *ester.harrison@austin.utexas.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate one cultural item under the control of the Harry Ransom Center, University of Texas at Austin, Austin, TX, that meets the definition of sacred objects and objects of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

In 1970, one drum (catalog number 1080) was donated to the University of Texas at Austin as part of the estate of Erle Stanley Gardner of Temecula CA, and subsequently transferred to the Harry Ransom Center collections. It is not known when or how Erle Stanley Gardner originally collected the drum. This sacred object and object of cultural patrimony is a wooden drum with rawhide ends and lacing, and painted in ochre, dark brown, and white colors.

Based on initial research by the Harry Ransom Center, the drum was believed to be of Southwest Native American origin. Further research and consultation with representatives from the Pueblo of Cochiti, New Mexico, found that Cochiti is known by all Pueblos for creating ceremonial drums of this style for tribal use in the practice of traditional native religion. Accordingly, this drum in the Erle Stanley Gardner Collection clearly is a sacred object originating from Cochiti Pueblo.

Determinations Made by the Harry Ransom Center, University of Texas at Austin

Officials of the Harry Ransom Center, University of Texas at Austin have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the one cultural item described above is of specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between drum and the Pueblo of Cochiti, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Ester Harrison, Art Registrar for Loans & Exhibitions, Harry Ransom Center, University of Texas at Austin, P.O. Box 7219, Austin, TX 78713–7219, telephone (512) 471–9127, email *ester.harrison@austin.utexas.edu,* by August 31, 2020. After that date, if no additional claimants have come forward, transfer of control of the sacred object and object of cultural patrimony to the Pueblo of Cochiti, New Mexico may proceed.

The Harry Ransom Center, University of Texas at Austin is responsible for notifying the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Ohkay Owingeh, New Mexico (previously listed as Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Zia, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: June 18, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–16499 Filed 7–29–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030489; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Federally-recognized Indian Tribes, and has determined that there is no cultural affiliation between the human remains and funerary objects and any present-day Federally-recognized Indian Tribe. Representatives of any Federally-recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the TVA. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Federally-recognized Indian Tribe stated in this notice may proceed.

DATES: Representatives of any Federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the TVA at the address in this notice by August 31, 2020.

ADDRESSES: Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Tennessee Valley Authority, Knoxville, TN. The human remains and funerary objects were removed from archeological sites 1LU495 and 1LU92 in Lauderdale County, AL, and 40HN4/40HR54 in Hardin County, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by TVA professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as Alabama-Coushatta Tribes of Texas); Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as Poarch Band of Creek Indians of Alabama); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

From June 29 to July 1, 1988, human remains representing, at minimum, 33 individuals were removed from site 1LU495 by the University of Alabama archeological field school. TVA acquired this land on February 18, 1937, for the Pickwick Reservoir project. The site is a cave adjacent to Coffee Slough in the vicinity of Seven Mile Island. The University of Alabama field school excavated two small units, but the chronological placement of the site is unknown. Human remains from this site were previously listed in a Notice of Inventory Completion published in the **Federal Register** (82 FR 39904–39906, August 22, 2017) and were transferred to The Chickasaw Nation. Additional human remains were found during a recent improvement in the curation of the TVA archeological collections at the Alabama Museum of Natural History (AMNH). These human remains are too fragmentary to determine the sex of the individuals. They belong to 27 adults 18 years or older, and six sub-adults ranging in age from 1–14 years. No known individuals were identified.

From October 1937 to December 1938, human remains and funerary objects were excavated from site 1LU92 by the AMNH. Excavation commenced after TVA purchased this land on November 27, 1935, for the Pickwick Reservoir project. Site 1LU92 was composed of both a village and a cemetery. Excavations focused on the cemetery. There was no clear stratigraphy at the site. The excavators believed the village midden predates the cemetery. The later occupation is attributed to the Kogers Island phase of the Mississippian period (A.D. 1200–1500). Human remains and associated funerary objects from this site were previously listed in Notices of Inventory Completion published in the **Federal Register** (81 FR 60378, September 1, 2016 and 84 FR 38051, August 5, 2019), and were transferred to The Chickasaw Nation. Additional funerary objects were found during a recent improvement in the curation of the TVA archeological collection at the AMNH. The five funerary objects associated with human remains include four wood ear spools with copper staining and one bone pin with copper staining.

From January 16 to April 26, 1937, human remains and associated funerary objects were excavated from the Fisher Mound, 40HN4/40HR54, by the AMNH. TVA acquired this site on July 25, 1936, as part of the Pickwick Reservoir project. The site was approximately 400 feet north of the border with Alabama on the right descending side of the Tennessee River. The site's most noticeable surface feature was a conical mound 70 feet in diameter and 11 feet high. Using Works Progress Administration labor and funds, the AMNH excavated the mound and three adjacent areas. There are no radiocarbon dates from this site, and very little pottery was recovered in the village area. The mound is generally identified as a mortuary structure from the Copena phase (A.D. 100–500). Cultural items from this site were previously listed in a Notice of Inventory Completion published in the **Federal Register** (83 FR 65738, December 21, 2018), and were transferred to The Chickasaw Nation. Additional funerary objects were found during a recent improvement in the curation of the TVA archeological collection at the AMNH. The seven funerary objects include five pieces of daub or clay used to contain human remains and two galena nodules.

Determinations Made by the Tennessee Valley Authority

Officials of the Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their presence in a prehistoric archeological site and osteological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 33 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 12 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the cultural items and any present-day Indian Tribe.
- According to final judgements of the Indian Claims Commission or the Court of Federal Claims, the land from which the cultural items were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- The Treaty of September 20, 1816, indicates that the land from which the cultural items were removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(1)(ii), the disposition of the human remains may be to the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma. The Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma have declined to accept transfer of control of the human remains. Accordingly, TVA has decided to transfer control of the unidentifiable human remains to The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(4), TVA has decided to transfer control of the funerary objects associated with the culturally unidentifiable human remains to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Thomas O. Maher, Tennessee Valley Authority, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by August 31, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Chickasaw Nation may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: June 18, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–16498 Filed 7–29–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030483; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The Charleston Museum, Charleston, SC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Charleston Museum has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to The Charleston Museum. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to The Charleston Museum at the address in this notice by August 31, 2020.

ADDRESSES: Martha Zierden (Curator of Historical Archaeology), Jennifer McCormick (Chief of Collections), The Charleston Museum, 360 Meeting Street, Charleston, SC 29403, telephone (843) 722–2996 Ext. 225 or Ext. 244, email *mzierden@charlestonmuseum.org* or *jmccormick@charlestonmuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of The Charleston Museum, Charleston, SC. The human remains were removed from Patterson Farm, near Duck River, Humphreys County, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by The Charleston Museum professional staff in consultation with representatives of The Chickasaw Nation.

History and Description of the Remains

In 1933, human remains representing, at minimum, one individual (ANP–46) were removed from Patterson Farm in Humphreys County, TN. On or about May of 1933, Dr. Woldemar H. Ritter collected cultural materials and four fragments of human remains from the surface and plowed fields of Patterson Farm in Humphreys County, TN. The human remains, along with other cultural materials, were donated to The Charleston Museum by the widow of W.H. Ritter on May 23, 1941. Mrs. Ritter resided in East Hartford, CT, at that time. No other information on the site, or the collecting method, is available. No known individual was identified. No associated funerary objects are present. (Mrs. Ritter donated 35 objects collected from the Patterson Farm property, which The Charleston Museum has determined are not associated funerary objects. They include marine snails, sandstone pebbles, chert flakes and scrapers, and Adena-type knife or spear point, a Palmer-type point, triangular points. Decorated potsherds from the Woodland period belong to the Decatur and Harmon's Creek cultures.)

Determinations Made by The Charleston Museum

Officials of The Charleston Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Chickasaw Nation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Martha Zierden (Curator of Historical Archaeology) and Jennifer McCormick (Chief of Collections), The Charleston Museum, 360 Meeting Street, Charleston, SC 29403, telephone (843) 722–2996 Ext. 225 or Ext. 244, email *mzierden@charlestonmuseum.org* or *jmccormick@charlestonmuseum.org,* by August 31, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Chickasaw Nation may proceed.

The Charleston Museum is responsible for notifying The Chickasaw Nation that this notice has been published.

Dated: June 18, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–16497 Filed 7–29–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030485; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Michigan State University, East Lansing, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Michigan State University has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian

Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Michigan State University. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Michigan State University at the address in this notice by August 31, 2020.

ADDRESSES: Judith Stoddart, Associate Provost for University Collections and Arts Initiatives, Michigan State University, 466 W Circle Drive, East Lansing, MI 48824–1044, telephone (517) 432–2524, email *stoddart@msu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Michigan State University, East Lansing, MI. The human remains were removed from an unknown location most likely in the Four Corners Region of the southwestern United States, *i.e.,* Arizona, Colorado, New Mexico, and Utah).

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Michigan State University professional staff in consultation with representatives of the Navajo Nation, Arizona, New Mexico & Utah.

History and Description of the Remains

In July 2019, in response to a memorandum issued by Michigan State University to all departments, bioarcheologist Dr. Gabriel Wrobel reported a human cranium located in his laboratory. Dr. Wrobel indicated that the cranium was part of a donation made many years ago. No known individual was identified. No associated funerary objects are present.

Determinations Made by Michigan State University

Officials of Michigan State University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on biological evidence and documentation.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity can be reasonably traced between the Native American human remains and the Navajo Nation, Arizona, New Mexico & Utah.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Judith Stoddart, Associate Provost for University Collections and Arts Initiatives, Michigan State University, 466 W. Circle Drive, East Lansing, MI 48824–1044, telephone (517) 432–2524, email *stoddart@msu.edu,* by August 31, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Navajo Nation, Arizona, New Mexico & Utah may proceed.

The Michigan State University is responsible for notifying the Navajo Nation, Arizona, New Mexico & Utah that this notice has been published.

Dated: June 18, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–16496 Filed 7–29–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0030486; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Princeton University, Princeton, NJ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Princeton University has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Princeton University. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Princeton University at the address in this notice by August 31, 2020.

ADDRESSES: Bryan R. Just, Princeton University Art Museum, Princeton, NJ 08544, telephone (609) 258–8805, email *bjust@princeton.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Princeton University, Princeton, NJ. The human remains and associated funerary objects were removed from Port Mulgrave, Yakutat Bay, near Yakutat, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Princeton University professional staff in consultation with representatives of the Central Council of the Tlingit & Haida

Indian Tribes and the Yakutat Tlingit Tribe.

History and Description of the Remain

In 1886, human remains representing, at minimum, one individual (PU 12484) were removed from the grave of a shaman (Íxt') in Port Mulgrave, Yakutat Bay, near Laaxaayík Kwáan (Yakutat), AK, by Princeton geology Professor, William A. Libbey III, during a climbing expedition. The expedition was sponsored by the New York Times to map *Yas 'éit'aa Shaa* (Mount Saint Elias). George T. Emmons, Frederick Schwatka, Heywood Senton Karr, and others accompanied Libbey. The expedition collection was accessioned by the EM (Elizabeth Marsh) Museum (later renamed the Princeton Museum of Natural History), where Libbey served as Director. No known individual was identified. The 28 associated funerary objects are one lot of shaman's cedar bark grave-box the contents (ui.2010.160); four shaman's masks (PU 3911, PU 3922, PU 3923, PU 3957); three shaman's maskettes (PU 3916, PU 3919, PU 3920); two shaman's wands (PU 5060, PU 5063); two shaman's necklaces (Ixt' seit) (PU 5106, PU 5107); two lots of shaman's charms (PU 5065, PU 5070); two lots of charms and/or hairpins (PU 5066, PU 5104); one possible shaman's charm in the form of a shuttle for carrying twine used in making nets (PU 5080); one lot of charms or picks for a wand (PU 5105); six rattles (PU 5198, PU 5152, PU 5153, PU 5168, PU 5200); one lot of mountain goat horns from a shaman's crown (Íxt' gaaw) (PU 5177); one buckskin coat (PU 5195); one lot of shaman's tapping sticks (xítcA) (PU 5201); and one land otter (Kóoshdaa) grave marker (PU 5293). (The following additional associated funerary objects are missing from the collection—one dance rattle (PU 5199); one shaman's drum (Íxt' gaaw) and one drumstick (PU 5193); and one shaman's necklace (PU 5064).

Determinations Made by Princeton University

Officials of Princeton University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry based on their anthropological and geographical context.
- Pursuant to 25 U.S.C. 3001(3)(A), the 28 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Yakutat Tlingit Tribe.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of the human remains and associated funerary objects should submit a written request with information in support of the request to Bryan R. Just, Princeton University Art Museum, Princeton, NJ 08544, telephone (609) 258–5013, email *bjust@princeton.edu,* by August 31, 2020. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Yakutat Tlingit Tribe may proceed.

Princeton University is responsible for notifying the Central Council of the Tlingit & Haida Indian Tribes and the Yakutat Tlingit Tribe that this notice has been published.

Dated: June 18, 2020.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2020–16495 Filed 7–29–20; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0002]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently-Approved Collection; Supplementary Homicide Report (SHR)

AGENCY: Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

ACTION: 60-Day notice and request for comments.

SUMMARY: The DOJ, FBI, Criminal Justice Information Services (CJIS) Division, will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act (PRA) of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 28, 2020.

ADDRESSES: All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Crime Statistics Management Unit Chief, Amy C. Blasher, FBI, CJIS Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the FBI, including whether the information will have practical utility;

—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;

—Evaluate whether, and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently-approved collection.

2. *The Title of the Form/Collection:* Supplementary Homicide Report.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1–704. The applicable component within the DOJ is the CJIS Division in the FBI.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Federal, state, local, and tribal law enforcement agencies (LEAs). Abstract: Under Title 28, United States Code, Section 534(a) and (c), this collection requests homicide data from respondents in order for the FBI Uniform Crime Reporting (UCR) Program to serve as the national clearinghouse for the collection and dissemination of homicide and other crime-related data and to publish these statistics in *Crime in the United States.* The two-sided SHR form collects details about all murders and nonnegligent manslaughters (including justifiable homicides) and negligent

manslaughters. The details include the reporting agency; month and year; situation; age, sex, race, and ethnicity of the victim(s) and the offender(s); weapon type used; relationship of the victim(s) to the offender(s); and circumstance(s) surrounding the incident (*e.g.,* argument, robbery, gang-related), if known.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated number of LEAs submitting SHR data to the UCR Program monthly via the Summary Reporting System is 9,376. Annually, those LEAs submit a total of 112,512 responses (9,376 LEAs × 12 months = 112,512 responses annually). The estimated time it takes for an average respondent to respond is nine minutes. Therefore, the estimated annual public burden associated with the SHR data collection is 16,877 hours [(112,512 annual responses × 9 minutes per response)/60 minutes per hour = 16.876.8 total annual hours].

If additional information is required, contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 27, 2020.

Melody Braswell,

Department Clearance Officer for the PRA, US Department of Justice.

[FR Doc. 2020–16544 Filed 7–29–20; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0098]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Prevent All Cigarette Trafficking (PACT) Act Registration Form—ATF Form 5070.1

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until August 31, 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.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—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;

—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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension without change of a currently approved collection.

(2) *The Title of the Form/Collection:* Prevent All Cigarette Trafficking (PACT) Act Registration Form.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 5070.1.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: Any person who sells, transfers, or ships for profit cigarettes and/or smokeless tobacco in interstate commerce, must register with ATF using the Prevent All Cigarette Trafficking (PACT) Act Registration Form—ATF Form 5070.1.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 400 respondents will utilize the form annually, and it will take each respondent approximately 60 minutes to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 400 hours, which is equal to 400 (# of respondents) * 1 (# of responses per respondents) * 1 (60 minutes or time taken to complete each response).

(7) *An Explanation of the Change in Estimates:* Due to an increase in both the wage and postage rates, the total public cost burden has risen from $9,396 in 2017 to $13,542 currently.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 27, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–16539 Filed 7–29–20; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0058]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently-Approved Collection; National Incident-Based Reporting System (NIBRS)

AGENCY: Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

ACTION: 60-Day notice and request for comments.

SUMMARY: The DOJ, FBI, Criminal Justice Information Services (CJIS) Division, will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act (PRA) of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 28, 2020.

ADDRESSES: All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be

directed to Crime Statistics Management Unit Chief, Amy C. Blasher, FBI, CJIS Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the FBI, including whether the information will have practical utility;
—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;
—Evaluate whether, and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

Overview of this information collection:

1 *Type of Information Collection:* Extension of a currently-approved collection

2 *The Title of the Form/Collection:* National Incident-Based Reporting System

3 *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1110–0058. The applicable component within the DOJ is the CJIS Division in the FBI.

4 *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Federal, state, local, and tribal law enforcement agencies (LEAs).

Abstract: Under Title 28, United States Code, Section (§) 534(a) and (c); the USA Patriot Improvement and Reauthorization Act of 2005, Public Law 109–177 (March 9, 2006) H.R. 3199: Section 307 (e) Reporting of Cargo Theft; the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008; and the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act (2009), § 4708, this collection requests incident data from federal, state, local, and tribal LEAs in order for the FBI Uniform Crime Reporting (UCR) Program to serve as the national clearinghouse for the collection and dissemination of incident data and to release these statistics in the following publications: *Crime in the United States, Hate Crime Statistics, Law Enforcement Officers Killed and Assaulted,* and *National Incident-Based Reporting System.* The NIBRS is a data collection which allows LEAs to collect information on each crime occurrence. The FBI designed NIBRS to generate data as a byproduct of federal, state, and local automated records management systems (RMS). Currently, the NIBRS collects data on each incident and arrest within 28 crime categories comprised of 71 specific crimes called Group A offenses. For each of the offenses coming to the attention of law enforcement, various facts about the crime are collected. In addition to the Group A offenses, arrest data only are reported for 13 Group B offense categories. When reporting data via the traditional Summary Reporting System (SRS), LEAs tally the occurrences of eight Part I crimes.

The most significant difference between NIBRS and the traditional SRS is the degree of detail in reporting. The NIBRS is capable of producing more detailed, accurate, and meaningful information because data are collected about when and where crime takes place, what form it takes, and the characteristics of its victims and perpetrators. Although most of the general concepts for collecting, scoring, and reporting UCR data in SRS apply in NIBRS (*e.g.,* jurisdictional rules), there are some important differences between the two data collection systems. The SRS employs the Hierarchy Rule, *i.e.,* in a multiple-offense incident, only the most serious offense is reported, and only eight Part I offenses can be reported. The many advantages NIBRS has over SRS include, but are not limited to, reports every offense occurring during the incident; revised, expanded, and new offense definitions; more specificity in reporting and using offense and arrest data for 28 Group A offense categories encompassing 71 crimes; distinguishes between attempted and completed Group A crimes; provides crimes against society; includes victim-to-offender data, circumstance, drug-related offenses, offenders suspected use of drugs, and expanded computer crime; and provides updated reports tied directly to the original incident. The Group A offense categories include animal cruelty; arson; assault offenses; bribery; burglary/breaking and entering; commerce violations;* counterfeiting/forgery; destruction/damage/vandalism of property; drug/narcotic offenses; embezzlement; espionage;* extortion/blackmail; fraud offenses; fugitive offenses;* gambling offenses; homicide offenses; human trafficking; immigration violations;* kidnapping/abduction; larceny/theft offenses; motor vehicle theft; pornography/obscene material; prostitution offenses; robbery; sex offenses; stolen property offenses; treason;* and weapon law violations. The 13 Group B offense categories, for which only arrest data are collected, include bad checks; bond default;* curfew/loitering/vagrancy violations; disorderly conduct; driving under the influence; drunkenness; family offenses, nonviolent; federal resource violation;* liquor law violations; peeping tom; perjury;* trespass of real property; and all other offenses. (Offense categories followed by an asterisk (*) denote those reported by federal and tribal LEAs only.) Beginning in 2019, the NIBRS began collecting additional data values to capture information on domestic violence, cargo theft, and negligent manslaughter.

5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated number of LEAs submitting data to the UCR Program via NIBRS is 7,283. The FBI designed NIBRS to generate data as a byproduct of federal, state, and local automated RMS. Many LEAs have RMS capable of producing a myriad of statistics to meet their particular needs. LEAs forward only the data required by NIBRS to participate in the FBI UCR Program. Each month, it takes approximately two hours for an average respondent to respond, which is an annual burden of 24 hours. The two hours is the time required for a law enforcement agency's RMS to download the NIBRS data and send the information to the FBI.

6 *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with the NIBRS data collection is 174,792 hours (7,283 LEAs × 24 hours annually = 174,792 total annual hours).

If additional information is required, contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 27, 2020.

Melody Braswell,

Department Clearance Officer for the PRA, U.S. Department of Justice.

[FR Doc. 2020–16540 Filed 7–29–20; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0090]

Agency Information Collection Activities; Proposed eCollection eComments Requested; National Firearms Act (NFA)—Special Occupational Taxes (SOT)—ATF Form 5630.7, ATF Form 5630.5R, and ATF Form 5630.5RC

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until August 31, 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.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—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;

—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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension without change of a currently approved collection.

(2) *The Title of the Form/Collection:* National Firearms Act (NFA)—Special Occupational Taxes (SOT).

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 5630.7, ATF Form 5630.5R, and ATF Form 5630.5RC.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: This information collection requires that all new business owners who are subject to the Special Occupational Taxes (SOT) under the National Firearms Act (NFA) complete the Special Tax Registration and Return National Firearms Act (NFA)—ATF Form 5630.7. Taxpayers will also receive prepopulated printed copies of both the NFA Special Tax Renewal Registration and Renewal—ATF Form 5630.5R and the NFA Special Tax Location Registration Listing—ATF Form5630.5RC, so they can validate/correct their information and remit the required payment for the applicable tax year.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 3,000 new taxpayers will take 15 minutes to complete ATF Form 5630.7 annually. However, it will take 17,000 taxpayers approximately 20 minutes (10 minutes per form) to complete ATF Form 5630.5R and ATF Form 5630.5RC every year. The combined total respondents for this information collection is 20,000, while the combined response time is 35 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with ATF form 5630.7 is 755 hours. However, the total burden hours for ATF Form 5630.5R and ATF F 5630.5RC is 5,666 hours. Therefore, the estimated total public burden associated with this information collection is 6,416 hours, which is equal to 3,000 (# of respondents for ATF F 5630.7) * .25 (15 mins) + 17,000 (# of respondents for ATF F 5630.5R and ATF F 5630.5RC) * .3333 (20 mins).

(7) *An Explanation of the Change in Estimates:* The adjustments associated with this collection include an increase in the total respondents and total burden hours by 13,650 and 4,328 respectively, since the last renewal in 2017. Due to more respondents, the public cost burden has also increased by $8,953.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 27, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–16541 Filed 7–29–20; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Correction

ACTION: Notice; Correction.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) published a document in the **Federal Register** on July 20, 2020, soliciting public comments concerning a proposed revision for the authority to conduct the information collection request (ICR) titled, ETA Form 9089 Application for Permanent Employment Certification. The document contained an incorrect ICR number referenced for Forms ETA–750A, *Application for Alien Employment Certification—Offer of Employment,* and/or ETA–750B, *Application for Alien Employment Certification—Statement of Qualifications of Alien.*

FOR FURTHER INFORMATION CONTACT: Brian Pasternak by telephone on 202–513–7350 (this is not a toll-free number) or by email at *ETA.OFLC.Forms@dol.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of July 20, 2020, in FR Doc. 2020–15592 on page 43877 (85 FR 43877) in the third column, correct ICR number referenced to read:

ETA is also seeking public comment on a proposal to revise the form to allow employers seeking to employ professional athletes or coaches, as well as those claiming National Interest Waivers (NIW), to use the proposed form and discontinue the collection of this information on the Forms ETA–750A, *Application for Alien Employment Certification—Offer of Employment,* and/or ETA–750B, *Application for Alien Employment Certification—Statement of Qualifications of Alien* (OMB Control Number 1205–0015).

John Pallasch,

Assistant Secretary for Employment and Training.

[FR Doc. 2020–16537 Filed 7–29–20; 8:45 am]

BILLING CODE 4510–FP–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[OMB Control No. 1218–0NEW; Docket No. OSHA–2020–0007]

Information Collection; Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice; request for public comment.

SUMMARY: The Occupational Safety and Health Administration (OSHA) on behalf of the Department of Labor (DOL) as part of its continuing effort to reduce paperwork and respondent burden, is announcing an opportunity for public comment on a new proposed collection of information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on new collection proposed by the Agency.

DATES: *Submit comments on or before:* September 28, 2020.

ADDRESSES: Submit comments identified by Information Collection 1218–0NEW, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation), by any of the following methods:

- *Federal eRulemaking portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments to *https://www.regulations.gov,* will be posted to the docket unchanged.
- *Facsimile:* If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.
- *Mail: Mail, hand delivery, express mail, messenger, or courier service:* When using these methods, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2020–XXXX, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: Please submit comments only and cite Information Collection 1218–0NEW, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation), in all correspondence related to this collection. To confirm receipt of your comment(s), please check *regulations.gov,* approximately two-to-three business days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Seleda Perryman, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

A. Purpose

Under the PRA, (44 U.S.C. 3501–3520) Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, OSHA is publishing notice of the proposed collection of information set forth in this document.

Whether seeking a loan, Social Security benefits, veteran's benefits, or other services provided by the Federal Government, individuals and businesses expect Government customer services to be efficient and intuitive, just like services from leading private-sector organizations. Yet the 2016 American Consumer Satisfaction Index and the 2017 Forrester Federal Customer Experience Index show that, on average, Government services lag nine percentage points behind the private sector.

A modern, streamlined and responsive customer experience means: Raising government-wide customer experience to the average of the private sector service industry; developing indicators for high-impact Federal programs to monitor progress towards excellent customer experience and mature digital services; and providing the structure (including increasing transparency) and resources to ensure customer experience is a focal point for agency leadership. To support this, OMB Circular A–11 Section 280 established government-wide standards for mature customer experience organizations in government and measurement. To enable Federal programs to deliver the experience taxpayers deserve, they must undertake three general categories of activities: conduct ongoing customer research, gather and share customer feedback, and test services and digital products.

These data collection efforts may be either qualitative or quantitative in nature or may consist of mixed methods. Additionally, data may be collected via a variety of means, including but not limited to electronic or social media, direct or indirect observation (*i.e.,* in person, video and audio collections), interviews, questionnaires, surveys, and focus groups. OSHA will limit its inquiries to data collections that solicit strictly voluntary opinions or responses. Steps will be taken to ensure anonymity of respondents in each activity covered by this request.

The results of the data collected will be used to improve the delivery of Federal services and programs. It will include the creation of personas, customer journey maps, and reports and summaries of customer feedback data and user insights. It will also provide government-wide data on customer experience that can be displayed on *performance.gov* to help build transparency and accountability of Federal programs to the customers they serve.

Method of Collection: OSHA will collect this information by electronic means when possible, as well as by mail, fax, telephone, technical discussions, and in-person interviews. OSHA may also utilize observational techniques to collect this information.

Data:

Form Number(s): None.

Type of Review: New.

B. Annual Reporting Burden

Affected Public: Collections will be targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future. For the purposes of this request, ''customers'' are individuals, businesses, and organizations that interact with a Federal Government agency or program, either directly or via a Federal contractor. This could include individuals or households; businesses or other for-profit organizations; not-for-profit institutions; State, local or tribal governments; Federal government; and Universities.

Estimated Number of Respondents: 2,001,550.

Estimated Time per Response: Varied, dependent upon the data collection method used. The possible response time to complete a questionnaire or survey may be 3 minutes or up to 1.5 hours to participate in an interview.

Estimated Total Annual Burden Hours: 101,125.

Estimated Total Annual Cost to Public: $0.

C. Public Comments

OSHA invites comments on: (a) 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) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection 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 on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 24, 2020.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2020–16478 Filed 7–29–20; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0029]

Underground Construction Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA is soliciting public comments concerning the proposal to extend the Office of Management and Budget's (OMB's) approval of the information collection requirements specified in the standard on Underground Construction.

DATES: Comments must be submitted (postmarked, sent, or received) by September 28, 2020.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *www.regulations.gov,* the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using these methods, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2011–0029, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the agency name and OSHA docket number (Docket No. OSHA 2011–0029) for the Information Collection Request (ICR). All comments, including any personal information you provide, such as social security numbers and date of birth, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the below phone number to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Seleda Perryman, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed, and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act, or for developing information regarding the causes and prevention of occupational injuries, illnesses and accidents (29 U.S.C. 657). The OSH Act also requires OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Seven paragraphs in the Underground Construction Standard (''the Standard''), 29 CFR 1926.800, require employers to post warning signs or notices during underground construction; these

paragraphs are (b)(3), (i)(3), (j)(1)(vi)(A), (m)(2)(ii), (o)(2), (q)(11), and (t)(1)(iv)(B). The warning signs and notices required by these paragraphs enable employers to effectively alert workers to the presence of hazards or potential hazards at the job site, thereby preventing worker exposure to hazards or potential hazards associated with underground construction that could cause death or serious harm.

Paragraph (t)(3)(xxi) of the Standard requires employers to inspect and load test hoists when they install them, and at least annually thereafter. They must also inspect and load test a hoist after making any repairs or alterations to it that affect the structural integrity, and after tripping a safety device on the hoist. Employers must also prepare a certification record of each inspection and load test that includes specified information, and maintain the most recent certification record until they complete the construction project.

Establishing and maintaining a written record of the most recent inspection and load test alerts equipment mechanics to problems identified during the inspection. Prior to returning the equipment to service, employers can review the records to ensure that the mechanics performed the necessary repairs and maintenance. Accordingly, by using only equipment that is in safe working order, employers will prevent severe injury and death to the equipment operators and other workers who work near the equipment. In addition, these records provide the most efficient means for OSHA compliance officers to determine that an employer performed the required inspections and load tests, thereby assuring that the equipment is safe to operate.

Paragraph (j)(3) of the Standard mandates that employers develop records for air quality tests performed under paragraph (j), including air quality tests required by paragraphs (j)(1)(ii)(A) through (j)(1)(iii)(A), (j)(1)(iii)(B), (j)(1)(iii)(C), (j)(1)(iii)(D), (j)(1)(iv), (j)(1)(v)(A), (j)(1)(v)(B), and (j)(2)(i) through (j)(2)(v). Paragraph (j) also requires that air quality records include specified information, and that employers maintain the records until the underground construction project is complete. They must also make the records available to OSHA compliance officers on request.

Maintaining records of air quality tests allows employers to document atmospheric hazards, ascertain the effectiveness of controls (especially ventilation), and implement additional controls if necessary. Accordingly, these requirements prevent serious injury and death to workers who work on underground construction projects. In addition, these records provide an efficient means for workers to evaluate the accuracy and effectiveness of an employer's exposure reduction program, and for OSHA compliance officers to determine that employers performed the required tests and implemented appropriate controls.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply, for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

The agency is requesting to retain the current burden estimate of 76,477 hours.

Type of Review: Extension of a currently approved collection.

Title: Underground Construction Standard (29 CFR 1926.800).

OMB Control Number: 1218–0067.

Affected Public: Business or other for-profits.

Number of Respondents: 461.

Total Responses: 1,171,439.

Frequency of Responses: On occasion.

Average Time: Varies.

Estimated Total Burden Hours: 76,477.

Estimated Cost (Operation and Maintenance): $165,600.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *www.regulations.gov,* the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the agency name and the OSHA docket number for this ICR (OSHA Docket No. 2011–0029). You may supplement submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments and include your name, date, and the docket number so the agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, TTY (877) 889–5627.

Comments and submissions are posted without change at *www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information, such as social security numbers and dates of birth. Although all submissions are listed in the *www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweat, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on July 24, 2020.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2020–16520 Filed 7–29–20; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0222]

Information Collection: NRC Form 241, "Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters"

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 241, 'Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters.' ''

DATES: Submit comments by August 31, 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 *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–2019–0222 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–2019–0222. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2019–0222 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 No. ML20188A387. The supporting statement ''Final OMB Supporting Statement for NRC Form 241 Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters'' is available in ADAMS under Accession No. ML20188A386.
- *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 241 Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters.'' 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 May 1, 2020 (85 FR 25480).

1. *The title of the information collection:* NRC Form 241, ''Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters.''
2. *OMB approval number:* 3150–0013.
3. *Type of submission:* Extension.
4. *The form number if applicable:* NRC Form 241.
5. *How often the collection is required or requested:* NRC Form 241 must be submitted each time an Agreement State licensee wants to engage in or revise its activities involving the use of radioactive byproduct material in a non-Agreement State, areas of exclusive Federal jurisdiction, or offshore waters. The NRC may waive the requirements for filing additional copies of NRC Form 241 during the remainder of the calendar year following receipt of the initial form.
6. *Who will be required or asked to respond:* Any licensee who holds a specific license from an Agreement State and wants to conduct the same activity in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore water under the general license in section 150.20 of title 10 of the *Code of Federal Regulations* (10 CFR).
7. *The estimated number of annual responses:* 1,645 responses.
8. *The estimated number of annual respondents:* 223 respondents.
9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 467 hours (111.5 hours for initial submissions + 355.5 for changes + 0 hours for clarifications).
10. *Abstract:* Any Agreement State licensee who engages in the use of radioactive material in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters, under the general license in 10 CFR 150.20, is required to file, with the NRC Regional Administrator for the Region in which the Agreement State that issues the license is located, a copy of NRC Form 241, ''Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters,'' a copy of its Agreement State specific license, and the appropriate fee as prescribed in 10

CFR 170.31 at least three days before engaging in such activity. This mandatory notification permits the NRC to schedule inspections of the activities to determine whether the activities are being conducted in accordance with requirements for protection of the public health and safety.

Dated: July 24, 2020.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2020–16460 Filed 7–29–20; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2020–204 and CP2020–231; Docket Nos. MC2020–205 and CP2020–232]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 3, 2020.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2020–204 and CP2020–231; *Filing Title:* USPS Request to Add Priority Mail, First-Class Package Service & Parcel Select Contract 1 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 24, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 3, 2020.

2. *Docket No(s).:* MC2020–205 and CP2020–232; *Filing Title:* USPS Request to Add Priority Mail Contract 643 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 24, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 3, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–16508 Filed 7–29–20; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Small Business Capital Formation Advisory Committee will hold a public meeting on Tuesday, August 4, 2020, via videoconference.

PLACE: The meeting will begin at 10:00 a.m. (ET) and will be open to the public. The meeting will be conducted by remote means (videoconference) and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549. Members of the public may watch the webcast of the meeting on the Commission's website at *www.sec.gov.*

STATUS: On July 21, 2020, the Commission published notice of the Committee meeting (Release No. 33–10804), indicating that the meeting is open to the public and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

MATTERS TO BE CONSIDERED: The agenda for the meeting includes matters relating to how the capital markets are serving underrepresented founders and rules and regulations affecting small and emerging businesses and their investors.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: July 28, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–16627 Filed 7–28–20; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89391; File No. SR–GEMX–2020–18]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 7, Section 3

July 24, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 14, 2020, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 7, Section 3, Regular Order Fees and Rebates, and Options 7, Section 4, Other Options Fees and Rebates. The Exchange also proposes an amendment to Options 7, Section 1, General Provisions.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/gemx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

GEMX proposes to amend its Pricing Schedule at Options 7, Section 3, Regular Order Fees and Rebates, and Options 7, Section 4, Other Options Fees and Rebates. The Exchange also proposes an amendment to Options 7, Section 1, General Provisions. Each amendment is described below.

Options 7, Section 3

Penny Symbols

Today, the Exchange assesses Penny Symbol Tier 1 through Tier 3 Taker Fees of $0.50 per contract for all Non-Priority Customers,[3] Tier 4 and 5 Taker Fees of $0.48 per contract for Market Makers and Non-Nasdaq GEMX Market Makers (FarMM), and Tier 4 and 5 Taker Fees of $0.49 per contract for Firm Proprietary/Broker-Dealer and Professional Customers. Further, today, the Exchange assesses Penny Symbol Taker Fees for Priority Customers as follows: $0.49 for Tier 1, $0.48 for Tiers 2 and 3, $0.43 for Tier 4 and $0.42 for Tier 5. Current note 13 provides, with respect to Penny Symbol Tiers 1–5, that Non-Priority Customer orders will be charged a Taker Fee of $0.50 per contract for trades executed against a Priority Customer and Priority Customer orders will be charged a Taker Fee of $0.49 per contract for trades executed against a Priority Customer.

The Exchange proposes to amend note 13, with respect to Penny Symbol Tiers 1–5, to instead provide that Non-Priority Customers who execute less than 4.0% of Customer Total Consolidated Volume will be charged a Taker Fee of $0.50 per contract for trades executed against a Priority Customer. Also, Non-Priority Customers who execute 4.0% [4] or greater of Customer Total Consolidated Volume will be charged a Taker Fee of $0.47 per contract for trades executed against a Priority Customer. All Priority Customer orders will be charged a Taker Fee of $0.49 per contract for trades executed against a Priority Customer. For purposes of note 13, Customer Total Consolidated Volume means the total volume cleared at The Options Clearing Corporation in the Customer range in equity and ETF options in that month.

Non-Priority Customers, would continue to be charged a $0.50 per contract Taker Fee, in Tiers 1–5 Penny Symbols, when they trade against a Priority Customer, provided they execute less than 4.0% of Customer Total Consolidated Volume. If a Non-Priority Customer executed 4.0% or greater of Customer Total Consolidated Volume, they will be charged a Taker Fee, in Tiers 1–5 in Penny Symbols, of $0.47 per contract for trades executed against a Priority Customer. The addition of the volume criteria would cause some Non-Priority Customers, who today are assessed a $0.50 per contract Taker Fee, in Tiers 1–5 Penny Symbols, when they trade against a Priority Customer, to be assessed a reduced $0.47 per contract Taker Fee, in Tier 1–5 Penny Symbols, provided they meet the volume requirement.

Priority Customer orders will continue to be charged a Taker Fee of $0.49 per contract, in Tiers 1–5 Penny Symbols, for trades executed against a Priority Customer. The Exchange believes that this proposal will continue to attract additional volume to GEMX in order to obtain more favorable pricing.

Non-Penny Symbols

The Exchange proposes to increase the Non-Penny Symbol Fees for Responses to Crossing Orders (excluding PIM) [5] from $1.00 to $1.10 per contract for all Members. While the Exchange is increasing this fee for all market participants, the Exchange believes that this fee will continue to attract order flow to the Exchange.

The Exchange proposes to adopt new Tier 5 Maker Rebates in Non-Penny Symbols (excluding Index Options).[6] The Exchange proposes to pay a Market Maker a $0.75 per contract Non-Penny Symbol Tier 5 Maker Rebate. Non-Nasdaq GEMX Market Makers (FarMM), Firm Proprietary/Broker Dealers and Professional Customers would not be eligible for a Non-Penny Symbol Tier 5 Maker Rebate. The Exchange proposes to pay a Priority Customer a $1.05 per contract Non-Penny Symbol Tier 5 Maker Rebate. These proposed Non-Penny Symbol Tier 5 Maker Rebates are the same as rebates paid, today, for Non-Penny Symbol Tier 4 Maker Rebates. As is the case with Non-Penny Symbol Tier 4 Marker Rebates, Priority Customers would receive the highest Non-Penny Symbol Tier 5 Maker Rebate. The

[3] Non-Priority Customers consist of Market Makers (including Market Maker orders sent to the Exchange by EAMs), Non-Nasdaq GEMX Market Makers (FarMM), Firm Proprietary/Broker-Dealers, and Professional Customers.

[4] The Exchange notes that 4.0% of Customer Total Consolidated Volume is equivalent to approximately 1,000,000 contracts.

[5] This fee is $0.05 per contract for all Responses to Crossing Orders executed in the PIM. *See* note 12 within Options 7, Section 4.

[6] The index options fees apply only to NDX. These fees are assessed to all executions in NDX.

Exchange proposes to add these new Non-Penny Symbol Tier 5 Maker Rebates for Market Makers and Priority Customers, which are the same as the Non-Penny Symbol Tier 4 Maker Rebates, to make clear that any Member that qualifies for a Non-Penny Symbol Tier 5 Maker Rebate would receive the same rebates offered in Tier 4. The adoption of new Non-Penny Symbol Tier 5 Maker Rebates will make clear, within the Options 7, Section 3 regular order rebates, that Tier 5 qualifying volume would attain the same rebates as the Non-Penny Symbol Tier 4 Maker Rebates today. The proposed Tier 5 Non-Penny Symbol Maker Rebates would have no impact to Members, but will provide Members with a Tier 5 Non-Penny Symbol Maker Rebate to refer to for qualifying Tier 5 Maker Rebate volume in Non-Penny Symbols.[7]

The Exchange proposes to adopt new Tier 5 Taker Fees in Non-Penny Symbols. The Exchange proposes to assess a Market Maker, a Non-Nasdaq GEMX Market Maker (FarMM), Firm Proprietary/Broker Dealer and a Professional Customer a $0.94 per contract Tier 5 Taker Fee in Non-Penny Symbols. Priority Customers would be assessed an $0.82 per contract Taker Fee in Non-Penny Symbols. As is the case with Tier 4 Taker Fees in Non-Penny Symbols, Priority Customers would pay the lowest Non-Penny Symbol Tier 5 Taker Fees. The Exchange proposes to add these new Non-Penny Symbol Tier 5 Taker Fees, which are the same as the Non-Penny Symbol Tier 4 Taker Fees, to make clear that any Member that qualifies for a Non-Penny Symbol Tier 5 Taker Fee would pay the same fees as Members pay, today, for Non-Penny Symbol Tier 4 Taker Fees. The adoption of new Non-Penny Symbol Tier 5 Taker Fees will make clear, within the Options 7, Section 3 regular order fees, that Tier 5 qualifying volume would pay the same fees as the Non-Penny Symbol Tier 4 Taker Fees today. The proposed Tier 5 Non-Penny Symbol Taker Fees would have no impact to Members, but will provide Members with Tier 5 Non-Penny Symbol Taker Fees to refer to for qualifying Tier 5 Taker Fee volume in Non-Penny Symbols.[8]

Proposed note 8 within Options 7, Section 3 will be discussed below.

Options 7, Section 4

The Exchange proposes to adopt a Crossing Fee Cap within Options 7, Section 4C. By way of background, Crossing Orders are contracts that are submitted as part of a Facilitation, Solicitation, Price Improvement Mechanism (''PIM''), Block or Qualified Contingent Cross (''QCC'') order. The Exchange proposes to adopt a Crossing Fee Cap within Options 7, Section 4C, similar to Nasdaq ISE, LLC's crossing fee cap.[9] Specifically, the Exchange proposes to adopt a Crossing Fee Cap of $85,000 per month, per Member on all Firm Proprietary transactions that are part of the originating or contra side of a Crossing Order. All eligible volume from affiliated Members would be aggregated for purposes of the Crossing Fee Cap, provided there is at least 75% common ownership between the Members as reflected on each Member's Form BD, Schedule A. Fees charged by the Exchange for Responses to Crossing Orders would not be included in the calculation of the monthly fee cap. Surcharge fees charged by the Exchange for licensed products and the fees for index options as set forth in Options 7, Section 3 would not be included in the calculation of the monthly fee cap. A service fee of $0.00 per side would apply to all order types that are eligible for the fee cap. The service fee would apply once a Member reached the fee cap level and would apply to every contract side above the fee cap. A Member who did not reach the monthly fee cap would not be charged the service fee. Once the fee cap is reached, the service fee would apply to eligible Firm Proprietary orders in all Nasdaq GEMX products. The service fee would not be calculated to reach the cap. For purposes of the Crossing Fee Cap, the Exchange will attribute eligible volume to the GEMX Member on whose behalf the Crossing Order was executed. The Exchange believes that the Crossing Fee Cap will cause Members to execute a greater number of Crossing Orders on GEMX in order to arrive at the cap and transact orders at no fee.

The Exchange also proposes to add a new note 8 within Options 7, Section 3 to indicate that Firm Proprietary contracts traded are subject to the Crossing Fee Cap proposed within Options 7, Section 4C.

Finally, the Exchange proposes to remove the term ''& SPY'' from Options 7, Section 4, Route-Out Fees. SPY has no separate pricing within Options 7, Section 3 and SPY is part of the Penny Interval Program and would otherwise be subject to the pricing applicable to Penny Symbols. For this reason, the term ''& SPY'' is proposed to be removed from the Penny title.

Options 7, Section 1

The Exchange proposes an amendment to Options 7, Section 1, General Provisions. The Exchange proposes to replace the term ''Penny Pilot Program'' with ''Penny Interval Program.'' On April 1, 2020 the Commission approved the amendment to the OLPP to make permanent the Pilot Program (the ''OLPP Program'').[10] The Exchange recently filed a proposal to amend GEMX Options 3, Section 3 to conform the rule to Section 3.1 of the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options (the ''OLPP'').[11] The Exchange's proposal amended GEMX Options 3, Section 3 to refer to a Penny Interval Program instead of a Penny Pilot Program. This proposed change to Options 7, Section 1 conforms the name of the program and removes a reference to a list of Penny Pilot Program symbols.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[13] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its

[7] The Tier 5 Qualifying Tier Threshold, for purposes of Total Affiliated Member % of Customer Total Consolidated Volume, requires a member to execute 3.5% or greater of Customer Total Consolidated Volume. The Tier 5 Qualifying Tier Threshold, with respect to Priority Customer Maker % of Customer Total Consolidated Volume, requires a member to execute Priority Customer Maker volume of 2.75% or greater of Customer Total Consolidated Volume.

[8] *Id.*

[9] Nasdaq ISE, LLC has a crossing fee cap within Options 7, Section 6H of $90,000 per month, per Member.

[10] *See* Securities Exchange Act Release No. 88532 (April 1, 2020), 85 FR 19545 (April 7, 2020) (File No. 4–443) (''Approval Order'').

[11] *See* Securities Exchange Act Release No. 89162 (June 26, 2020) (SR–GEMX–2020–16).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4) and (5).

broader forms that are most important to investors and listed companies.'' [14]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [15] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[16] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [17]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [18] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

Options 7, Section 3

Penny Symbols

The Exchange's proposal to amend note 13, within Options 7, Section 4,[19] is reasonable because the proposal will continue to attract additional volume to GEMX in order that Members may obtain more favorable pricing. With this proposal, Non-Priority Customers, would continue to be charged a $0.50 per contract Taker Fee, in Tiers 1–5 Penny Symbols, when they trade against a Priority Customer and execute less than 4.0% of Customer Total Consolidated Volume.[20] Non-Priority Customers who execute 4.0% or greater of Customer Total Consolidated Volume will be charged a reduced Taker Fee, in Tiers 1–5 in Penny Symbols, of $0.47 per contract for trades executed against a Priority Customer. The addition of the volume criteria would cause some Non-Priority Customers, who today are assessed a $0.50 per contract Taker Fee, in Tiers 1–5 Penny Symbols, when they trade against a Priority Customer, to be assessed a $0.47 per contract Taker Fee, in Tier 1–5 Penny Symbols, provided they meet the volume requirement. With this proposal Non-Priority Customers would have the opportunity to lower Taker Fees. Priority Customer orders will continue to be charged a Taker Fee of $0.49 per contract, in Tiers 1–5 Penny Symbols, for trades executed against a Priority Customer. Attracting volume to GEMX is beneficial to all market participants who may interact with that order flow. The Exchange believes that Members benefit from the additional liquidity which the Exchange attracts through its favorable pricing (higher rebates and lower fees) that is offered, today, to Priority Customers in Penny Symbols. Therefore, the Exchange believes that it is appropriate, in some cases, to assess a higher Taker Fee for trades executed against a Priority Customer with this proposal.

The Exchange's proposal to amend note 13, within Options 7, Section 4, is equitable and not unfairly discriminatory because Non-Priority Customers would have the opportunity to lower the Taker Fee, in Tiers 1–5 in Penny Symbols, to $0.47 per contract if they execute 4.0% or greater of Customer Total Consolidated Volume and trade against a Priority Customer. Priority Customer orders will continue to be charged a Taker Fee of $0.49 per contract for trades executed against a Priority Customer. The Exchange's proposal assesses all Non-Priority Customers a uniform Taker Fee when trading against a Priority Customer, depending on the percentage of Customer Total Consolidated Volume Executed. The Exchange notes that Priority Customer volume is assessed the lowest fees and highest rebates on GEMX because Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. The Exchange believes that it is equitable and not unfairly discriminatory to assess, in some cases, a higher Taker Fee to orders that trade against a Priority Customer, or a Priority Customer that trades against another Priority Customer, as this proposal is designed to offset the higher rebates and lower fees offered to Priority Customers.

Non-Penny Symbols

The Exchange's proposal to increase Non-Penny Symbol Fees for Responses to Crossing Orders (excluding PIM) [21] from $1.00 to $1.10 per contract for all Members is reasonable. While the Exchange is increasing this fee for all market participants, the Exchange believes that this fee will continue to attract order flow to the Exchange. The Exchange notes that its Crossing Order Fees remain competitive as GEMX is proposing a Crossing Fee Cap herein.

The Exchange's proposal to increase Non-Penny Symbol Fees for Responses to Crossing Orders (excluding PIM) [22] from $1.00 to $1.10 per contract for all Members is equitable and not unfairly discriminatory as the Exchange would apply the Non-Penny Symbol Fee for Responses to Crossing Orders of $1.10 per contract to all Members.

The Exchange's proposal to adopt new Tier 5 Maker Rebates in Non-Penny Symbols (excluding Index Options) is reasonable.[23] The Exchange proposes to add these new Non-Penny Symbol Tier 5 Maker Rebates for Market Makers and Priority Customers, which are the same as the Non-Penny Symbol Tier 4 Maker Rebates, to make clear that any Member that qualifies for a Non-Penny Symbol Tier 5 Maker Rebate would receive the same rebates offered in Tier 4, today. The adoption of new Non-Penny Symbol Tier 5 Maker Rebates will make

[14] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[15] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[16] *See NetCoalition,* at 534–535.

[17] *Id.* at 537.

[18] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[19] The Exchange proposes to amend note 13 within Options 7, Section 4 to state, ''Non-Priority Customers who execute less than 4.0% of Customer Total Consolidated Volume will be charged a Taker Fee of $0.50 per contract for trades executed against a Priority Customer. Non-Priority Customers who execute 4.0% or greater of Customer Total Consolidated Volume will be charged a Taker Fee of $0.47 per contract for trades executed against a Priority Customer. All Priority Customer orders will be charged a Taker Fee of $0.49 per contract for trades executed against a Priority Customer. For purposes of note 13, Customer Total Consolidated Volume means the total volume cleared at The Options Clearing Corporation in the Customer range in equity and ETF options in that month.''

[20] Today, the Exchange assesses Penny Symbol Tier 1 through Tier 3 Taker Fees of $0.50 per contract for all Non-Priority Customers, Tier 4 and 5 Taker Fees of $0.48 per contract for Market Makers and Non-Nasdaq GEMX Market Makers (FarMM), and Tier 4 and 5 Taker Fees of $0.49 per contract for Firm Proprietary/Broker-Dealer and Professional Customers. *See* Options 7, Section 3.

[21] This fee is $0.05 per contract for all Responses to Crossing Orders executed in the PIM. *See* note 12 within Options 7, Section 4.

[22] This fee is $0.05 per contract for all Responses to Crossing Orders executed in the PIM. *See* note 12 within Options 7, Section 4.

[23] The Exchange proposes to pay a Market Maker a $0.75 per contract Non-Penny Symbol Tier 5 Maker Rebate. Non-Nasdaq GEMX Market Makers (FarMM), Firm Proprietary/Broker Dealers and Professional Customers would not be eligible for a Non-Penny Symbol Tier 5 Maker Rebate. The Exchange proposes to pay a Priority Customer a $1.05 per contract Non-Penny Symbol Tier 5 Maker Rebate.

clear, within Options 7, Section 3 rebates, that Tier 5 qualifying volume would attain the same rebates as the Non-Penny Symbol Tier 4 Maker Rebates. The proposed Tier 5 Non-Penny Symbol Maker Rebates would have no impact to Members, but will provide Members with a Tier 5 Non-Penny Symbol Maker Rebate to refer to for qualifying Tier 5 Maker Rebate volume in Non-Penny Symbols.[24] Today, Options 7, Section 3 provides that Tier 5 Qualifying Tier Threshold, for purposes of Total Affiliated Member % of Customer Total Consolidated Volume, requires a member to execute 3.5% or greater of Customer Total Consolidated Volume.

The Exchange's proposal to adopt new Tier 5 Maker Rebates in Non-Penny Symbols (excluding Index Options) is equitable and not unfairly discriminatory as the addition of the Tier 5 Maker Rebates in Non-Penny Symbols will have no impact on any Member. The Non-Penny Symbol Tier 5 Maker Rebates would be paid to those Members that submit qualifying volume on GEMX. All Members that submit qualifying volume are able to obtain higher rebates and lower fees with more qualifying volume. The pricing is the same as the Tier 4 Maker Rebates in Non-Penny Symbols, today, which are the highest rebates achievable for Non-Penny Symbols. As is the case with Non-Penny Symbol Tier 4 Marker Rebates, Priority Customers would receive the highest Non-Penny Symbol Tier 5 Maker Rebates. As has historically been the case, incentivizing Market Makers and Priority Customers with more favorable Maker Rebates encourages order flow. Market Makers have different requirements and obligations to the Exchange that other market participants do not (such as quoting requirements).[25] Incentivizing Market Makers to provide greater liquidity benefits all market participants through the quality of order interaction. Also, Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

The Exchange's proposal to adopt new Tier 5 Taker Fees in Non-Penny Symbols is reasonable.[26] The Exchange proposes to add these new Non-Penny Symbol Tier 5 Taker Fees, which are the same as the Non-Penny Symbol Tier 4 Taker Fees, to make clear that any Member that qualifies for a Non-Penny Symbol Tier 5 Taker Fee would pay the same fees as Members pay, today, for Non-Penny Symbol Tier 4 Taker Fees. The adoption of a new Non-Penny Symbol Tier 5 Taker Fee will make clear, within the Options 7, Section 3 fees, that Tier 5 qualifying volume would pay the same fees as the Non-Penny Symbol Tier 4 Taker Fees. The proposed Tier 5 Non-Penny Symbol Taker Fees would have no impact to Members, but will provide Members with a Tier 5 Non-Penny Symbol Taker Fee to refer to for qualifying Tier 5 Taker Fee volume in Non-Penny Symbols.[27] Today, Options 7, Section 3 provides that Tier 5 Qualifying Tier Threshold, for purposes of Total Affiliated Member % of Customer Total Consolidated Volume, requires a member to execute 3.5% or greater of Customer Total Consolidated Volume.

The Exchange's proposal to adopt new Tier 5 Taker Fees in Non-Penny Symbols is equitable and not unfairly discriminatory, as the addition of the Tier 5 Taker Fees in Non-Penny Symbols will have no impact on any Member. The pricing is the same as the Tier 4 Taker Fees in Non-Penny Symbols, which are the lowest fees attainable for Non-Penny Symbol Taker Fees. As is the case with Non-Penny Symbol Tier 4 Taker Fees, Priority Customers would pay the lowest Non-Penny Symbol Tier 5 Taker Fees.

Options 7, Section 4

The Exchange's proposal to adopt a Crossing Fee Cap of $85,000 within Options 7, Section 4C and add a new note 8 within Options 7, Section 3 is reasonable.[28] The Crossing Fee Cap is intended to reward Members for executing a high volume of Firm Proprietary Crossing Orders on the Exchange. Specifically, the Crossing Fee Cap will continue to potentially lower transaction fees for Members providing liquidity on the Exchange. Members who reach the fee cap during a month will not have to pay transactional fees and will instead pay the service fee, thereby lowering their monthly fees. Charging a service fee is reasonable because it will allow the Exchange to recoup the costs incurred in providing certain services, which include trade matching and processing, post trade allocation, submission for clearing and customer service activities related to trading activity on the Exchange. The Exchange believes that the Crossing Fee Cap will benefit all Members and investors that trade on the Exchange as it will provide additional opportunities for market participants to interact with this Crossing Order Flow, contributing to a robust and competitive market.

The Exchange's proposal to adopt a Crossing Fee Cap of $85,000 within Options 7, Section 4C and add a new note 8 within Options 7, Section 3 is equitable and not unfairly discriminatory as all Members are eligible for the Crossing Fee Cap. The Crossing Fee Cap would apply uniformly to all Members engaged in Firm Proprietary trading in options classes traded on the Exchange. The Exchange believes there is nothing impermissible about offering the Crossing Fee Cap solely to Firm Proprietary transactions given that this practice is consistent with fee caps in

[24] The Tier 5 Qualifying Tier Threshold, for purposes of Total Affiliated Member % of Customer Total Consolidated Volume, requires a member to execute 3.5% or greater of Customer Total Consolidated Volume. The Tier 5 Qualifying Tier Threshold, with respect to Priority Customer Maker % of Customer Total Consolidated Volume, requires a member to execute Priority Customer Maker volume of 2.75% or greater of Customer Total Consolidated Volume.

[25] *See* GEMX Options 2, Section 5.

[26] The Exchange proposes to assess a Market Maker, a Non-Nasdaq GEMX Market Maker (FarMM), Firm Proprietary/Broker Dealer and a Professional Customer a $0.94 per contract Tier 5 Taker Fee in Non-Penny Symbols. Priority Customers would be assessed a $0.82 per contract Taker Fee in Non-Penny Symbols.

[27] The Tier 5 Qualifying Tier Threshold, for purposes of Total Affiliated Member % of Customer Total Consolidated Volume, requires a member to execute 3.5% or greater of Customer Total Consolidated Volume. The Tier 5 Qualifying Tier Threshold, with respect to Priority Customer Maker % of Customer Total Consolidated Volume, requires a member to execute Priority Customer Maker volume of 2.75% or greater of Customer Total Consolidated Volume.

[28] As proposed within Options 7, Section 4C, Fees are capped at $85,000 per month, per Member on all Firm Proprietary transactions that are part of the originating or contra side of a Crossing Order. Crossing Orders are contracts that are submitted as part of a Facilitation, Solicitation, PIM, Block or QCC order. All eligible volume from affiliated Members will be aggregated for purposes of the Crossing Fee Cap, provided there is at least 75% common ownership between the Members as reflected on each Member's Form BD, Schedule A. Fees charged by the Exchange for Responses to Crossing Orders are not included in the calculation of the monthly fee cap. Surcharge fees charged by the Exchange for licensed products and the fees for index options as set forth in Options 7, Section 3 are not included in the calculation of the monthly fee cap. A service fee of $0.00 per side will apply to all order types that are eligible for the fee cap. The service fee shall apply once a Member reaches the fee cap level and shall apply to every contract side above the fee cap. A Member who does not reach the monthly fee cap will not be charged the service fee. Once the fee cap is reached, the service fee shall apply to eligible Firm Proprietary orders in all Nasdaq GEMX products. The service fee is not calculated in reaching the cap. For purposes of the Crossing Fee Cap, the Exchange will attribute eligible volume to the GEMX Member on whose behalf the Crossing Order was executed.

place on ISE.[29] As a matter of practice, Members submitting Firm Proprietary orders are most likely to use the Crossing Fee Cap. Furthermore, to the extent the Crossing Fee Cap provides an incentive for Firm Proprietary orders to transact order flow on the Exchange, such order flow brings increased liquidity to the benefit of all market participants. The service fee would be assessed uniformly on all Members.

The Exchange's proposal to remove the term ''& SPY'' from Options 7, Section 4, Route-Out Fee, is reasonable, equitable and not unfairly discriminatory. SPY has no separate pricing within Options 7, Section 3 and SPY is part of the Penny Interval Program and would otherwise be subject to the pricing applicable to Penny Symbols.

Options 7, Section 1

The Exchange's proposal to amend Options 7, Section 1 to replace the term ''Penny Pilot Program'' with ''Penny Interval Program'' and remove a reference to a list of Penny Pilot Program symbols is reasonable, equitable and not unfairly discriminatory. This amendment seeks to conform the name of the program which governs the listing of certain standardized options and remove an obsolete table which linked to a list of pilot symbols.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

The proposal does not impose an undue burden on intermarket competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intramarket Competition

The proposed amendments do not impose an undue burden on intramarket competition.

Options 7, Section 3

Penny Symbol

The Exchange's proposal to amend note 13, within Options 7, Section 4, does not impose an undue burden on competition because Non-Priority Customers would have the opportunity to lower the Taker Fee, in Tiers 1–5 in Penny Symbols, to $0.47 per contract if they execute 4.0% or greater of Customer Total Consolidated Volume and trade against a Priority Customer. Priority Customer orders will continue to be charged a Taker Fee of $0.49 per contract for trades executed against a Priority Customer. The Exchange's proposal assesses all Non-Priority Customers a uniform Taker Fee when trading against a Priority Customer, depending on the percentage of Customer Total Consolidated Volume Executed. The Exchange notes that Priority Customer volume is assessed the lowest fees and highest rebates on GEMX because Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. The Exchange believes that it does not impose an undue burden on competition to assess, in some cases, an increased Taker Fee to orders that trade against a Priority Customer, or a Priority Customer that trades against another Priority Customer, as this proposal is designed to offset the higher rebates and lower fees offered to Priority Customers.

Non-Penny Symbol

The Exchange's proposal to increase the Non-Penny Symbol Fee for Responses to Crossing Orders (excluding PIM)[30] from $1.00 to $1.10 per contract for all Members does not impose an undue burden on competition as the Exchange would apply the Non-Penny Symbol Fee for Responses to Crossing Orders of $1.10 per contract to all Members.

The Exchange's proposal to adopt new Tier 5 Maker Rebates in Non-Penny Symbols (excluding Index Options) does not impose an undue burden on competition as the addition of the Tier 5 Maker Rebates in Non-Penny Symbols will have no impact on any Member. The Non-Penny Symbol Tier 5 Maker Rebates would be paid to those Members that submit qualifying volume on GEMX. All Members that submit qualifying volume are able to obtain higher rebates and lower fees with more qualifying volume. The pricing is the same as the Tier 4 Maker Rebates in Non-Penny Symbols, today, which are the highest rebates achievable for Non-Penny Symbols. As is the case with Non-Penny Symbol Tier 4 Marker Rebates, Priority Customers would receive the highest Non-Penny Symbol Tier 5 Maker Rebates. As has historically been the case, incentivizing Market Makers and Priority Customers with more favorable Maker Rebates encourages order flow. Market Makers have different requirements and obligations to the Exchange that other market participants do not (such as quoting requirements).[31] Incentivizing Market Makers to provide greater liquidity benefits all market participants through the quality of order interaction. Also, Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

The Exchange's proposal to adopt new Tier 5 Taker Fees in Non-Penny Symbols does not impose an undue burden on competition as the addition of the Tier 5 Taker Fees in Non-Penny Symbols will have no impact on any Member. The pricing is the same as the Tier 4 Taker Fees in Non-Penny Symbols, which are the lowest fees attainable for Non-Penny Symbol Taker Fees. As is the case with Non-Penny Symbol Tier 4 Taker Fees, Priority Customers would pay the lowest Non-Penny Symbol Tier 5 Taker Fees.

Options 7, Section 4

The Exchange's proposal to adopt a Crossing Fee Cap of $85,000 within Options 7, Section 4C and add a new note 8 within Options 7, Section 3 does not impose an undue burden on

[29] Nasdaq ISE, LLC has a crossing fee cap within Options 7, Section 6H of $90,000 per month, per Member.

[30] This fee is $0.05 per contract for all Responses to Crossing Orders executed in the PIM. *See* note 12 within Options 7, Section 4.

[31] *See* GEMX Options 2, Section 5.

competition as all Members are eligible for the Crossing Fee Cap. The Crossing Fee Cap would apply uniformly to all Members engaged in Firm Proprietary trading in options classes traded on the Exchange. The Exchange believes there is nothing impermissible about offering the Crossing Fee Cap solely to Firm Proprietary transactions given that this practice is consistent with fee caps in place on ISE.[32] Furthermore, to the extent the Crossing Fee Cap provides an incentive for Firm Proprietary orders to transact order flow on the Exchange, such order flow brings increased liquidity to the benefit of all market participants. The service fee would be assessed uniformly on all Members.

The Exchange's proposal to remove the term ''& SPY'' from Options 7, Section 4, Route-Out Fee, does not impose an undue burden on competition. SPY has no separate pricing within Options 7, Section 3 and SPY is part of the Penny Interval Program and would otherwise be subject to the pricing applicable to Penny Symbols.

Options 7, Section 1

The Exchange's proposal to amend Options 7, Section 1 to replace the term ''Penny Pilot Program'' with ''Penny Interval Program'' and remove a reference to a list of Penny Pilot Program symbols does not impose an undue burden on competition. This amendment seeks to conform the name of the program which governs the listing of certain standardized options and remove an obsolete table which linked to a list of pilot symbols.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[33] and Rule 19b–4(f)(2)[34] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–GEMX–2020–18 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–GEMX–2020–18. 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–GEMX–2020–18 and should be submitted on or before August 20, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

J. Matthew DeLesDernier,

Assistant Secretary.

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[32] Nasdaq ISE, LLC has a crossing fee cap within Options 7, Section 6H of $90,000 per month, per Member.

[33] 15 U.S.C. 78s(b)(3)(A)(ii).

[34] 17 CFR 240.19b–4(f)(2).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89392; File No. SR–OCC–2020–007]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Concerning The Options Clearing Corporation's Synthetic Futures Model

July 24, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 10, 2020, the Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. OCC filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(4)(ii)[4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

OCC is filing a proposed rule change to clarify the intended scope of use of an existing OCC margin model. The proposed changes to OCC's Margins Methodology are contained in confidential Exhibit 5 of filing SR–OCC–2020–007. Material proposed to be added to the Margins Methodology as currently in effect is underlined and material proposed to be deleted is marked in strikethrough text. All capitalized terms not defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[5]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

[5] OCC's By-Laws and Rules can be found on OCC's public website: *http://optionsclearing.com/about/publications/bylaws.jsp.*

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Background

On May 15, 2019, the Commission issued a Notice of No Objection to an advance notice filing by OCC to enhance its margin model for Volatility Index Futures.[6] On May 16, 2019, the Commission approved a proposed rule change by OCC concerning the same changes.[7] The model enhancements included: (1) The daily re-estimation of prices and correlations using ''synthetic'' futures;[8] (2) an enhanced statistical distribution for modeling price returns for synthetic futures (*i.e.,* an asymmetric Normal Reciprocal Inverse Gaussian (or ''NRIG'') distribution); and (3) a new anti-procyclical floor for variance estimates. The main feature of the enhanced model was the replacement of the use of the underlying index itself as a risk factor[9] (*e.g.,* the VIX) with risk factors that are based on observed futures prices (*i.e.,* the ''synthetic'' futures contracts). These risk factors are then used in the generation of Monte Carlo scenarios for the futures by using volatility and correlations obtained from the existing simulation models in OCC's propriety margin system, the System for Theoretical Analysis and Numerical Simulations (''STANS'').[10] Additionally, the model has the ability to capture the ''Samuelson effect,''[11] when appropriate for a product, thus offering more accurate margins across the term structure.

The enhanced model was initially adopted to replace OCC's former model for Volatility Index Futures, which modeled the potential final settlement prices of Volatility Index Futures using the underlying index as the risk factor.[12] However, this enhanced model is also fit for use for Cboe's AMERIBOR Futures[13] because the model is better able to capture the correlation and idiosyncrasy in futures contracts where coverages across the term structure may potentially be different.[14]

Proposed Changes

OCC proposes to revise its Margins Methodology to clarify the intended scope and use of its ''Volatility Index Futures Model,'' which would be renamed the ''Synthetic Futures Model.'' Under the proposed rule change, the Synthetic Futures Model would be available for use for the AMERIBOR Futures cleared by OCC. OCC also proposes to modify the Margins Methodology to describe certain model parameter calibrations more generally for a given futures product. For example, the proposed rule change would allow OCC to adjust certain features of the model involving the use of logarithmic returns and seasonal adjustments so it can be appropriately calibrated for AMERIBOR Futures, which do not exhibit the Samuelson effect observed with Volatility Index Futures. In addition, the methodology would be revised for AMERIBOR Futures to provide flexibility in applying the anti-procyclical floor currently used for Volatility Index Futures. OCC adopted a scaled variance floor for Volatility Index Futures, where the scaling is calculated based on the underlying Volatility Index, to ensure the model had an effective floor to address anti-procyclicality. Based on the characteristics of AMERIBOR Futures, OCC proposes to use the unconditional variance from the 500-days of synthetic futures data to estimate the procyclical floor and the scale factor applied to the variance floor would be set to 1.

OCC also proposes other clean-up changes to the Margins Methodology. Specifically, OCC would clarify that OCC no longer uses a Student's t-distribution for univariate modeling for most risk factors[15] and remove redundant language used to describe how estimations for synthetic futures are done on a daily basis (*i.e.,* are designated as ''non-pending''). OCC also proposes to remove statements related to OCC's old Clearing Fund methodology, which was replaced in September 2018.[16]

(2) Statutory Basis

OCC believes the proposed rule change is consistent with Section 17A of the Act[17] and the rules thereunder applicable to OCC. Section 17A(b)(3)(F) of the Act[18] requires, in part, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of derivative agreements, contracts, and transactions. The proposed rule change would make minor changes to OCC's Margins Methodology so that the Synthetic

[6] *See* Securities Exchange Act Release No. 85870 (May 15, 2019), 84 FR 23096 (May 21, 2019) (SR–OCC–2019–801). Certain indices are designed to measure the volatility implied by the prices of options on a particular reference index or asset (''Volatility Indexes''). For example, the Cboe Volatility Index (''VIX'') is designed to measure the 30-day expected volatility of the Standard & Poor's 500 index (''SPX''). OCC clears futures contracts on Volatility Indexes. These futures contracts are referred to herein as ''Volatility Index Futures.''

[7] *See* Securities Exchange Act Release No. 85873 (May 16, 2019), 84 FR 23620 (May 16, 2019) (SR–OCC–2019–002).

[8] A ''synthetic'' futures time series, for the intended purposes of OCC, relates to a uniform substitute for a time series of daily settlement prices for actual futures contracts, which persists over many expiration cycles and thus can be used as a basis for econometric analysis.

[9] A ''risk factor'' within OCC's margin system may be defined as a product or attribute whose historical data is used to estimate and simulate the risk for an associated product.

[10] *See* Securities Exchange Act Release No. 53322 (February 15, 2006), 71 FR 9403 (February 23, 2006) (SR–OCC–2004–20). A detailed description of the STANS methodology is available at *http://optionsclearing.com/risk-management/margins/.*

[11] The Samuelson effect is a term used to describe the observation that shorter tenor contracts tend to be more volatile than back tenor contracts. *See* Samuelson, Paul A., ''Proof that Properly Anticipated Prices Fluctuate Randomly,'' Industrial Management Review, Vol. 6 (1965).

[12] OCC's former model for Volatility Index Futures was subject to certain limitations, which were addressed by the enhanced model. For example, Volatility Indexes, unlike futures contracts, are not investible (*i.e.,* they cannot be replicated by static portfolios of traded contracts). In addition, the futures market has a term structure that cannot be modeled using just the underlying index.

[13] AMERIBOR Futures are futures on the American Interbank Offered Rate disseminated by the American Financial Exchange, LLC, which is a transactions-based interest rate benchmark that represents market-based borrowing costs (*http://www.cboe.com/products/futures/ameribor-futures*).

[14] For example, OCC also maintains a ''Generic Futures Model,'' which is a simple model based on the cost of carry that is primarily used to margin equity-like futures such as SPX futures and interest rates futures such as AMERIBOR Futures. This model also has certain limitations (*e.g.,* the model does not consider the volatility term structure of futures contracts by assuming a flat volatility for all contracts, and it assumes a perfect correlation among different futures contracts on the same underlying asset).

[15] *See* Securities Exchange Act Release No. 83326 (May 24, 2018), 83 FR 25081 (May 31, 2018) (SR–OCC–2017–022) and Securities Exchange Act Release No. 83305 (May 23, 2018), 83 FR 24536 (May 29, 2018) (SR–OCC–2017–811).

[16] On July 26, 2018, the SEC issued a Notice of No Objection to an advance notice by OCC concerning the adoption of a new stress testing and Clearing Fund methodology. *See* Securities Exchange Act Release No. 83714 (July 26, 2018), 83 FR 37570 (August 1, 2018) (SR–OCC–2018–803). On July 27, 2018, the SEC approved a proposed rule change by OCC concerning the same proposal. *See* Securities Exchange Act Release No. 83735 (July 27, 2018), 83 FR 37855 (August 2, 2018) (SR–OCC–2018–008).

[17] 15 U.S.C. 78q–1.

[18] 15 U.S.C. 78q–1(b)(3)(F).

Futures Model can be used to model Cboe's AMERIBOR Futures. OCC believes the Synthetic Futures Model may provide better margin coverage for these products than other margin models maintained by OCC. OCC uses the margin it collects from a defaulting Clearing Member to protect other Clearing Members from losses as a result of the default and ensure that OCC is able to continue the prompt and accurate clearance and settlement of its cleared products. OCC therefore believes that the proposed rule change is designed to promote the prompt and accurate clearance and settlement derivatives transactions in accordance with Section 17A(b)(3)(F) of the Act.[19]

Exchange Act Rules 17Ad–22(e)(6)(i), (iii), and (v)[20] further require that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, among other things: (1) Considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market; (2) calculates margin sufficient to cover its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default; and (3) uses an appropriate method for measuring credit exposure that accounts for relevant product risk factors and portfolio effects across products. OCC believes that using the Synthetic Futures Model for AMERIBOR Futures would produce margin levels commensurate with the risks and particular attributes of product in question, generate margin requirements to cover OCC's potential future exposure to its participants, and appropriately take into account relevant product risk factors for AMERIBOR Futures. In this way, OCC believes the proposed rule change is consistent with the requirements of Rules 17Ad–22(e)(6)(i), (iii), and (v).[21]

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act[22] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe that the proposed rule change would have any impact or impose a burden on competition. Recent impact analysis by OCC indicates that the impact on margin requirements for currently affected Clearing Members would be relatively minimal, both in terms of absolute dollars and as a percentage of aggregate account-level margin requirements.[23] As a result, OCC does not believe that the proposed rule change would unfairly inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another user. Accordingly, OCC does not believe that the proposed rule change would have any impact or impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Act,[24] and Rule 19b–4(f)(4)(ii) thereunder,[25] the proposed rule change is filed for immediate effectiveness because it effects a change in an existing service of OCC that (i) primarily affects the clearing operations of OCC with respect to products that are not securities and (ii) does not significantly affect any securities clearing operations of OCC or any rights or obligations of OCC with respect to securities clearing or persons using such securities clearing services.

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.[26]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2020–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2020–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/about/publications/bylaws.jsp.*

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–OCC–2020–007 and should be submitted on or before August 20, 2020.

[19] *Id.*

[20] 17 CFR 240.17Ad–22(e)(6)(i), (iii), and (v).

[21] 17 CFR 240.17Ad–22(e)(6)(i), (iii), and (v).

[22] 15 U.S.C. 78q–1(b)(3)(I).

[23] OCC has provided impact analysis of the proposed change in confidential Exhibit 3 to filing SR–OCC–2020–007.

[24] 15 U.S.C. 78s(b)(3)(A).

[25] 17 CFR 240.19b–4(f)(4)(ii).

[26] Notwithstanding its immediate effectiveness, implementation of this rule change will be delayed until this change is deemed certified under CFTC Rule 40.6.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–16472 Filed 7–29–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89397; File No. 4–698]

Joint Industry Plan; Order Approving Amendment to the National Market System Plan Governing the Consolidated Audit Trail

July 24, 2020.

I. Introduction

On April 14, 2020, the Operating Committee for Consolidated Audit Trail, LLC, on behalf of the Participants [1] to the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan'') [2] filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (''Exchange Act''),[3] and Rule 608 thereunder,[4] a proposed amendment (''Amendment'') to the CAT NMS Plan to revise data reporting requirements for Firm Designated ID.[5] The Amendment was published for comment in the **Federal Register** on June 17, 2020.[6] No comment letters were received. This order approves the Amendment to the Plan.

II. Description of the Amendment

In the Amendment, the Participants propose to amend the definition of ''Firm Designated ID'' to: (1) To prohibit the use of account numbers as Firm Designated IDs for trading accounts that are not proprietary accounts; (2) to require that the Firm Designated ID for a trading account be persistent over time for each Industry Member so that a single account may be tracked across time within a single Industry Member; (3) to permit the use of relationship identifiers as Firm Designated IDs in certain circumstances; and (4) to permit the use of entity identifiers as Firm Designated IDs in certain circumstances.[7]

A. Prohibition on Use of Account Numbers

The Participants propose to amend the definition of Firm Designated ID to prohibit the use of account numbers as Firm Designated IDs for accounts that are not proprietary accounts. After discussions with the industry, the Participants have concluded that each Industry Member must make its own risk determination as to whether it believes it is necessary to mask the actual account number for any proprietary account of the Industry Member when reporting the Firm Designated ID to CAT.

B. Persistent Firm Designated IDs

The Participants propose to amend the definition of Firm Designated ID to specify that Firm Designated IDs must be unique and persistent over time, rather than unique for each account for each business date. Specifically, the Participants propose to amend the definition of ''Firm Designated ID'' in Section 1.1 of the CAT NMS Plan so that the definition of ''Firm Designated ID'' would read, in relevant part, as follows: ''a unique and persistent identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository . . . where each such identifier is unique among all identifiers from any given Industry Member.'' [8] The Participants state that with this change, a single account (or relationship or entity identifier as described below) can be tracked across time within a single Industry Member using the Firm Designated ID, without requiring a regulator to use Customer information.[9]

C. Relationship Identifiers

The Participants propose to amend the definition of Firm Designated ID so that Industry Members would be able to provide a ''relationship identifier'' as the Firm Designated ID when they do not have an account number available to their order handling and/or execution system at the time of order receipt, but can provide an identifier representing the client's trading relationship. Specifically, the Participants propose to amend the definition of a ''Firm Designated ID'' in Section 1.1 of the CAT NMS Plan to state that a Firm Designated ID means, in part, ''a unique and persistent relationship identifier when an Industry Member does not have an account number available to its order handling and/or execution system at the time of order receipt, provided, however, such identifier must be masked.''

The Participants state that relationship identifiers are used by a broker-dealer when it establishes the parent relationship for a client using a relationship identifier as opposed to an actual parent account. The Participants further state that a relationship identifier is established prior to any trading for a client and could be any of a variety of identifiers, such as a short name for a relevant individual or institution. The proposed amendment would allow Industry Members to use relationship identifiers in circumstances in which the account structure is not available to an Industry Member's trading system at the time of order placement. When a relationship identifier is used instead of a parent account, and an Industry Member places an order on behalf of the client, any executed trades will be kept in a firm

[27] 17 CFR 200.30–3(a)(12).

[1] The Participants are: BOX Options Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe C2 Options Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Long-Term Stock Exchange LLC, Investors' Exchange, LLC, Miami International Securities Exchange, LLC, MEMX LLC, MIAX EMERALD, LLC, MIAX PEARL, LLC, Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE Arca, Inc., NYSE Chicago, Inc., NYSE American, LLC and NYSE National, Inc. (collectively, the ''Participants,'' ''self-regulatory organizations,'' or ''SROs'').

[2] The CAT NMS Plan was approved by the Commission, as modified, on November 15, 2016. *See* Securities Exchange Act Release No. 79318 (November 15, 2016), 81 FR 84696 (November 23, 2016) (''CAT NMS Plan Approval Order'').

[3] 15 U.S.C. 78k–1(a)(3).

[4] 17 CFR 242.608.

[5] *See* Letter from Michael Simon, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission, dated April 14, 2020.

[6] *See* Securities Exchange Act Release No. 89052 (June 11, 2020), 85 FR 36623 (''Notice'').

[7] *See* Notice, *supra* note 6, at 36626. Prior to this amendment, ''Firm Designated ID'' was defined as ''a unique identifier for each trading account designated by Industry Members for purposes of providing data to the Central Repository, where each such identifier is unique among all identifiers from any given Industry Member for each business date.''

[8] The Participants state that if an Industry Member assigns a new account number or entity identifier to a client or customer due to a merger, acquisition or some other corporate action, then the Industry Member should create a new Firm Designated ID to identify the new account identifier/relationship identifier/entity identifier in use at the Industry Member for the entity. In addition, if a previously assigned Firm Designated ID is no longer in use by an Industry Member (*e.g.,* if the trading account associated with the Firm Designated ID has been closed), then an Industry Member may reuse the Firm Designated ID for another trading account. The Participants represent that the Plan Processor will maintain a history of the use of each Firm Designated ID, including, for example, the effective dates of the Firm Designated ID with respect to each associated trading account. *See* Notice, *supra* note 6, at 36625 n.9.

[9] ''Customer information'' is Customer Account Information and Customer Identifying Information that will be captured by CAT and stored in a secure database physically separated from the transactional database. *See* CAT NMS Plan at Section 1.1, and Appendix D, Section 9.1.

account until they are allocated to the proper subaccount(s) associated with the relationship identifier.

The relationship identifier would be required to be persistent over time and unique among all identifiers from any given Industry Member, similar to all Firm Designated IDs as proposed by the amendment. In addition, the relationship identifier would have to be masked, so that the relationship identifier could not be a name or otherwise indicate the identity of the relationship, and the relationship identifier could not be used alone to reveal the identity of the relationship.[10]

D. Entity Identifiers

The Participants propose to amend the definition of Firm Designated ID so that Industry Members could submit an ''entity identifier'' as a Firm Designated ID when an employee of an Industry Member with discretion over multiple client accounts creates an aggregated order for which a trading account number of the Industry Member is not available at the time of order origination.[11] Specifically, the Participants propose to amend the definition of Firm Designated ID by stating that a Firm Designated ID means, in part, ''a unique and persistent entity identifier when an employee of an Industry Member is exercising discretion over multiple client accounts and creates an aggregated order for which a trading account number of the Industry Member is not available at the time of order origination.''

The proposed amendment would allow Industry Members to use entity identifiers in circumstances in which an account number is not available to an Industry Member's trading system at the time of order placement. Entity identifiers are comparable to relationship identifiers described above, except the entity identifier represents a firm's discretionary relationship with the client rather than a firm trading account or the client. The entity identifier would be required to be persistent over time and unique among all identifiers from any given Industry Member, similar to all Firm Designated IDs as proposed by the amendment. Unlike the relationship identifier, the entity identifier would not have to be masked.

III. Discussion and Commission Findings

After careful review, and for the reasons discussed below, the Commission finds that the Amendment is appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, and to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.[12]

A. Prohibition on Use of Account Numbers

The Commission believes that amending the definition of Firm Designated ID to prohibit the use of account numbers as the Firm Designated IDs for accounts that are not proprietary accounts could reduce security risks related to CAT Data by limiting the capture of sensitive data that could be used to effect an unauthorized transaction in an account. With respect to proprietary accounts, however, the Commission believes it is appropriate to allow Industry Members to continue to have the option of using account numbers for such accounts. The Commission understands that the Participants have previously published guidance stating that acceptable Firm Designated IDs for non-proprietary accounts may include, ''without limitation, a newly created unique identifier or an internal only identifier used by a broker-dealer that cannot be used to effect a transaction.'' [13] The Commission believes it is appropriate to continue to allow Industry Members to determine whether or not to use account numbers of proprietary accounts as Firm Designated IDs because the risks associated with using proprietary account numbers do not affect customers, and the Industry Member can determine for itself whether the benefits of masking such account numbers outweigh potential drawbacks.

B. Requirement for Persistent Firm Designated IDs

The Commission believes that the proposed requirement that Firm Designated IDs be unique and persistent over time for each Industry Member is appropriate because without such persistence, the ability to analyze trading activity for specific accounts (or relationship or entity identifiers) across time using only CAT transaction data could be difficult or impossible, reducing the utility of such data to regulators. The Participants represent and the Commission agrees that requiring Firm Designated IDs would allow a single account (or relationship or entity identifier) to be tracked across time within a single Industry Member without accessing Customer information, which is stored and maintained separately from order and transaction data in the CAT.

C. Relationship Identifiers and Entity Identifiers

The Commission believes that the proposed amendment to the definition of Firm Designated ID that would permit the use of relationship and entity identifiers is appropriate because it allows Industry Members to report relationship and entity identifiers in a manner consistent with existing business practices and workflows, rather than requiring Industry Members to build new systems and business processes necessary to report Firm Designated IDs based on individual accounts.[14] The Participants represent that relevant clients that will receive an allocation of the execution have established accounts prior to the trade that satisfy relevant regulatory obligations for opening accounts, such as Know Your Customer and other customer obligations.[15] The Commission believes that the use of relationship and entity identifiers, because they must persistent over time and be unique, is designed to allow regulatory users to track clients and entities across time within a single Industry Member.

For the reasons noted above, the Commission finds that the Amendment to the CAT NMS Plan is appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, and to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.[16]

IV. Impact on Efficiency, Competition, and Capital Formation

In determining whether to approve a CAT NMS Plan amendment, and whether such amendment is in the public interest, Rule 613 requires the Commission to consider the impact of the amendment on efficiency, competition, and capital formation.[17]

[10] The Participants have issued guidance stating that an acceptable Firm Designated ID can be, without limitation, a newly created unique identifier or an internal only identifier used by a broker-dealer that cannot be used to effect a transaction. In addition, Industry Members could employ a masking methodology to mask the actual account number prior to the submission to CAT. *See* CAT NMS Plan FAQ M2, *available at: https://www.catnmsplan.com/faq.*

[11] The Participants provided an example of the use of an entity identifier as a Firm Designated ID in the Notice. *See* Notice, *supra* note 6, at 36625.

[12] 17 CFR 242.608.

[13] *See supra* note 10.

[14] *See also* Notice, *supra* note 6, at 35525.

[15] *See id.* at 35524–25.

[16] 17 CFR 242.608.

[17] *See* 17 CFR 242.613(a)(5); *see also* 15 U.S.C. 78c(f).

The Commission received no comment letters addressing the impact of the Amendment on efficiency, competition, and capital formation.

The Commission believes that the Amendment would improve the efficiency of regulatory activities by providing regulators with an identifier that is time-persistent for each account (or relationship or entity identifier) within a broker-dealer. Under the Plan prior to the Amendment, broker-dealers are required to provide a Firm Designated ID that is unique for each account for each business date, but this identifier could change over time. The Amendment would allow regulators to track an account's (or relationship or entity identifier's) activity over time using only transaction data.

The Commission believes that the Amendment would not impact competition in the market for broker-dealer services.[18] Because the proposed Amendment does not require Industry Members to alter their existing workflows, the Commission believes individual broker-dealers will not incur additional costs or realize cost savings that would affect the availability or prices of services in this market.

Because the Amendment concerns the security of data used by regulators to monitor market behavior and investigate misconduct, and the processes by which broker-dealers report such data, the Commission does not anticipate that the Amendment would encourage or discourage assets being invested in the capital markets and thus does not expect the Amendment will significantly affect capital formation.

V. Conclusion

It is therefore ordered, pursuant to Section 11A of the Act,[19] and Rule 608 thereunder,[20] that the Amendment to the Plan (File No. 4–698) be, and it hereby is, approved.

By the Commission.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–16476 Filed 7–29–20; 8:45 am]

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[18] *See also* Securities Exchange Act Release No. 77724 (April 27, 2016), 81 FR 30614, 30742 (May 17, 2016) (discussing the baseline of competition in the market for broker-dealer services).

[19] 15 U.S.C. 78k–1.

[20] 17 CFR 242.608.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89393; File No. SR–OCC–2020–008]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change To Enhance OCC's Stock Loan Close-Out Process

July 24, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 14, 2020, the Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend OCC Rules 2211 and 2211A, which concern the close-out of a defaulting Hedge Clearing Member's or Market Loan Clearing Member's (each a ''defaulting Clearing Member'') stock loan positions, respectively, to require Lending Clearing Members or Borrowing Clearing Members (each a ''non-defaulting Clearing Member'') whom OCC instructs to buy-in or sell-out securities to execute such transactions and provide OCC notice of such action by the settlement time for a Clearing Member's obligations to OCC on the business day after OCC gives the instruction.[3] In addition, OCC proposes to amend Rules 2211 and 2211A to provide that if a non-defaulting Clearing Member so instructed does not execute the trades and provide notice by that time, OCC will terminate the Stock Loan and effect settlement based upon the Marking Price at the close of business on the day that OCC provided the instruction. OCC submitted the proposed amendments to OCC's Rules in Exhibit 5. Material proposed to be added to OCC's Rules as currently in effect is marked by underlining and material proposed to be deleted is marked with strikethrough text. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the By-Laws and Rules.[4]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

OCC proposes amendments to OCC Rules 2211 and 2211A designed to ensure that OCC has authority and operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations in the event of a Clearing Member default by more closely aligning the close-out of stock loan positions through buy-in and sell-out transactions with the timing of an auction of a defaulting Clearing Member's other positions and to ensure that the close-out of a defaulting Clearing Member's stock loan positions by buy-in or sell-out transactions occurs within OCC's two-day liquidation assumption. The proposed amendments to the Rules are discussed in more detail below.

Background

OCC operates two programs in which it acts as a central counterparty for stock loan transactions: (1) The Stock Loan/Hedge Program and (2) Market Loan Program (collectively, the ''Stock Loan Programs''). Stock Loan/Hedge Program transactions are initiated directly between Clearing Members on a bilateral basis (*i.e.,* ''broker-to-broker'' model) and Market Loan Program transactions are initiated on either a broker-to-broker basis or anonymously through the matching of bids and offers (*i.e.,* ''market'' model). Both programs rely on The Depository Trust Company (''DTC'') to facilitate the settlement of equity securities and cash collateral between members.

Under the Stock Loan Programs, OCC novates the transaction and becomes the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''Buy-in'' refers to a non-defaulting lender purchasing replacement stock. ''Sell-out'' refers to a non-defaulting borrower selling the loaned securities in order to recoup its collateral.

[4] OCC's By-Laws and Rules can be found on OCC's public website: *http://optionsclearing.com/about/publications/bylaws.jsp.*

lender to the Borrowing Clearing Member and the borrower to the Lending Clearing Member upon receiving reports from DTC showing completed Stock Loans, provided that OCC has not rejected such transactions.[5] As the principal counterparty to the Borrowing and Lending Clearing Members, OCC guarantees the return of the full value of cash collateral to a Borrowing Clearing Member and guarantees the return of the Loaned Stock (or value of that Loaned Stock) to the Lending Clearing Member.[6] After novation, as part of the guaranty, OCC makes Mark-to-Market Payments for all cleared Stock Loans on a daily basis to collateralize all loans to the negotiated levels. Settlements generally are combined and netted against other OCC settlement obligations in a Clearing Member's account, including trade premiums and margin deficits. Clearing Member open positions in the Stock Loan Programs are factored into the Clearing Member's overall Margin [7] and Clearing Fund contribution requirements.[8]

In the event a Clearing Member defaults, OCC closes the defaulting Clearing Member's positions, liquidates collateral, and deposits any proceeds into a Liquidating Settlement Account. The close-out of positions other than stock loan positions would typically be effected by an auction that would occur on the morning prior to market opening on the day after a default occurs.[9] In contrast, OCC's Rules allow OCC to close stock loan positions by instructing the non-defaulting Clearing Members who are parties to the defaulting Clearing Member's loans to sell-out or buy-in securities as applicable.[10] A non-defaulting Clearing Member is required to provide OCC with evidence of the execution price at which each transaction occurred. This execution price is used as the settlement price to facilitate the final mark between the non-defaulting Clearing Member and the Liquidating Settlement Account. Currently, non-defaulting Clearing Members are required to buy-in or sell-out the relevant securities by the close of business on the stock loan business day after OCC's instruction.[11] If a non-defaulting Clearing Member fails to execute such buy-in or sell-out, OCC would terminate the stock loan position and mark the transaction based upon the Marking Price at close of business on the business day after OCC's instruction.[12]

The buy-in/sell-out process for stock loan positions has significant benefits as it distributes the liquidity demands across multiple counterparties, each of whom effectively act as independent liquidating agents. The buy-in/sell-out process also aligns the liquidity demands necessary to facilitate an unwind with the Clearing Member receiving proceeds from the origination of the loan and currently in possession of the collateral. However, the difference in timing between an auction and the buy-in/sell-out process presents credit and liquidity risks for OCC. Specifically, because OCC's portfolio-based margin methodology combines stock loan positions with options, futures, and margin collateral when determining margin requirements, the difference in timing could expose OCC to increased credit and liquidity risk should the price of the stock loan positions move unfavorably between the time of auction and determination of the final settlement price for remaining buy-in/sell-out transactions and should that price differential exceed the amount of margin on deposit for such positions.

Enhancement to Stock Loan Programs Close-Out Rules

In response to these concerns, OCC proposes to amend OCC Rules 2211 and 2211A to require buy-in or sell-out transactions to be complete by the settlement time for a Clearing Member's obligations to OCC, defined in Article I of the By-Laws,[13] on the stock loan business day after OCC gives non-defaulting Clearing Members the buy-in/sell-out instruction. If a non-defaulting Clearing Member does not execute the trades and provide notice by that time, OCC would terminate the Stock Loan and effect settlement based upon the Marking Price at the close of business the previous business day (*i.e.,* the day that OCC provided the instruction). This Marking Price (*i.e.,* closing price) would be the last settlement price captured in OCC's systems prior to the time by which the non-defaulting Clearing Member was supposed to have taken such actions.

This proposed enhancement is designed to mitigate the risks associated with the difference in timing between close-out of stock loan positions and an auction for the remainder of defaulting Clearing Member's portfolio. In the typical case, an auction to close positions for other products would occur on the morning prior to market opening on the day after a default event occurs. Accelerating the deadline for buy-in or sell-out transactions to that morning—rather than the end of the stock loan business day—would reduce credit and liquidity risks by aligning liquidation timing across products more closely.

The proposed enhancement also is designed to ensure that the close-out process for the Stock Loan Programs would occur in a manner consistent with OCC's two-day liquidation assumption (which is applicable to all products without differentiation). At the earliest, a defaulting Clearing Member would have made its last margin payment at the settlement time on the business day *prior* to default. When that Clearing Member fails to make its margin or mark-to-market payments the next morning, OCC would suspend it and typically would issue the buy-in/sell-out instruction to non-defaulting Clearing Members. The proposed requirement that non-defaulting Clearing Members execute buy-in and sell-out transactions by the settlement time on the business day *after* default ensures that close-out occurs in a manner consistent with the two-day liquidation assumption.

OCC considered requiring non-defaulting Clearing Members to execute buy-in or sell-out transactions by the end of the business day on the same day as OCC's instruction but believes extending the process to the following morning is the better option. In discussion with several Clearing Members, they expressed a preference for setting the deadline at 9:00 a.m. Central Time the following business day because doing so would allow a non-defaulting Clearing Member the

[5] *See* OCC Rules 2202(b) and 2202A(b). OCC receives DTC confirmation upon settlement of delivery versus payment. *See generally* DTC Settlement Services Guide, *available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Settlement.pdf* (discussing the operation of the ''Option Exercise & Assignment Loan Program'').

[6] Under the Market Loan Program, OCC also provides a limited guaranty of dividend and rebate payments.

[7] *See* OCC Rules 601 and 2203.

[8] *See* OCC Rule 1001.

[9] While this timing describes the typical scenario, the timing of an auction is not set by regulation or OCC's By-Laws or Rules, which allows for an auction on an accelerated timeline, if needed. In addition, OCC's Rules also allow for the close-out of a defaulting Clearing Member's portfolio by open market transactions and hedging transactions to reduce the risks to OCC associated with holding open positions. *See* OCC Rule 1106.

[10] OCC may also effect the close-out of stock loan positions by re-matching Matched-Book Positions, an auction, or in such other manner as OCC determines to be the most orderly manner practicable under the circumstances. OCC Rules 2210(b) and 2210A(b).

[11] *See* OCC Rules 2211 (Suspension of Hedge Clearing Members—Buy-In and Sell-Out Procedures) and 2211A (Suspension of Market Loan Clearing Members—Buy-In and Sell-Out Procedures).

[12] *Id.*

[13] By-Law Article I, Section 1.S.(16) defines ''settlement time'' with respect of a Clearing Member's obligations to OCC to mean 9:00 a.m. Central Time.

opportunity to trade at market opening. OCC believes allowing non-defaulting Clearing Members to trade at market opening the following morning would provide additional time to execute the buy-in and sell-out method in a manner consistent with OCC's two-day liquidation assumption.[14] OCC also presented the proposed change at a meeting of its Financial Risk Advisory Council (''FRAC''), a working group comprised of exchanges, Clearing Members and other market participants.[15] No participant objected to OCC's proposal to accelerate the close-out timing. While questions were raised about the proposal to use the Marking Price at the close of business the day prior in the event a Clearing Member fails to act by the settlement time the next day, OCC believes using the last Marking Price available in its system prior to the time by which a Clearing Member is obligated to take action is superior because OCC's automated systems are designed to determine the Marking Price based on closing securities prices. The manual processes that OCC would need to institute to pull pricing information other than closing prices would make the stock loan close-out process more susceptible to delay and errors.

Implementation Timeframe

OCC expects to implement the proposed changes within thirty (30) days after the date that OCC receives all necessary regulatory approvals for the proposed changes. OCC will announce the implementation date of the proposed change by an Information Memorandum posted to its public website at least one (1) weeks prior to implementation.

(2) Statutory Basis

OCC believes the proposed rule change is consistent with Section 17A of the Exchange Act and the rules and regulations thereunder. In particular OCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) [16] of the Exchange Act and Rule 17Ad–22(e)(13) [17] and (e)(23) [18] thereunder for the reasons described below.

Section 17A(b)(3)(F) of the Exchange Act,[19] requires, among other things, that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. The proposed rule change would help mitigate the potential credit and liquidity risks associated with the difference in timing between the close-out of a defaulting Clearing Member's stock loan positions by buy-in or sell-out transactions and the close-out of the remainder of its portfolio by auction. Furthermore, the proposed rule change would ensure that the close-out of stock loan positions is consistent with the two-day liquidation assumption upon which OCC's margin calculations rely. Therefore, OCC believes that the proposed rule change is consistent Section 17A(b)(3)(F) because it helps safeguard against the possibility that OCC would need to charge the Clearing Fund contributions of non-defaulting Clearing Members to meet settlement obligations in the event of a member default.

Rule 17Ad–22(e)(13) requires covered clearing agencies to establish, implement, maintain and enforce written policies and procedures reasonably designed to, in part, ensure the covered clearing agency has the authority and operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations in the event of a Clearing Member default.[20] By more closely aligning the close-out of stock loan positions with the close-out of other positions, these proposed changes to OCC's default management processes would help mitigate credit and liquidity risks should the price of the stock loan positions move unfavorably between the time of auction and determination of the final settlement price for remaining buy-in/sell-out transactions and should that price differential exceed the amount of margin on deposit for such positions. In addition, the proposed change would give OCC the authority and operational capacity to take timely action to contain credit losses by authorizing OCC to cash-settle positions within OCC's two-day liquidation time horizon should a non-defaulting Clearing Member fail to report buy-in or sell-out transactions as instructed. Hence, OCC believes the proposed rule change is reasonably designed to ensure that OCC's default management processes contain losses and liquidity demands and continue to meet settlement demands in the event of a Clearing Member default.

Rule 17Ad–22(e)(23) requires covered clearing agencies to maintain written policies and procedures reasonably designed to, among other things, provide for publicly disclosing all relevant rules and material procedures, including key aspects of its default rules and procedures.[21] The proposed rule changes would amend OCC's Rules, which are available on OCC's websites, to provide for the new deadline for non-defaulting Clearing Members to buy-in or sell-out if so instructed by OCC in the event of a Clearing Member default, as well as how OCC would close out a stock loan position if a non-defaulting Clearing Member failed to do so. Therefore, OCC believes the proposed changes would disclose default rules and procedures to the public and to Clearing Members so that they can understand their obligations in the event of a Clearing Member default.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Exchange Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.[22] OCC does not believe that the proposed rule change would have any impact or impose any burden on competition. The proposed rules are generally designed to align the timeframe for buy-in or sell-out of stock loan positions more closely with the close-out of the defaulting Clearing Member's other positions by auction and to ensure the close-out of stock loan positions is consistent with OCC's two-day liquidation assumption. The new deadline for buy-in and sell-out transactions, as well as the rules governing the determination of the Marking Price when a Clearing Member fails to buy-in or sell-out as directed, would be equally applicable to all Clearing Members in OCC's Stock Loan Programs. Accordingly, OCC does not believe that the proposed rule change would have any impact or impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

[14] OCC is considering a proposal to move its settlement time from 9:00 a.m. settlement time earlier in the day, in which case the deadline for a non-defaulting Clearing Member instructed to buy-in or sell-out would change to the new settlement time.

[15] OCC submitted the relevant portions of the presentation provided at the April 16, 2019 FRAC meeting in confidential Exhibit 3.

[16] 15 U.S.C. 78q–1(b)(3)(F).

[17] 17 CFR 240.17Ad–22(e)(13).

[18] 15 U.S.C. 78q–1(b)(3)(F).

[19] 15 U.S.C. 78q–1(b)(3)(F).

[20] 17 CFR 240.17Ad–22(e)(13).

[21] 17 CFR 240.17Ad–22(e)(23).

[22] 15 U.S.C. 78q–1(b)(3)(I).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2020–008 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2020–008. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/about/publications/bylaws.jsp.*

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–OCC–2020–008 and should be submitted on or before August 20, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–16467 Filed 7–29–20; 8:45 am]

BILLING CODE P

[23] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 11172]

Privacy Act of 1974; System of Records

AGENCY: Department of State.

ACTION: Notice of a Modified System of Records.

SUMMARY: Notice is hereby given that the Department of State proposes to amend an existing system of records, Educational and Cultural Exchange Program Records, State–08. The information collected and maintained in this system is in keeping with the Department's mission to promote mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange. The information may be used to aid in the identification, selection, and placement of individuals for educational and cultural exchange grants/cooperative agreements and programs, in the administration of such awards and programs, and in maintaining contact with current and former educational and cultural exchange participants.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this system of records notice is effective upon publication, with the exception of the routine uses [(a)–(p)] that are subject to a 30-day period during which interested persons may submit comments to the Department. Please submit any comments by August 31, 2020.

ADDRESSES: Questions can be submitted by mail, email, or by calling John C. Sullivan, the Senior Agency Official for Privacy, on (202) 647–6435. If mail, please write to: U.S. Department of State; Office of Global Information Systems, Privacy Staff; A/GIS/PRV; 2025 E Street NW, SA–09, NW 08–086B; Washington, DC 20006. If email, please address the email to the Senior Agency Official for Privacy, John C. Sullivan, at *Privacy@state.gov.* Please write ''Educational and Cultural Exchange Program Records, State–08'' on the envelope or the subject line of your email.

FOR FURTHER INFORMATION CONTACT: John C. Sullivan, Senior Agency Official for Privacy; U.S. Department of State; Office of Global Information Services, A/GIS; HST, 2201 C Street NW, HST–1417; Washington, DC 20520 or by calling (202) 647–6435.

SUPPLEMENTARY INFORMATION: This notice is being modified to reflect new OMB guidance. The modified system of records notice includes revisions and additions to the following sections: System Location, Categories of Individuals, Categories of Records, Routine Uses, and Safeguards.

SYSTEM NAME AND NUMBER:

Educational and Cultural Affairs Exchange Program Records, State–08.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Department of State, State Annex 05, 2200 C Street NW, Washington, DC 20522, overseas at U.S. embassies, U.S. consulates general, U.S. consulates, U.S. missions. Files will also be stored within a government certified cloud, implemented by the Department of State and provided by a cloud-based provider.

SYSTEM MANAGER(S):

U.S. Department of State; Director, Office of Alumni Affairs, Bureau of Educational and Cultural Affairs; U.S. Department of State, SA–5, 2200 C Street NW, Washington, DC 20522–0500.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 (Management of the Department of State); 22 U.S.C. 2651a (Organization of the Department of State); 22 U.S.C. 3921 (Management of service).

PURPOSE(S) OF THE SYSTEM:

The information maintained in this system is in keeping with the Department's mission to promote mutual understanding between the

people of the United States and the people of other countries by means of educational and cultural exchange. Records in this system are used to aid in the identification, selection, and placement of individuals for educational and cultural exchange grants and programs, for the administration of such grants/cooperative agreements and programs, for statistical and financial reporting, and for maintaining contact with current and former educational and cultural exchange participants.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for participation in educational and cultural exchange programs; U.S. citizen applicants sponsored by the Bureau of Educational and Cultural Affairs (including unsuccessful applicants) to participate in outbound exchange programs; applicants to serve as host families for international exchange participants (including unsuccessful applicants); officials, owners, chief executives, and legal counsel of designated sponsors, including unsuccessful designation applicants; officials, owners, chief executives, legal counsel, and family members of host entities, to include host families, host organizations, and host employers. The Privacy Act defines an individual at 5 U.S.C. 552a(a)(2) as a United States citizen or lawful permanent resident.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records may include identifying information, such as, but not limited to, name, date of birth, gender, race, ethnicity, disability, U.S. and foreign home address, mailing and email addresses, telephone numbers, numeric identifier (such as employee identification number, Social Security number, or passport number), educational information, employment information, wage compensation information, financial information, academic transcripts, letters of reference, ratings by nongovernmental panel members, insurance vouchers and/or cards, medical information, criminal background checks, designation information, information gathered from other United States Government (USG) records systems such as SEVIS, press releases and media reporting (including print and online platforms).

RECORD SOURCE CATEGORIES:

These records contain information obtained directly from the individual who is the subject of these records, from implementing partner organizations, from other U.S. government agencies, schools, colleges and universities, designated sponsors, and from published material and other reference sources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Educational and Cultural Affairs Exchange Program Records, State–08 may be disclosed:

(a) To the general public, for participant directories and for program promotion;

(b) To media, for program promotion;

(c) To public and private sector partner organizations for the purposes of marketing, recruitment, alumni association affiliation, and as necessary for administration of programs as supervising organizations change and transfer roles;

(d) To the J. William Fulbright Foreign Scholarship Board as necessary for oversight of the Fulbright and Humphrey Programs, and for communicating with current and former Fulbright and Humphrey grantees;

(e) To officials of foreign governments, for participant vetting and selection; and for the procurement of necessary services for exchange program participants placed overseas, such as entry permits, residence registration, and documentation of academic affiliation;

(f) To attorneys or other persons designated by participants to represent them;

(g) To health insurance carriers contracting with the Bureau of Educational and Cultural Affairs to provide a health benefits plan for exchange participants, to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination or audit of benefit provisions of such contracts;

(h) To participants' family members or other relatives designated by them to assist in case of emergency or matters related to the students' health, safety and welfare;

(i) To the President of the United States, the Executive Office of the President, members of Congress, including legislative and appropriations committees charged with consideration of legislation and appropriations for the Bureau of Educational and Cultural Affairs, or representatives duly authorized by such, and U.S. state and local officials;

(j) With officials of federal, state, municipal, foreign or international law enforcement or other relevant agency or organization as needed for security, law enforcement or counterterrorism purposes, such as: Investigative material, threat alerts and analyses, protective intelligence and counterintelligence information;

(k) With the news media and the public when a matter involving the Department of State has become public knowledge; the Under Secretary for Public Diplomacy and Public Affairs determines that in response to the matter in the public domain, disclosure is necessary to provide an accurate factual record on the matter; and the Under Secretary for Public Diplomacy and Public Affairs determines that there is a legitimate public interest in the information disclosed;

(l) To the Department of Justice when conducting litigation or in proceedings before any court;

(m) To designated sponsors for the purpose of designation, enrollment, and the monitoring of category J nonimmigrants, as well as audit, oversight, and compliance enforcement.

(n) To a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m);

(o) To appropriate agencies, entities, and persons when (1) the Department of State suspects or has confirmed that there has been a breach of the system of records; (2) the Department of State has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of State (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of State efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(p) To another Federal agency or Federal entity, when the Department of State determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

The Department of State periodically publishes in the **Federal Register** its standard routine uses which apply to many of its Privacy Act systems of records. These notices appear in the form of a Prefatory Statement (published

in Volume 73, Number 136, Public Notice 6290, on July 15, 2008). All these standard routine uses apply to Educational and Cultural Affairs Exchange Program Records, State–08.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored both in hard copy and on electronic media. A description of standard Department of State policies concerning storage of electronic records is found here *https://fam.state.gov/FAM/05FAM/05FAM0440.html.* All hard copies of records containing personal information are maintained in secured file cabinets in restricted areas, access to which is limited to authorized personnel only.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records covered by this SORN are retrievable by individual name and numeric identifier, as well as by each category of records in the system.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retired and destroyed in accordance with published Department of State Records Disposition Schedules as approved by the National Archives and Records Administration (NARA) and outlined here *https://foia.state.gov/Learn/RecordsDisposition.aspx.* The retention period for these records spans from two years to 25 years depending on the specific purpose for the collection. More specific information may be obtained by writing to the following address: U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; 2201 C Street NW; Room B–266; Washington, DC 20520.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

All users are given cyber security awareness training which covers the procedures for handling Sensitive but Unclassified information, including personally identifiable information (PII). Annual refresher training is mandatory. In addition, all Foreign Service and Civil Service employees and those Locally Employed Staff who handle PII are required to take the Foreign Service Institute's distance learning course instructing employees on privacy and security requirements, including the rules of behavior for handling PII and the potential consequences if it is handled improperly.

Access to the Department of State, its annexes and posts abroad is controlled by security guards and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. It is Department policy that all paper records containing personal information are maintained in secured file cabinets in restricted areas, access to which is limited to authorized personnel only. Access to computerized files is password-protected and under the direct supervision of the system manager. The system manager has the capability of printing audit trails of access from the computer media, thereby permitting regular and ad hoc monitoring of computer usage. When it is determined that a user no longer needs access, the user account is disabled.

Before being granted access to Educational and Cultural Affairs Exchange Program Records, a user must first be granted access to the Department of State computer system. Remote access to the Department of State network from non-Department owned systems is authorized only through a Department approved access program. Remote access to the network is configured with the authentication requirements contained in the Office of Management and Budget Circular Memorandum A–130. All Department of State employees and contractors with authorized access have undergone a background security investigation.

The safeguards in the following paragraphs apply only to records that are maintained in cloud systems. All cloud systems that provide IT services and process Department of State information must be specifically authorized by the Department of State Authorizing Official and Senior Agency Official for Privacy.

Only information that conforms with Department-specific definitions for FISMA low or moderate categorization are permissible for cloud usage unless specifically authorized by the Cloud Computing Governance Board. Specific security measures and safeguards will depend on the FISMA categorization of the information in a given cloud system. In accordance with Department policy, systems that process more sensitive information will require more stringent controls and review by Department cybersecurity experts prior to approval. Prior to operation, all Cloud systems must comply with applicable security measures that are outlined in FISMA, FedRAMP, OMB regulations, NIST Federal Information Processing Standards (FIPS) and Special Publication (SP), and Department of State policy and standards.

All data stored in cloud environments categorized above a low FISMA impact risk level must be encrypted at rest and in-transit using a federally approved encryption mechanism. The encryption keys shall be generated, maintained, and controlled in a Department data center by the Department key management authority. Deviations from these encryption requirements must be approved in writing by the Authorizing Official.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or to amend records pertaining to themselves should write to U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; 2201 C Street NW; Room B–266; Washington, DC 20520. The individual must specify that he or she wishes the Educational and Cultural Affairs Exchange Program Records to be checked. At a minimum, the individual must include: Full name (including maiden name, if appropriate) and any other names used; current mailing address and zip code; date and place of birth; notarized signature or statement under penalty of perjury; a brief description of the circumstances that caused the creation of the record (including the city and/or country and the approximate dates) which gives the individual cause to believe that the Educational and Cultural Affairs Exchange Program Records include records pertaining to him or her. Detailed instructions on Department of State procedures for accessing and amending records can be found at the Department's FOIA website located at *https://foia.state.gov/Request/Guide.aspx.*

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest record procedures should write to U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; 2201 C Street NW; Room B–266; Washington, DC 20520.

NOTIFICATION PROCEDURES:

Individuals who have reason to believe that this system of records may contain information pertaining to them may write to U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; 2201 C Street NW; Room B–266; Washington, DC 20520. The individual must specify that he or she wishes the Educational and Cultural Affairs Exchange Program Records to be checked. At a minimum, the individual must include: Full name (including maiden name, if appropriate) and any other names used; current mailing address and zip code; date and place of birth; notarized signature or statement under penalty of perjury; a brief description of the circumstances that caused the creation of the record

(including the city and/or country and the approximate dates) which gives the individual cause to believe that the Educational and Cultural Affairs Exchange Program Records include records pertaining to him or her.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Previously published at 72 FR 45083.

John C. Sullivan,

Senior Agency Official for Privacy, Deputy Assistant Secretary, Office of Global Information Services, Bureau of Administration, Department of State.

[FR Doc. 2020–16567 Filed 7–29–20; 8:45 am]

BILLING CODE 4710–24–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Product Exclusion Extensions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of product exclusion extensions.

SUMMARY: Effective August 23, 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately $16 billion as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. The U.S. Trade Representative initiated the exclusion process in September 2018 and, to date, has granted three sets of exclusions under the $16 billion action. The first set of exclusions was published in July 2019 and will expire in July 2020. On April 30, 2020, the U.S. Trade Representative established a process for the public to comment on whether to extend particular exclusions granted in July 2019 for up to 12 months. This notice announces the U.S. Trade Representative's determination to extend certain exclusions through December 31, 2020.

DATES: The product exclusion extensions announced in this notice will apply as of July 31, 2020, and extend through December 31, 2020. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Assistant General Counsels Philip Butler or Benjamin Allen, or Director of Industrial Goods Justin Hoffmann at (202) 395–5725. For specific questions on customs classification or implementation of the product exclusions identified in the Annex to this notice, contact *traderemedy@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

For background on the proceedings in this investigation, please see prior notices including: 82 FR 40213 (August 23, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 40823 (August 16, 2018), 83 FR 47236 (September 18, 2018), 83 FR 47974 (September 21, 2018), 83 FR 65198 (December 19, 2018), 84 FR 7966 (March 5, 2019), 84 FR 20459 (May 9, 2019), 84 FR 29576 (June 24, 2019), 84 FR 37381 (July 31, 2019), 84 FR 49600 (September 20, 2019), 84 FR 52553 (October 2, 2019), 84 FR 69011 (December 17, 2019), 85 FR 10808 (February 25, 2020), 85 FR 28691 (May 13, 2020), and 85 FR 43291 (July 16, 2020).

Effective August 23, 2018, the U.S. Trade Representative imposed additional 25 percent duties on goods of China classified in 279 eight-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of $16 billion. *See* 83 FR 40823 (the $16 billion action). The U.S. Trade Representative's determination included a decision to establish a process by which U.S. stakeholders could request exclusion of particular products classified within an eight-digit HTSUS subheading covered by the $16 billion action from the additional duties. The U.S. Trade Representative issued a notice setting out the process for the product exclusions and opened a public docket. *See* 83 FR 47236 (the September 18 notice).

In July 2019, the U.S. Trade Representative granted a set of exclusion requests, which expire on July 31, 2020. *See* 84 FR 37381 (the July 31 notice). On April 30, 2020, the U.S. Trade Representative invited the public to comment on whether to extend by up to 12 months, particular exclusions granted in the July 31 notice. *See* 85 FR 24076 (the April 30 notice).

Under the April 30 notice, commenters were asked to address:

- Whether the particular product and/or a comparable product is available from sources in the United States and/or in third countries.
- any changes in the global supply chain since July 2018 with respect to the particular product, or any other relevant industry developments.
- efforts, if any, importers or U.S. purchasers have undertaken since July 2018 to source the product from the United States or third countries.

In addition, commenters who were importers and/or purchasers of the products covered by an exclusion were asked to provide information regarding:

- Their efforts since July 2018 to source the product from the United States or third countries.
- the value and quantity of the Chinese-origin product covered by the specific exclusion request purchased in 2018 and 2019, and whether these purchases are from a related company.
- whether Chinese suppliers have lowered their prices for products covered by the exclusion following the imposition of duties.
- the value and quantity of the product covered by the exclusion purchased from domestic and third country sources in 2018 and 2019.
- the commenter's gross revenue for 2018 and 2019.
- whether the Chinese-origin product of concern is sold as a final product or as an input.
- whether the imposition of duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests.
- any additional information in support or in opposition of the extending the exclusion.

The April 30 notice required the submission of comments no later than June 1, 2020.

B. Determination To Extend Certain Exclusions

Based on evaluation of the factors set out in the September 18 notice and the April 30 notice, which are summarized above, pursuant to sections 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, and in accordance with the advice of the interagency Section 301 Committee, the U.S. Trade Representative has determined to extend certain product exclusions covered by the July 31 notice, as set out in the Annex to this notice.

The April 30 notice provided that the U.S. Trade Representative would consider extensions of up to 12 months. In light of the cumulative effect of current and possible future exclusions or extensions of exclusions on the effectiveness of the action taken in this investigation, the U.S. Trade Representative has determined to extend the exclusions in the Annex to this notice for less than 12 months—through December 31, 2020. To date, the U.S. Trade Representative has granted

more than 6,700 exclusion requests, has extended some of these exclusions, and may consider further extensions of exclusions. Furthermore, more than 200 requests are pending on the products covered by the action taken on August 20, 2019. The U.S. Trade Representative will take account of the cumulative effect of exclusions in considering the possible further extension of the exclusions covered by this notice, as well as possible extensions of exclusions of other products covered by the action in this investigation. The U.S. Trade Representative's determination also takes into account advice from advisory committees and any public comments concerning extension of the pertinent exclusion.

In accordance with the September 18 notice, the exclusions are available for any product that meets the description in the Annex, regardless of whether the importer filed an exclusion request. Further, the scope of each exclusion is governed by the scope of the ten-digit HTSUS headings and product descriptions in the Annex to this notice, and not by the product descriptions set out in any particular request for exclusion.

The U.S. Trade Representative will continue to issue determinations on a periodic basis.

Joseph Barloon,

General Counsel, Office of the United States Trade Representative.

BILLING CODE 3290–FO–P

ANNEX

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on July 31, 2020 and before 11:59 p.m. eastern daylight time on December 31, 2020, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. by inserting the following new heading 9903.88.54 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled "Heading/Subheading", "Article Description", and "Rates of Duty 1-General", respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
"9903.88.54	Effective with respect to entries on or after July 31, 2020, and through December 31, 2020, articles the product of China, as provided for in U.S. note 20(ggg) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative	The duty provided in the applicable subheading "		

2. by inserting the following new U.S. note 20(ggg) to subchapter III of chapter 99 in numerical sequence:

"(ggg) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.02 and provided for in U.S. notes 20(c) and 20(d) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.02. See 83 Fed. Reg. 40823 (August 16, 2018) and 83 Fed. Reg. 47326 (September 18, 2018). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that, as provided in heading 9903.88.54, the additional duties provided for in heading 9903.88.02 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

(1) Polytetrafluoroethylene ((C2F4)n), having a particle size of 5 to 500 microns and a melting point of 315 to 329 degrees Celsius (described in statistical reporting number 3904.61.0090)
(2) Polyethylene film, 20.32 to 198.12 cm in width, and 30.5 to 2000.5 m in length, coated on one side with solvent acrylic adhesive, clear or in transparent colors,

whether or not printed, in rolls (described in statistical reporting number 3919.90.5060)

(3) Rectangular sheets of high-density or low-density polyethylene, 111.75 cm to 215.9 cm in width, and 152.4 cm to 304.8 cm in length, with a sticker attached to mark the center of each sheet, of a kind used in hospital or surgery center operating rooms (described in statistical reporting number 3920.10.0000)

(4) Gasoline or liquid propane (LP) engines each having a displacement of more than 2 liters but not more than 2.5 liters (described in statistical reporting number 8407.90.9010)

(5) Dispensers of hand-cleaning or hand-sanitizing solutions, whether employing a manual pump or a proximity-detecting battery-operated pump, each article weighing not more than 3 kg (described in statistical reporting number 8424.89.9000)

(6) Walk behind rotary tillers, electric powered, individually weighing less than 14 kg (described in statistical reporting number 8432.29.0060)

(7) AC motors, of 18.65 W or more but not exceeding 37.5 W, each with attached actuators, crankshafts or gears (described in statistical reporting number 8501.10.6020)

(8) Position or speed sensors for motor vehicle transmission systems, each valued not over $12 (described in statistical reporting number 8543.70.4500)

(9) Wheel speed sensors for anti-lock motor vehicle braking systems, each valued not over $12 (described in statistical reporting number 8543.70.4500)

(10) Apparatus using passive infrared detection sensors designed for turning lights on and off (described in statistical reporting number 8543.70.9960)

(11) Liquid leak detectors (described in statistical reporting number 8543.70.9960)

(12) Robots, programmable, measuring not more than 40 cm high by 22 cm wide by 27 cm deep, incorporating an LCD display, camera and microphone but without "hands" (described in statistical reporting number 8543.70.9960)

(13) Motorcycles (including mopeds), with reciprocating internal combustion piston engine of a cylinder capacity not exceeding 50 cc, valued not over $500 each (described in statistical reporting number 8711.10.0000)

(14) Digital clinical thermometers (described in statistical reporting number 9025.19.8040 prior to July 1, 2020; described in statistical reporting number 9025.19.8010 or 9025.19.8020 effective July 1, 2020)”

3. by amending the last sentence of the first paragraph of U.S. note 20(c) to subchapter III of chapter 99 by:

a. by deleting “or (3)” and by inserting “(3)” in lieu thereof; and

b. by inserting “; or (4) heading 9903.88.54 and U.S. note 20(ggg) to subchapter III of chapter 99” after the phrase “U.S. note 20(y) to subchapter III of chapter 99”, where it appears at the end of the sentence.

4. by amending the first sentence of U.S. note 20(d) to subchapter III of chapter 99 by:

a. by deleting “or (3)” and by inserting “(3)” in lieu thereof; and

b. by inserting "; or (4) heading 9903.88.54 and U.S. note 20(ggg) to subchapter III of chapter 99" after the phrase "U.S. note 20(y) to subchapter III of chapter 99", where it appears at the end of the sentence.

5. by amending the Article Description of heading 9903.88.02:

a. by deleting "9903.88.17 or";

b. by inserting in lieu thereof "9903.88.17,"; and

c. by inserting "or 9903.88.54," after "9903.88.20,".

[FR Doc. 2020–16529 Filed 7–29–20; 8:45 am]

BILLING CODE 3290–F0–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2020–62]

Petition for Exemption; Summary of Petition Received; Delta Engineering

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before August 19, 2020.

ADDRESSES: Send comments identified by docket number FAA–2020–0528 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Deana Stedman, AIR–673, Federal Aviation Administration, 2200 South 216th Street, Des Moines, WA 98198, phone and fax 206–231–3187, email *deana.stedman@faa.gov.*

This notice is published pursuant to 14 CFR 11.85.

Issued in Des Moines, Washington, on July 27, 2020.

James E. Wilborn,

Acting Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2020–0528.

Petitioner: Delta Engineering.

Section(s) of 14 CFR Affected: §§ 25.855, 25.857, and 25.858.

Description of Relief Sought: Delta Engineering is seeking relief from certain fire protection requirements in order to obtain supplemental type certificate approval of a type design change for multiple airplane models from multiple airplane manufacturers. The type design change would allow the airplane operators to remove passenger seats to transport cargo, subject to the FAA's conditions, on the floor of the main deck of transport category airplanes without revenue passengers onboard. COVID–19 has dramatically reduced the demand for commercial air travel. Due to this extreme reduction in demand, passenger carriers now have the capacity to carry cargo, including critical medical cargo, in-cabin. The relief that would be provided by this exemption would also support the need to replace the cargo capacity provided on airplanes normally flown by passenger carriers.

[FR Doc. 2020–16545 Filed 7–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent of Waiver With Respect to Land; Indianapolis International Airport, Indianapolis, Indiana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is considering a proposal to change 24.813 acres of airport land from aeronautical use to non-aeronautical use and to authorize the sale of airport property located at Indianapolis International Airport, Indianapolis, Indiana. The aforementioned land is not needed for aeronautical use. The land is located east of Ronald Regan Parkway, on the northwest side of the airport. It is currently comprised of an agricultural field, woods, and a small storage building. The proposed future non-aeronautical land use is a life science park that will include buildings, parking and roadways.

DATES: Comments must be received on or before August 31, 2020.

ADDRESSES: Documents are available for review by appointment at the FAA Chicago Airports District Office, Melanie Myers, Program Manager, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Telephone: (847) 294–7525/Fax: (847) 294–7046 and Eric Anderson, Director of Properties, Indianapolis Airport Authority, 7800 Col. H. Weir Cook Memorial Drive, Indianapolis, IN 46241 Telephone: 317–487–5135.

Written comments on the Sponsor's request must be delivered or mailed to: Melanie Myers, Program Manager, Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Telephone: (847) 294–7525/Fax: (847) 294–7046.

FOR FURTHER INFORMATION CONTACT: Melanie Myers, Program Manager, Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Des Plaines, Illinois, 60018. Telephone: (847) 294–7525/Fax: (847) 294–7046.

SUPPLEMENTARY INFORMATION: In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

The property is made up of agricultural land and wooded areas. There is no aeronautical purpose for this land. It was acquired under Airport Improvement Program grant 3–18–0038–037. The airport sponsor is proposing to sell the land at fair market value for a life science park.

The disposition of proceeds from the sale of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999 (64 FR 7696).

This notice announces that the FAA is considering the release of the subject airport property at the Indianapolis International Airport, Indianapolis, Indiana from federal land covenants, subject to a reservation for continuing right of flight as well as restrictions on the released property as required in FAA Order 5190.6B section 22.16. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA.

Land Description:

Parcel 1
Owner: IAA
Bk. 327, pg. 180

Part of the West half of the Southeast Quarter of Section 20, Township 15 North, Range 2 East, Hendricks County, Indiana, described as follows:

Beginning at a railroad spike on the West line of said Quarter South 00 degrees 08 minutes 36 seconds West (assumed bearing) 885.23 feet from a railroad spike at the Northwest corner of said Quarter; thence South 89 degrees 37 minutes 26 seconds East 234.27 feet to a ⅝ inch rebar with cap marked ''RS Firm 0018''; thence South 33 degrees 10 minutes 18 seconds East 19.05 feet to a ⅝ inch rebar with said cap; thence South 06 degrees 13 minutes 40 seconds West 204.11 feet to ⅝ inch rebar with said cap; thence South 82 degrees 34 minutes 43 seconds East 153.12 feet to a ⅝ inch rebar with said cap; thence South 79 degrees 39 minutes 23 seconds East 406.03 feet to a ⅝ inch rebar with said cap; thence North 88 degrees 29 minutes 57 seconds East 513.60 feet to a ⅝ inch rebar with said cap; thence South 66 degrees 53 minutes 44 seconds East 42.26 feet to a ⅝ inch rebar with said cap and the east line of said Half Quarter; thence South 00 degrees 02 minutes 44 seconds West 418.25 feet along said line to a ⅝ inch rebar with said cap; thence North 89 degrees 51 minutes 24 seconds West 541.99 feet to a ⅝ inch rebar with said cap; thence South 00 degrees 33 minutes 46 seconds West 41.79 feet to a ⅝ inch rebar with said cap; thence North 88 degrees 40 minutes 59 seconds West 266.43 feet to a ⅝ inch rebar with said cap; thence North 78 degrees 16 minutes 25 seconds West 205.94 feet to a ⅝ inch rebar with said cap; thence North 00 degrees 08 minutes 36 seconds East 374.80 feet to a ⅝ inch rebar with said cap; thence North 89 degrees 51 minutes 24 seconds West 317.20 feet to a railroad spike and the west line of said Quarter; thence North 00 degrees 08 minutes 36 seconds East 351.32 feet along said line to the point of beginning and containing 12.697 acres, more or less.

Parcel 5
Owner: IAA
Bk.327, pg.178

Part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 15 North, Range 2 East, Hendricks County, Indiana, described as follows:

Beginning at a Harrison Monument at the Southeast corner of said Quarter; thence South 89 degrees 49 minutes 27 seconds West 1329.40 feet to a ⅝ inch rebar with cap at the Southwest corner of said Quarter; thence North 00 degrees 02 minutes 44 seconds East 516.66 feet along the west line of said Quarter to a ⅝ inch rebar with cap; thence South 49 degrees 24 minutes 09 seconds East 114.54 feet to a ⅝ inch rebar with cap; thence North 89 degrees 19 minutes 42 seconds East 101.76 feet to a ⅝ inch rebar with cap; thence South 36 degrees 14 minutes 04 seconds East 86.03 feet to a ⅝ inch rebar with cap; thence South 80 degrees 13 minutes 50 seconds East 285.60 feet to a ⅝ inch rebar with cap; thence South 66 degrees 36 minutes 28 seconds East 185.84 feet to a ⅝ inch rebar with cap; thence South 20 degrees 26 minutes 00 seconds East 69.64 feet to ⅝ inch rebar with cap; thence North 80 degrees 51 minutes 46 seconds East 185.75 feet to a ⅝ inch rebar with cap; thence South 83 degrees 30 minutes 38 seconds East 88.86 feet to a ⅝ inch rebar with cap; thence North 05 degrees 56 minutes 21 seconds East 117.87 feet to a ⅝ inch rebar with cap; thence North 89 degrees 56 minutes 51 seconds East 120.53 feet to a ⅝ inch rebar with cap; thence North 00 degrees 03 minutes 09 seconds West 303.78 feet to a ⅝ inch rebar with cap; thence North 20 degrees 35 minutes 13 seconds East 147.96 feet to a ⅝ inch rebar with cap; thence North 38 degrees 21 minutes 01 seconds East 150.47 feet to a ⅝ inch rebar with cap; North 30 degrees 47 minutes 39 seconds East 122.39 feet to a ⅝ inch rebar with cap and the east line at said Quarter; thence South 00 degrees 03 minutes 09 seconds East 984.57 feet along said line to the point of beginning and containing 12.116 acres, more or less.

Issued in Des Plaines, Illinois, on July 24, 2020.

Debra L. Bartell,

Manager, Chicago Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2020–16465 Filed 7–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Availability of Record of Decision for the Environmental Impact Statement, Gnoss Field Airport, Novato, Marin County, California

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability for record of decision.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public that it has published a Record of Decision (ROD) signed by the FAA for the Final Supplement to the Final Environmental Impact Statement (EIS) for the proposed Runway Extension Project at Gnoss

Field Airport (DVO), Novato, Marin County, California.

FOR FURTHER INFORMATION CONTACT: Doug Pomeroy, Environmental Protection Specialist, Office of Airports, Federal Aviation Administration, San Francisco Airports District Office, 1000 Marina Boulevard, Suite 220, Brisbane, California 94005–1835, Telephone: 650–827–7612.

SUPPLEMENTARY INFORMATION: The FAA as lead agency, has completed and is publishing a Record of Decision (ROD) for proposed improvements identified at DVO. The ROD was prepared pursuant to Title 40, Code of Federal Regulations (CFR) 1505.2.

The FAA published its Final EIS on July 3, 2014 and its Final Supplement to the Final EIS for the proposed Runway Extension Project on March 6, 2020. The FAA prepared the Final EIS and the Final Supplement to the Final EIS pursuant to the National Environmental Policy Act of 1969; the Council of Environmental Quality implementing regulations, 40 CFR parts 1500–1508, FAA Order 1050.1F, and FAA Order 5050.4B. FAA assessed the potential environmental impacts of the Runway Extension Project, as well as the No Action Alternative where the County would make no improvements at DVO.

In the Final EIS, the FAA identified the Alternative E—a 300 foot runway extension, as the preferred alternative in meeting the purpose and need for extending the runway at DVO. Alternative E includes:

- Extend Runway 13/31 300 feet to the northwest from 3,300 feet to a total length of 3,600 feet while maintaining the 75-foot width of the runway;
- Shift Runway 13/31 threshold 106 feet to the northwest to allow construction of FAA 300-foot B–II standard Runway Safety Area (RSA) beyond each runway end while staying within existing DVO property.
- Relocate existing taxiways accessing south end of Runway 13/31 to new runway end;
- Extend the parallel taxiway to the full length of the runway;
- Extend the existing Runway Safety Area (RSA) along the sides of Runway 13/31 to provide B–II standard RSA width of 150 feet centered on the runway centerline;
- Corresponding realignment of drainage channels to drain the extended runway and taxiway;
- Corresponding levee extension to protect the extended runway and taxiway from flooding.
- Relocate the Navigational Aids (NAVAIDs), such as the Precision Approach Path Indicator (PAPI) that pilots use to land at the Airport to reflect the extended runway.

Due to the on-going COVID–19 Pandemic, and the ongoing closure of local libraries, a copy of the ROD is available for public review at FAA's website: *https://www.faa.gov/airports/environmental/records_decision/* and the Gnoss Airport EIS website *http://gnossfieldeis-eir.com/reports_documents/*.

Questions may be directed to the individual above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in El Segundo, California, on July 22, 2020.

Mark A. McClardy,

Director, Office of Airports, Western—Pacific Region, AWP–600.

[FR Doc. 2020–16491 Filed 7–29–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0106]

Request for Comments on the Approval of a Previously Approved Information Collection: Uniform Financial Reporting Requirements

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information collection is necessary for MARAD to evaluate the financial condition of entities borrowing funds from or receiving financial benefits from MARAD. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted on or before September 28, 2020.

ADDRESSES: You may submit comments through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Search using the above DOT docket number and follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Daniel Ladd, Director, 202–366–1859, Office of Financial Approvals, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, 20590.

SUPPLEMENTARY INFORMATION:

Title: Uniform Financial Reporting Requirements.

OMB Control Number: 2133–0005.

Type of Request: Renewal of a previously approved collection.

Abstract: The Uniform Financial Reporting Requirements are used as a basis for preparing and filing semi-annual and annual financial statements with the Maritime Administration. Regulations requiring financial reports to the Maritime Administration are authorized by Section 801 of the Merchant Marine Act, 1936 (46 U.S.C. 53101 note). Financial reports are also required by regulation of purchasers of ships from MARAD on credit, companies chartering ships from MARAD, and of companies having Title XI guarantee obligations (46 CFR part 298).

Respondents: Vessel owners acquiring ships from MARAD on credit, companies chartering ships from MARAD, and companies having Title XI guarantee obligations.

Affected Public: Business or other for profit.

Estimated Number of Respondents: 50.

Estimated Number of Responses: 100.

Estimated Hours per Response: 9.5.

Annual Estimated Total Annual Burden Hours: 950.

Frequency of Response: Annually.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Dated: July 27, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–16501 Filed 7–29–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Internal Revenue Service Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before August 31, 2020 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing *PRA@treasury.gov,* calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

1. Title: Form 940, Employer's Annual Federal Unemployment (FUTA) Tax Return.

OMB Control Number: 1545–0028.

Type of Review: Extension without change of a currently approved collection.

Description: Internal Revenue Code Section 3301 imposes a tax on employers based on the first $7,000 of taxable annual wages paid to each employee. IRS uses the information reported on Forms 940 and 940–PR (Puerto Rico) to ensure that employers have reported and figured the correct FUTA wages and tax.

Form: Form 940, Form 940–PR.

Affected Public: Businesses or other for-profit organizations, Individuals or Households.

Estimated Number of Respondents: 6,871,052.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 6,836,052.

Estimated Time per Response: 26 minutes to 16 hours 17 minutes.

Estimated Total Annual Burden Hours: 105,271,229 hours.

2. Title: Returns regarding payments of interest.

OMB Control Number: 1545–0112

Type of Review: Extension without change of a currently approved collection.

Description: Internal Revenue Code section 6049 requires payers of interest of $10 or more to file a return showing the aggregate amount of interest paid to a payee. Regulations sections 1.6049 4 and 1.6049 7 require Form 1099–INT to be used to report this information. IRC section 6041 and Regulations section 1.6041 1 require persons paying interest (that is not covered under section 6049) of $600 or more in the course of their trades or businesses to report that interest on Form 1099–INT. IRS uses Form 1099– INT to verify compliance with the reporting rules and to verify that the recipient has included the proper amount of interest on his or her income tax return.

Form: 1099–INT.

Affected Public: Businesses and other for-profit organizations, Individuals or Households, and Not-For-Profit Institutions.

Estimated Number of Respondents: 141,555,000.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 141,555,000.

Estimated Time per Response: 13 minutes.

Estimated Total Annual Burden Hours: 46,403,150 hours.

3. Title: Depreciation and Amortization (Including Information on Listed Property)

OMB Control Number: 1545–0172.

Type of Review: Extension without change of a currently approved collection.

Description: Form 4562 is used to claim a deduction for depreciation and amortization; to make the election to expense certain tangible property under Internal Revenue Code section 179; and to provide information on the business/investment use of automobiles and other listed property. The form provides the IRS with the information necessary to determine that the correct depreciation deduction is being claimed.

Form: Form 4562.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 12,313,626.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 12,313,626.

Estimated Time per Response: 36.41 hours.

Estimated Total Annual Burden Hours: 448,368,447 hours.

4. Title: U.S. Estate (and Generation-Skipping Transfer) Tax Return.

OMB Control Number: 1545–0531.

Type of Review: Extension without change of a currently approved collection.

Description: Form 706–NA is used to compute estate and generation-skipping transfer tax liability for nonresident alien decedents in accordance with section 6018 of the Internal Revenue Code. IRS uses the information on the form to determine the correct amount of tax and credits.

Form: Form 706–NA.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 800.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 800.

Estimated Time per Response: 4 hours, 29 minutes.

Estimated Total Annual Burden Hours: 3,584 hours.

5. Title: Chief Counsel Application—Honors/Summer.

OMB Control Number: 1545–0796.

Type of Review: Extension without change of a currently approved collection.

Description: Form 6524 is used as a screening device to evaluate an applicant's qualifications for employment as an attorney with the Office of Chief Counsel. It provides data deemed critical for evaluating an applicant's qualifications such as Law School Admission Test (LSAT) score, bar admission status, type of work preference, law school, and class standing.

Form: Form 6524.

Affected Public: Individuals.

Estimated Number of Respondents: 1,000.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 1,000.

Estimated Time per Response: 18 minutes.

Estimated Total Annual Burden Hours: 300 hours.

6. Title: Information Return for Publicly Offered Original Issue Discount Instructions.

OMB Control Number: 1545–0887.

Type of Review: Extension without change of a currently approved collection.

Description: Internal Code section 1275(c)(2) requires the furnishing of certain information to the IRS by issuers of publicity offered debt instruments having original issue discount. Regulations section 1.1275–3 prescribes

that Form 8281 shall be used for this purpose. The information on Form 8281 is used to update Publication 1212, List of Original Issue Discount Instruments.

Form: Form 8281.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,500.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 2,500.

Estimated Time per Response: 6 hours, 7 minutes.

Estimated Total Annual Burden Hours: 15,300 hours.

7. Title: Application for Extension of Time to File Information Returns.

OMB Control Number: 1545–1081.

Type of Review: Extension without change of a currently approved collection.

Description: Form 8809 is used to request an extension of time to file Forms W–2, W–2G, 1042–S, 1094–C, 1095, 1097, 1098, 1099, 3921, 3922, 5498, or 8027. The IRS reviews the information contained on the form to determine whether an extension should be granted.

Form: Form 8809.

Affected Public: Business or other for-profit organizations, individuals or households, not-for-profit institutions; and State, Local or Tribal governments.

Estimated Number of Respondents: 50,000.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 50,000.

Estimated Time per Response: 4 hours, 44 minutes.

Estimated Total Annual Burden Hours: 237,000 hours.

8. Title: Information Reporting on Transactions With Foreign Trusts and on Large Foreign Gifts.

OMB Control Number: 1545–1538.

Type of Review: Extension without change of a currently approved collection.

Description: This notice provides guidance on the foreign trust and foreign gift information reporting provisions contained in the Small Business Job Protection Act of 1996.

Form: None.

Affected Public: Business or other for-profit organizations, Individuals or Households, and Not-for-profit institutions.

Estimated Number of Respondents: 5,000.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 5,000.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 3,750 hours.

9. Title: Request for Innocent Spouse Relief.

OMB Control Number: 1545–1596.

Type of Review: Extension without change of a currently approved collection.

Description: Section 6013(e) of the Internal Revenue Code allows taxpayers to request, and IRS to grant, ''innocent spouse'' relief when: The taxpayer files a joint return with tax substantially understated; the taxpayer establishes no knowledge of, or benefit from, the understatement; and it would be inequitable to hold the taxpayer liable. Forms 8857 and 8857(SP) is used to request relief from liability of an understatement of tax on a joint return resulting from a grossly erroneous item attributable to the spouse.

Form: Form 8857 and Form 8857(SP).

Affected Public: Individuals or Households.

Estimated Number of Respondents: 50,000.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 50,000.

Estimated Time per Response: 6 hours, 32 minutes.

Estimated Total Annual Burden Hours: 316,000 hours.

10. Title: Residence of Trusts and Estates—7701.

OMB Control Number: 1545–1600.

Type of Review: Extension without change of a currently approved collection.

Description: This regulation provides the procedures and requirements for making the election to remain a domestic trust in accordance with section 1161 of the Taxpayer Relief Act of 1997. The information submitted by taxpayers will be used by the IRS to determine if a trust is a domestic trust or a foreign trust.

Form: None.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 222.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 222.

Estimated Time per Response: 31 minutes.

Estimated Total Annual Burden Hours: 114 hours.

11. Title: Constructive Transfers and Transfers of Property to a Third Party on Behalf of a Spouse.

OMB Control Number: 1545–1751.

Type of Review: Extension of a currently approved collection.

Description: Constructive transfers and transfers of property to a third-party on behalf of a spouse. The regulation sets forth the required information that will permit spouses or former spouses to treat a redemption by a corporation of stock of one spouse or former spouse as a transfer of that stock to the other spouse or former spouse in exchange for the redemption proceeds and a redemption of the stock from the latter spouse or a former spouse in exchange for the redemption proceeds.

Form: None.

Affected Public: Individuals or Households, and Business or other for-profit organizations.

Estimated Number of Respondents: 1,000.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 1,000.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 500 hours.

12. Title: Notice of Qualified Equity Investment for New Markets Credit.

OMB Control Number: 1545–2065.

Type of Review: Extension without change of a currently approved collection.

Description: Community Development Entities (CDEs) must provide notice to any taxpayer who acquires a qualified equity investment in the CDE at its original issue that the equity investment is a qualified equity investment entitling the taxpayer to claim the new markets credit. Form 8874–A is used to make the notification as required under section 1.45D–1(g)(2)(i)(A).

Form: Form 8874–A.

Affected Public: Business or other for-profit organizations, Individuals or Households.

Estimated Number of Respondents: 500.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 500.

Estimated Time per Response: 5 hour 26 minutes.

Estimated Total Annual Burden Hours: 2,715 hours.

13. Title: Notice of Recapture Event for New Markets Credit.

OMB Control Number: 1545–2066.

Type of Review: Extension without change of a currently approved collection.

Description: Community Development Entities (CDEs) must provide notification to any taxpayer holder of a qualified equity investment (including prior holders) that a recapture event has occurred. This form is used to make the notification as required under Regulations section 1.45D–1(g)(2)(i)(B).

Affected Public: Individuals and households, and Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 500.

Estimated Time per Response: 5 hours; 30 minutes.

Estimated Total Annual Burden Hours: 2,755 hours.

14. Title: Relief for Certain Spouses of Military Personnel.

OMB Control Number: 1545–2169.

Type of Review: Extension without change of a currently approved collection.

Description: The Military Spouses Residency Relief Act (''MSRRA'') was signed into law on November 11, 2009 (Pub. L. 111–97). MSRRA applies to the 2009 and subsequent tax years. This collection provides guidance to taxpayers who claim the benefits of the tax provisions under MSRRA for the 2009 and subsequent tax years. These documents provide civilian spouses working in a U.S. territory but claiming a tax residence in one of the 50 States or the District of Columbia (''U.S. mainland'') under MSRRA with an extension of time for paying the tax due the Internal Revenue Service (''IRS'') (Internal Revenue Code § 6161). Additionally, these documents provide civilian spouses working on the U.S. mainland but claiming a tax residence in a U.S. territory under MSRRA with guidance on filing claims for refund of federal income taxes that their employers withheld and remitted to the IRS or estimated tax payments the taxpayers paid to the IRS.

Affected Public: Individuals and households.

Estimated Number of Respondents: 6,200.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 6,200.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 6,200 hours.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: July 24, 2020.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2020–16480 Filed 7–29–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Alcohol and Tobacco Tax and Trade Bureau Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before August 31, 2020 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing *PRA@treasury.gov,* calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Alcohol and Tobacco Tax and Trade Bureau (TTB)

1. Title: Principal Place of Business Address and Place of Production Coding on Beer and Malt Beverage Labels, TTB REC 5130/5.

OMB Control Number: 1513–0085.

Type of Review: Extension without change of a currently approved collection.

Description: Under the authority of the IRC at 26 U.S.C. 5412 and the Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 205(e), the TTB regulations require consumer containers of beer to be marked with the name and address of the brewer. In the case of brewers that operate multiple breweries, the TTB regulations in 27 CFR parts 7 and 25 allow brewers to label beer containers with their principal place of business, provided that the brewer also places a code on each beer container indicating its actual place of production. This option allows multi-plant brewers to use an identical, universal label at all of their breweries. The labeling of beer containers with the producer's name and place of production is a usual and customary business practice undertaken by brewers to identify their products to consumers and facilitate recall of adulterated products. In addition, TTB uses the required information to verify tax refund claims for the loss or destruction of beer.

Form: None.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 430.

Frequency of Response: An average of 2.58 responses per respondent.

Estimated Total Number of Annual Responses: 1,110.

Estimated Time per Response: None. (Under the OMB regulations 5 CFR 1320.3(b)(2), regulatory requirements to maintain usual and customary records kept during the normal course of business place no burden on respondents as defined in the Paperwork Reduction Act.).

Estimated Total Annual Burden Hours: None.

2. Title: Petitions to Establish or Modify American Viticultural Areas.

OMB Control Number: 1513–0127.

Type of Review: Extension without change of a currently approved collection.

Description: The FAA Act at 27 U.S.C. 205(e) authorizes the Secretary to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. Under that authority, TTB regulates the use of appellations of origin on wine labels, including the use of American viticultural area (AVA) names. In response to petitions submitted by interested parties, TTB establishes new AVAs or modifies existing AVAs through the rulemaking process. The TTB regulations in 27 CFR part 9 specify the information to be included in such petitions. TTB uses the provided information to evaluate a petitioner's proposal and draft rulemaking for public comment for creating a new AVA or amending the name, boundary, or other terms of an existing AVA.

Form: None.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 15.

Frequency of Response: Once.

Estimated Total Number of Annual Responses: 15.

Estimated Time per Response: 130 hours.

Estimated Total Annual Burden Hours: 1,950 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: July 24, 2020.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2020–16479 Filed 7–29–20; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Financial Crimes Enforcement Network Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before August 31, 2020 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing *PRA@treasury.gov,* calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Financial Crimes Enforcement Network (FinCEN)

1. Title: Suspicious Activity Report (SAR) by Financial Institutions.

OMB Control Numbers: 1506–0001, 1506–0006, 1506–0015, 1506–0019, 1506–0029, 1506–0061, and 1506–0065.[1]

Type of Review: Extension without change of a currently approved collection.

Description: The legislative framework generally referred to as the Bank Secrecy Act (BSA) consists of the Currency and Financial Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) (Pub. L. 107–56) and other legislation. The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, 31 U.S.C. 5311–5314 and 5316–5332, and notes thereto, with implementing regulations at 31 CFR Chapter X. The BSA authorizes the Secretary of the Treasury, inter alia, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities, to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures. Regulations implementing Title II of the BSA appear at 31 CFR Chapter X. The authority of the Secretary to administer the BSA has been delegated to the Director of FinCEN. Under 31 U.S.C. 5318(g), the Secretary of the Treasury is authorized to require financial institutions to report any suspicious transaction relevant to a possible violation of law or regulation. Regulations implementing 31 U.S.C. 5318(g) are found at 31 CFR 1020.320, 1021.320, 1022.320, 1023.320, 1024.320, 1025.320, 1026.320, 1029.320, and 1030.320.

Under the Bank Secrecy Act regulations, financial institutions are required to report suspicious transactions using FinCEN Report 111—Suspicious Activity Report. The information collected under these requirements are made available to appropriate agencies and organizations as disclosed in FinCEN's Privacy Act System of Records Notice relating to BSA Reports.

Form: FinCEN Report 111.

Affected Public: Business or other for-profit institutions, and non-profit institutions.

Estimated Number of Respondents: 12,148 financial institutions for all SAR regulations.

Frequency of Response: As required.

Estimated Total Number of Annual Responses: 2,751,694 SARs filed for all SAR regulations.

Estimated Time per Response: Varies.[2]

Estimated Total Annual Burden Hours: 5,462,026 for all SAR regulations.[3]

2. Title: Currency Transaction Reports (CTR).

OMB Control Number: 1506–0004, 1506–0005, and 1506–0064.[4]

Type of Review: Extension without change of a currently approved collection.

Description: The legislative framework generally referred to as the Bank Secrecy Act (BSA) consists of the Currency and Financial Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) (Pub. L. 107–56) and other legislation. The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, 31 U.S.C. 5311–5314 and 5316–5332, and notes thereto, with implementing

[1] The SAR regulatory reporting requirements are currently covered under the following OMB control numbers: 1506–0001 (31 CFR 1020.320—Reports by banks of suspicious transactions); 1506–0006 (31 CFR 1021.320—Reports by casinos of suspicious transactions); 1506–0015 (31 CFR 1022.320—Reports by money services businesses of suspicious transactions); 1506–0019 (31 CFR 1023.320—Reports by brokers or dealers in securities of suspicious transactions, 31 CFR 1024.320—Reports; by mutual funds of suspicious transactions, and 31 CFR 1026.320—Reports by futures commission merchants and introducing brokers in commodities of suspicious transactions); 1506–0029 (31 CFR 1025.320—Reports by insurance companies of suspicious transactions); and 1506–0061 (31 CFR 1029.320—Reports by loan or finance companies of suspicious transactions). The PRA does not apply to reports by one government entity to another government entity. For that reason, there is no OMB control number associated with 31 CFR 1030.320—Reports of suspicious transactions by housing government sponsored enterprises. OMB control number 1506–0065 applies to FinCEN Report 111—SAR.

[2] See Table 12 PRA burden, per report, by type of process at 85 FR 31611, May 26, 2020. *https://www.govinfo.gov/content/pkg/FR-2020-05-26/pdf/2020-11247.pdf.*

[3] An administrative burden of one hour is assigned to each of the SAR regulation OMB control numbers in order to maintain the requirements in force. The reporting and recordkeeping burden is reflected in FinCEN Report 111—SAR, under OMB control number 1506–0065. The rationale for assigning one burden hour to each of the SAR regulation OMB control numbers is that the annual burden hours would be double counted if FinCEN estimated burden in the industry SAR regulation OMB control numbers and in the FinCEN Report 111—SAR OMB control number.

[4] The reports of transactions in currency regulatory requirements are currently covered under the following OMB control numbers: 1506–0004 (General provisions—31 CFR 1010.310—Reports of transactions in currency, 31 CFR 1010.311—Filing obligations for reports of transactions in currency, 31 CFR 1010.312—Identification required, 31 CFR 1010.313—Aggregation, and 31 CFR 1010.314—Structured transactions), and 1506–0005 (Rules for casinos and card clubs—31 CFR 1021.311—Reports of transaction in currency, and 31 CFR 1021.313—Aggregation). OMB control number 1506–0064 applies to FinCEN Report 112—CTR.

regulations at 31 CFR Chapter X. The BSA authorizes the Secretary of the Treasury, inter alia, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities, to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures. Regulations implementing Title II of the BSA appear at 31 CFR Chapter X. The authority of the Secretary to administer the BSA has been delegated to the Director of FinCEN. Under 31 U.S.C. 5313, the Secretary of the Treasury is authorized to require financial institutions to report currency transactions exceeding $10,000. Regulations implementing 31 U.S.C. 5313 are found at 31 CFR 1010.310 through 1010.314, 31 CFR 1021.311, and 31 CFR 1021.313.

Under Bank Secrecy Act regulations, financial institutions are required to report transactions in currency of more than $10,000 using FinCEN Report 112—Currency Transaction Report. Generally, information collected pursuant to the BSA is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

Form: FinCEN Report 112.

Affected Public: Business or other for-profit institutions, and non-profit institutions.

Estimated Number of Respondents: 14,276 financial institutions for all CTR regulations.

Frequency of Response: As required.

Estimated Total Number of Annual Responses: 16,087,182 filed for all CTR regulations.

Estimated Time per Response: 8 minutes.[5]

Estimated Total Annual Burden Hours: 2,124,992 hours for all CTR regulations.[6]

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: July 24, 2020.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2020–16481 Filed 7–29–20; 8:45 am]

BILLING CODE 4810–02–P

[5] See Table 11—Total annual PRA burden, per tranche, filing method, and filer type, expressed as minutes per report at 85 FR 29029, May 14, 2020. *https://www.govinfo.gov/content/pkg/FR-2020-05-14/pdf/2020-10310.pdf.*

[6] An administrative burden of one hour is assigned to each of the SAR regulation OMB control numbers in order to maintain the requirements in force. The reporting and recordkeeping burden is reflected in FinCEN Report 111—SAR, under OMB control number 1506–0064. The rationale for assigning one burden hour to each of the SAR regulation OMB control numbers is that the annual burden hours would be double counted if FinCEN estimated burden in the industry SAR regulation OMB control numbers and in the FinCEN Report 111—SAR OMB control number.

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0741]

Agency Information Collection Activity: Department of Veterans Affairs; Office of Small and Disadvantaged Business Utilization VA Form 0896A

AGENCY: The Office of Management (OM), Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Management (OM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 28, 2020.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Elizabeth (Beth) Torres, Deputy Director for Executive Actions, Acquisition Policy Office of Small and Disadvantaged Business Utilization, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *Elizabeth.torres@va.gov.* Please refer to ''OMB Control No. 2900–0741'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Danny S. Green at (202) 421–1354.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OM functions, including whether the information will have practical utility; (2) the accuracy of OM estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521).

Title: Department of Veterans Affairs, Office of Small and Disadvantaged Business Utilization, VA Form 0896A.

OMB Control Number: 2900–0741.

Type of Review: Reinstatement with changes of a currently expired approved collection.

Abstract: This Paperwork Reduction Act (PRA) submission seeks reinstatement with changes of Office of Management and Budget (OMB) approval No. 2900–0741 as follows: Due to the increased number of respondents, the total annual burden hours increased by 400, from 610 to 1,010. However, the average burden time per response has not changed.

The VA Form 0896A, Report of Subcontracts to Small and Veteran-owned Business is utilized to ensure that subcontract information reported by prime contractors and utilized for credit against subcontracting goals is accurate and includes Service Disabled Veteran Owned Small Business, (SDVOSB) and Veteran Owned Small Business, (VOSB) that are verified for eligibility in the Vender Information Pages database maintained by VA OSDBU. This process involves the use of electronic submissions of information via email. Contractors will submit information on VA Form 0896A. In the event that a contractor does not have the capability to submit the form as an email attachment, it can also be provided as a hardcopy. VA OSDBU personnel will confirm the information reported on the form by the prime contractors through the VA's vendor Information Pages and FSRS databases and, when necessary, request that the SDVOSB and VOSB firms subcontracted by the prime contractors review it and verify its accurate. The OSDBU will utilize the information reported by the prime contractors, the FSRS, and any subcontractors in order to compile annual reports to reflect the level of accuracy in the reporting being accomplished by the prime contractors.

This will allow the VA to comply with the ''review mechanism'' requirement of Public Law 109–461.

Affected Public: Business or other for-profit and not-for-profit institutions.

Estimated Annual Burden: 1,010 Burden Hours.

Estimated Average Burden per Respondent: 120 Minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 505.

By direction of the Secretary.

Danny S. Green,

Department Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2020–16503 Filed 7–29–20; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0232]

Agency Information Collection Activity: Verification of Eligibility for Burial in a National Cemetery

AGENCY: National Cemetery Administration (NCA), Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the National Cemetery Administration (NCA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: 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. Refer to ''OMB Control No. 2900–0232.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Verification of Eligibility for Burial in a National Cemetery.

OMB Control Number: 2900–0232.

Type of Review: Revision of a previously approved collection.

Abstract: VA requires applicants for national cemetery burial to provide information to verify eligibility for burial in a national cemetery, to schedule interment and to provide services requested by the decedent's family or personal representative. This information is also used for planning and scheduling cemetery services and to provide for specific requests from family members or the personal representative.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information published at Volume 85, No. 92, Tuesday, May 12, 2020, page 28138.

Affected Public: Individuals and households.

Estimated Annual Burden: 33,750.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 135,000.

By direction of the Secretary.

Danny S. Green,

Department Clearance Officer, Office of Quality, Performance, and Risk, Department of Veterans Affairs.

[FR Doc. 2020–16506 Filed 7–29–20; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 85 Thursday,

No. 147 July 30, 2020

Part II

The President

Notice of July 29, 2020—Continuation of the National Emergency With Respect to Lebanon

Federal Register
Vol. 85, No. 147
Thursday, July 30, 2020

Presidential Documents

Title 3—

The President

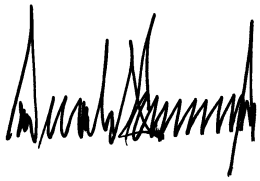
Notice of July 29, 2020

Continuation of the National Emergency With Respect to Lebanon

On August 1, 2007, by Executive Order 13441, the President declared a national emergency with respect to Lebanon pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of certain persons to undermine Lebanon's legitimate and democratically elected government or democratic institutions; to contribute to the deliberate breakdown in the rule of law in Lebanon, including through politically motivated violence and intimidation; to reassert Syrian control or contribute to Syrian interference in Lebanon; or to infringe upon or undermine Lebanese sovereignty. Such actions contribute to political and economic instability in that country and the region.

Certain ongoing activities, such as Iran's continuing arms transfers to Hizballah—which include increasingly sophisticated weapons systems—serve to undermine Lebanese sovereignty, contribute to political and economic instability in the region, and continue to constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on August 1, 2007, and the measures adopted on that date to deal with that emergency, must continue in effect beyond August 1, 2020. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Lebanon declared in Executive Order 13441.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
July 29, 2020.

[FR Doc. 2020–16816
Filed 7–29–20; 11:15 am]
Billing code 3295–F0–P

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